



Rules and Regulations of the State of Georgia

Department 391 RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

Current through Rules and Regulations filed through November 2, 2022

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[Rule 391-4-3-.114. Reserved.](#)
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[Rule 391-4-3-.137. Reserved.](#)
[Rule 391-4-3-.138. Reserved.](#)
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[Rule 391-4-3-.142. Reserved.](#)
[Rule 391-4-3-.143. Reserved.](#)
[Rule 391-4-3-.144. Reserved.](#)
[Rule 391-4-3-.145. Reserved.](#)
[Rule 391-4-3-.146. Reserved.](#)
[Rule 391-4-3-.147. Reserved.](#)
[Rule 391-4-3-.148. Reserved.](#)
[Rule 391-4-3-.149. Reserved.](#)
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Rule 391-4-3-.151. Repealed.

Subject 391-4-4. RESERVED.

Subject 391-4-5. BOATING REGULATIONS.

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Rule 391-4-5-.02. Definitions.

Rule 391-4-5-.03. Application for Marine Event Permit.

Rule 391-4-5-.04. Marine Event Public Safety Requirements.

Rule 391-4-5-.05. Marine Event Boating Safety Requirements.

Rule 391-4-5-.06. Marine Event Construction and Buoyancy Requirements.

Rule 391-4-5-.07. Marine Event Time Limits.

Rule 391-4-5-.08. Marine Event Solid Waste Disposal Requirements.

Rule 391-4-5-.09. Marine Event Sanitary Facilities.

Rule 391-4-5-.10. Marine Event Debris Recovery.

Rule 391-4-5-.11. Marine Event Site Restoration.

Rule 391-4-5-.12. Marine Event Special Boating Restrictions.

Rule 391-4-5-.13. Public Notice of Marine Events.

Rule 391-4-5-.14. Marine Event Navigational Aids.

Rule 391-4-5-.15. Criteria for Issuing Marine Event Permits.

Rule 391-4-5-.16. Criteria for Selecting Among Competing Applicants.

Rule 391-4-5-.17. Restriction of Waters.

Rule 391-4-5-.18. Criteria for Requiring Indemnity and Forfeiture Bonds and for Declaring Default Thereon.

Rule 391-4-5-.19. Designated Swimming Areas.

Rule 391-4-5-.20. Restricted Use Areas.

Rule 391-4-5-.21. Repealer.

Rule 391-4-5-.22. Education Requirement for Vessel Rental.

Subject 391-4-6. SAPELO ISLAND GENERAL OPERATING AND ACCESS PROCEDURES.

Rule 391-4-6-.01. Introduction.

Rule 391-4-6-.02. Purpose.

Rule 391-4-6-.03. Definitions.

Rule 391-4-6-.04. Status As A Permanent Resident.

Rule 391-4-6-.05. Authorized Uses of State-owned Land, Facilities and Roads on Sapelo Island.

Rule 391-4-6-.06. Access and Transportation Rules.

Rule 391-4-6-.07. Obtaining Permission to Use Sapelo Island.

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[Rule 391-4-7-.01. Purpose.](#)

[Rule 391-4-7-.02. Definitions.](#)

[Rule 391-4-7-.03. Shorebird and Sea Bird Habitat Protection.](#)

[Subject 391-4-8. RENUMBERED AS 391-2-4 - RESERVED.](#)

[Subject 391-4-9. GENERAL REGULATIONS.](#)

[Rule 391-4-9-.01. Scientific Collecting Permits.](#)

[Rule 391-4-9-.02. Firing Ranges.](#)

[Rule 391-4-9-.03. Wildlife Rehabilitation Permits.](#)

[Rule 391-4-9-.04. Wildlife Exhibition Permits.](#)

[Rule 391-4-9-.05. Importation of Cervids.](#)

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[Subject 391-4-10. PROTECTION OF ENDANGERED, THREATENED, RARE, OR UNUSUAL SPECIES.](#)

[Rule 391-4-10-.01. Purpose.](#)

[Rule 391-4-10-.02. Definitions.](#)

[Rule 391-4-10-.03. Determination of Protected Species.](#)

[Rule 391-4-10-.04. Land Acquisition.](#)

[Rule 391-4-10-.05. Interagency Cooperation.](#)

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[Rule 391-4-10-.07. Exceptions.](#)

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[Subject 391-4-11. COMMERCIAL ALLIGATOR FARMING.](#)

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[Rule 391-4-11-.02. Licensing.](#)

[Rule 391-4-11-.03. Acquisition of Alligators.](#)

[Rule 391-4-11-.04. Specifications for Alligator Farms.](#)

[Rule 391-4-11-.05. Harvest of Alligators.](#)

[Rule 391-4-11-.06. Sale of Alligators.](#)

[Rule 391-4-11-.07. Sale of Alligator Meat and Other Alligator Products.](#)

[Rule 391-4-11-.08. Records.](#)

[Rule 391-4-11-.09. Reports.](#)

[Rule 391-4-11-.10. Inspections and Inventories of Alligator Farms.](#)

[Rule 391-4-11-.11. Repealer.](#)

[Subject 391-4-12. NUISANCE ALLIGATOR HARVEST.](#)

[Rule 391-4-12-.01. Purpose.](#)

Rule 391-4-12-.02. Qualification and Liability of Agent-trappers.

Rule 391-4-12-.03. Selection and Review of Agent-trappers.

Rule 391-4-12-.04. Conditions Governing Operations of Authorized Agent-trappers.

Rule 391-4-12-.05. Repealed.

Rule 391-4-12-.06. Repealed.

Subject 391-4-13. SALE OF ALLIGATOR MEAT AND PRODUCTS.

Rule 391-4-13-.01. Purpose.

Rule 391-4-13-.02. Sale of Alligator Meat.

Rule 391-4-13-.03. Sale of Alligator Hides and Other Products.

Subject 391-4-14. AQUACULTURE.

Rule 391-4-14-.01. Application for Aquaculture Registration.

Rule 391-4-14-.02. Disqualification or Revocation.

Rule 391-4-14-.03. Registration Certificates.

Subject 391-4-15. WILDLIFE VIOLATOR COMPACT.

Rule 391-4-15-.01. [Repealed].

Rule 391-4-15-.02. Purpose.

Rule 391-4-15-.03. Wildlife Violator Compact Manual.

Subject 391-4-16. FRESH-WATER TURTLE REGULATIONS.

Rule 391-4-16-.01. Purpose.

Rule 391-4-16-.02. Definitions.

Rule 391-4-16-.03. Unlawful Activities.

Rule 391-4-16-.04. Permits.

Rule 391-4-16-.05. Limits.

Rule 391-4-16-.06. Acquisition of Turtles.

Rule 391-4-16-.07. Specifications for Turtle Farms.

Rule 391-4-16-.08. Records and Reports.

Rule 391-4-16-.09. Inspection and Inventory of Turtle Farms.

Subject 391-4-17. BOATING VIOLATOR COMPACT.

Rule 391-4-17-.01. [Repealed].

Rule 391-4-17-.02. Purpose.

Rule 391-4-17-.03. Boating Violator Compact Manual.

Chapter 391-5. HISTORIC PRESERVATION.

Subject 391-5-1. STATE PARKS AND HISTORIC SITES SYSTEM.

Rule 391-5-1-.01. Purposes.

Rule 391-5-1-.02. Definitions.

Rule 391-5-1-.03. Access to Sites.

Rule 391-5-1-.04. Resource Protection.

Rule 391-5-1-.05. Safety and General Conditions of Use.

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[Rule 391-5-1-.07. \[Repealed\].](#)

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[Rule 391-5-2-.01. Repealed.](#)

[Subject 391-5-3. REPEALED.](#)

[Rule 391-5-3-.01. Repealed.](#)

[Rule 391-5-3-.02. Repealed.](#)

[Rule 391-5-3-.03. Repealed.](#)

[Rule 391-5-3-.04. Repealed.](#)

[Rule 391-5-3-.05. Repealed.](#)

[Rule 391-5-3-.06. Repealed.](#)

[Rule 391-5-3-.07. Repealed.](#)

[Rule 391-5-3-.08. Repealed.](#)

[Rule 391-5-3-.09. Repealed.](#)

[Rule 391-5-3-.10. Repealed.](#)

[Rule 391-5-3-.11. Repealed.](#)

[Rule 391-5-3-.12. Repealed.](#)

[Subject 391-5-4. REPEALED.](#)

[Rule 391-5-4-.01. Repealed.](#)

[Rule 391-5-4-.02. Repealed.](#)

[Subject 391-5-5. REPEALED.](#)

[Rule 391-5-5-.01. Repealed.](#)

[Rule 391-5-5-.02. Repealed.](#)

[Rule 391-5-5-.03. Repealed.](#)

[Rule 391-5-5-.04. Repealed.](#)

[Rule 391-5-5-.05. Repealed.](#)

[Rule 391-5-5-.06. Repealed.](#)

[Rule 391-5-5-.07. Repealed.](#)

[Rule 391-5-5-.08. Repealed.](#)

[Subject 391-5-6. REPEALED.](#)

[Rule 391-5-6-.01. Repealed.](#)

[Rule 391-5-6-.02. Repealed.](#)

[Subject 391-5-7. \[Repealed\].](#)

[Rule 391-5-7-.01. \[Repealed\].](#)

[Subject 391-5-8. \[Repealed\].](#)

[Rule 391-5-8-.01. \[Repealed\].](#)

[Rule 391-5-8-.02. \[Repealed\].](#)

[Rule 391-5-8-.03. \[Repealed\].](#)

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[Rule 391-5-9-.02. Definitions.](#)

[Rule 391-5-9-.03. Reporting Requirement.](#)

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[Rule 391-5-9-.05. Permit Procedures.](#)

[Rule 391-5-9-.06. Permit Conditions.](#)

[Rule 391-5-9-.07. Appeal and Enforcement.](#)

[Rule 391-5-9-.08. Consideration \(Compensation\) for Deadhead Logs.](#)

[Subject 391-5-10. \[Repealed\].](#)

[Rule 391-5-10-.01. \[Repealed\].](#)

[Rule 391-5-10-.02. \[Repealed\].](#)

[Rule 391-5-10-.03. \[Repealed\].](#)

[Rule 391-5-10-.04. \[Repealed\].](#)

[Subject 391-5-11. \[Repealed\].](#)

[Rule 391-5-11-.01. \[Repealed\].](#)

[Rule 391-5-11-.02. \[Repealed\].](#)

[Rule 391-5-11-.03. \[Repealed\].](#)

[Rule 391-5-11-.04. \[Repealed\].](#)

[Rule 391-5-11-.05. \[Repealed\].](#)

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[Rule 391-5-12-.01. Purpose.](#)

[Rule 391-5-12-.02. Permits for New Docks.](#)

[Rule 391-5-12-.03. Existing Docks.](#)

[Rule 391-5-12-.04. Standards for Design and Construction.](#)

[Rule 391-5-12-.05. Standards for Repair and Maintenance.](#)

[Rule 391-5-12-.06. Removal of Docks.](#)

[Rule 391-5-12-.07. Inspections.](#)

[Rule 391-5-12-.08. Appeals.](#)

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[Subject 391-5-13. STATE AND FEDERAL GRANTS PROGRAMS.](#)

[Rule 391-5-13-.01. Recreation Assistance Fund \(RAF\).](#)

[Rule 391-5-13-.02. Land and Water Conservation Fund \(L&WCF\).](#)

[Rule 391-5-13-.03. Recreational Trails Program \(RTP\).](#)

[Rule 391-5-13-.04. \[Repealed\].](#)

[Rule 391-5-13-.05. \[Repealed\].](#)

[Rule 391-5-13-.06. \[Repealed\].](#)

[Rule 391-5-13-.07. \[Repealed\].](#)

[Rule 391-5-13-.10. \[Repealed\].](#)

[Rule 391-5-13-.11. Georgia Outdoor Stewardship Program.](#)

[Subject 391-5-14. \[Repealed\].](#)

[Rule 391-5-14-.01. \[Repealed\].](#)

[Rule 391-5-14-.02. \[Repealed\].](#)

[Rule 391-5-14-.03. \[Repealed\].](#)

[Rule 391-5-14-.04. \[Repealed\].](#)

[Rule 391-5-14-.05. \[Repealed\].](#)

[Rule 391-5-14-.06. \[Repealed\].](#)

[Rule 391-5-14-.07. \[Repealed\].](#)

[Rule 391-5-14-.08. \[Repealed\].](#)

[Rule 391-5-14-.09. \[Repealed\].](#)

[Rule 391-5-14-.10. \[Repealed\].](#)

[Rule 391-5-14-.11. \[Repealed\].](#)

[Rule 391-5-14-.12. Repealed.](#)

[Chapter 391-6. REPEALED.](#)

[Subject 391-6-1. REPEALED.](#)

[Rule 391-6-1-.01. Repealed.](#)

[Rule 391-6-1-.02. Repealed.](#)

[Rule 391-6-1-.03. Repealed.](#)

[Rule 391-6-1-.04. Repealed.](#)

[Rule 391-6-1-.05. Reserved.](#)

[Rule 391-6-1-.06. Reserved.](#)

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[Chapter 391-7. THE POLLUTION PREVENTION ASSISTANCE DIVISION.](#)

[Subject 391-7-1. GRANT PROGRAM DESCRIPTION.](#)

[Rule 391-7-1-.01. Pollution Prevention Action Grant Program.](#)

[Subject 391-7-2. RADON AWARENESS GRANT PROGRAM.](#)

[Rule 391-7-2-.01. Radon Awareness Grant Program.](#)

[Rule 391-7-2-.02. Eligibility.](#)

[Rule 391-7-2-.03. Selection Process and Criteria.](#)

[Rule 391-7-2-.04. Funding.](#)

[Rule 391-7-2-.05. Administrative Requirements.](#)

[Rule 391-7-2-.06. Application Deadline.](#)

ADMINISTRATIVE HISTORY

Administrative History following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Chapter 391-1-1 entitled "Solid Waste Management" has been adopted. Filed November 21, 1972; effective December 12, 1972, as specified by Rule [391-1-1.07](#).

Chapter 391-1-1 has been repealed. Chapters 391-3-1 entitled "Air Quality Control", 391-3-3 entitled "Land Reclamation", 391-3-4 entitled "Solid Waste Management" have been adopted. Filed September 6, 1973; effective September 26, 1973.

Chapter 391-3-3, entitled "Land Reclamation," containing Rules [391-3-3.01](#) through [391-3-3.11](#), has been adopted. Filed September 6, 1973; effective September 26, 1973.

Chapter 391-3-5, entitled "Water Supply Quality Control," containing Rules [391-3-5.01](#) through [391-3-5.20](#), has been adopted. Filed September 6, 1973; effective September 26, 1973. (**This Chapter was not printed at the request of the Agency.**)

Chapter 391-4-2, entitled "Hunting Regulations," containing Rules [391-4-2.04](#) through [391-4-2.49](#) and 391-4-2.101 through 391-4-2.149, has been adopted. Filed October 19, 1973; effective November 8, 1973. (Rules [391-4-2.50](#) through 391-4-2.100 are reserved.)

Rules [391-4-2.50](#) through [391-4-2.58](#) have been adopted. Filed November 14, 1973; effective December 4, 1973.

Rule [391-4-2-.49](#) has been repealed and a new Rule [391-4-2-.49](#) adopted. Filed January 21, 1974; effective February 10, 1974.

Chapter 391-4-3, entitled "Fishing Regulations" containing Rules [391-4-3-.01](#) through [391-4-3-.27](#), has been adopted. Filed April 11, 1974; effective May 1, 1974.

Chapter 391-3-2, entitled "Groundwater Use," containing Rules [391-3-2-.01](#) through [391-3-2-.15](#), has been adopted. Filed May 13, 1974; effective June 3, 1974, as specified by the Agency.

Chapter 391-3-6, entitled "Water Quality Control," containing Rules [391-3-6-.01](#) through [391-3-6-.06](#) has been adopted. Filed June 10, 1974; effective June 30, 1974.

Rule [391-3-1-.02](#) has been amended. Filed July 16, 1974; effective August 5, 1974.

Chapter 391-4-2, entitled "Hunting Regulations," containing Rules [391-4-2-.01](#) through [391-4-2-.58](#) and 391-4-2.101 through 391-4-2.149, has been repealed and a new Chapter 391-4-2, of the same title, containing Rules [391-4-2-.01](#) through [391-4-2-.46](#), and 391-4-2.101 through 391-4-2.154, adopted. Filed July 22, 1974; effective August 11, 1974. (Rules 391-4-2-.47 through 391-4-2-.100 are reserved.)

Chapter 391-3-4, entitled "Solid Waste Management," has been repealed and a new Chapter 391-3-4, of the same title, containing Rules [391-3-4-.01](#) through [391-3-4-.10](#), adopted. Filed September 19, 1974; effective October 9, 1974.

Rules [391-4-2-.47](#) through [391-4-2-.58](#) have been adopted. Filed October 15, 1974; effective November 4, 1974.

Chapter 391-3-3, entitled "Land Reclamation," has been repealed and a new Chapter 391-3-3, of the same title, containing Rules [391-3-3-.01](#) through [391-3-3-.10](#), adopted. Filed October 23, 1974; effective November 12, 1974.

Chapter 391-4-12, entitled "Coastal Marshlands Protection," containing Rules [391-4-12-.01](#) through [391-4-12-.05](#), has been adopted. Filed January 15, 1975; effective February 4, 1975.

Rules [391-4-2-.59](#) through [391-4-2-.63](#) have been adopted. Filed March 14, 1975; effective April 3, 1975.

Paragraphs: (4) of Rule 391-4-2.114,(2) of Rule 391-4-2.117,(5) of Rule 391-4-2.120,(2) of Rule 391-4-2.121,and(4) of Rule 391-4-2.128 have been repealed and new paragraphs of the same numbers adopted. Filed March 14, 1975; effective April 3, 1975.

Rule 391-4-2.118 has been amended by the repeal of paragraphs (3) and (4) and by the adoption of new paragraphs (3), (4), and (5). Filed March 14, 1975; effective April 3, 1975.

Rule 391-4-2.136 has been amended by the repeal of paragraphs (4) and (5) and by the adoption of new paragraphs (4), (5), and (6). Filed March 14, 1975; effective April 3, 1975.

Rule 391-4-2-.137 has been amended by the repeal of paragraph (3) and by the adoption of new paragraphs (3) and (4). Filed March 14, 1975; effective April 3, 1975.

Rule 391-4-2-.138 has been amended by the repeal of paragraph (4) and by the adoption of new paragraphs (4) and (5). Filed March 14, 1975; effective April 3, 1975.

Rule 391-4-2-.151 has been amended by the repeal of paragraph (4) and by the adoption of new paragraphs (4) and (5). Filed March 14, 1975; effective April 3, 1975.

Rule 391-4-2-.152 has been amended by the repeal of paragraph (4) and by the adoption of new paragraphs (4) and (5). Filed March 14, 1975; effective April 3, 1975.

Chapter 391-4-3 has been repealed and a new Chapter 391-4-3, of the same title, containing Rules [391-4-3-.01](#) through [391-4-3-.28](#), adopted. Filed April 15, 1975; effective May 5, 1975.

Sub-paragraph (2)(m) of Rule [391-3-1-.02](#) has been repealed. Filed June 30, 1975; effective July 20, 1975.

Rule [391-3-1-.03](#) has been amended by the repeal of sub-paragraph (2)(e) and paragraph (3) and by the adoption of a new sub-paragraph (2)(e) and a new paragraph (3). Filed June 30, 1975; effective July 20, 1975.

Chapter 391-4-5 (Boating Regulations), containing Rules [391-4-5-.01](#) through [391-4-5-.06](#), was received in the Office of Secretary of State on July 11, 1975, in accordance with Section 22 of the Georgia Boat Safety Act of 1973, Ga. Laws 1973, p. 1443.

Rule [391-3-1-.01](#) has been amended by the repeal of paragraphs (d), (p), and (x) and by the adoption of new paragraphs (d), (p), and (x); said Rule has also been further amended by the addition of new paragraphs (ff), (gg), and (hh). Filed October 31, 1975; effective November 20, 1975.

Rule [391-3-1-.02](#) has been amended by: the repeal of paragraph (1) and adoption of a new paragraph (1); the addition of a new sub-paragraph (2)(a)3.; the repeal of sub-paragraph (2)(b)2. and adoption of a new sub-paragraph (2)(b)2; the repeal of sub-paragraph (2)(c) and adoption of a new sub-paragraph (2)(c); the repeal of sub-paragraph (2)(e)1. exclusive of sub-paragraphs (i) and (ii) and adoption of a new sub-paragraph (2)(e)1.; the repeal of sub-paragraph (2)(f) and adoption of a new sub-paragraph (2)(f); the repeal of sub-paragraph (2)(g)1. and adoption of a new sub-paragraph (2)(g)1.; the repeal of sub-paragraph (2)(l)1.(i) and adoption of a new sub-paragraph (2)(p)1.(ii) and adoption of a new sub-paragraph (2)(p)1.(ii); the repeal of sub-paragraph (3)(a) and adoption of a new sub-paragraph (3)(a); the repeal of sub-paragraphs (4)(d), (4)(e), and (4)(g) and adoption of a new sub-paragraphs (4)(d), (4)(e), and (4)(g); the repeal of paragraph (5) and adoption of a new sub-paragraph (5); and by the repeal of sub-paragraph (6)(a) and adoption of a new sub-paragraph (6)(a). Filed October 31, 1975; effective November 20, 1975.

Rule [391-3-1-.06](#) has been repealed. Filed October 31, 1975; effective November 20, 1975.

Rules [391-3-1-.03](#), [.04](#), [.07](#), [.08](#), and [.09](#) have been repealed and new Rules of the same numbers adopted. Filed October 31, 1975; effective November 20, 1975.

Chapter 391-4-2, containing Rules [391-4-2-.01](#) through [391-4-2-.63](#) and 391-4-2-.101 through 391-4-2-.154 has been repealed and new Chapter 391-4-2, of the same title, containing Rules [391-4-2-.01](#) through [391-4-2-.46](#) and 391-4-2-.101 through 391-4-2-.155, adopted. Filed December 9, 1975; effective December 29, 1975. (Rules [391-4-2-.47](#) through 391-4-2-.100 are reserved.)

Rule [391-4-3-.22](#) has been repealed and a new Rule [391-4-3-.22](#) adopted. Filed December 9, 1975; effective December 29, 1975.

Chapter 391-4-8, entitled "Saltwater Fishing Regulations," containing Rules 391-4-8-.02 and 391-4-8-.07, was filed on December 9, 1975; December 29, 1975. Rules 391-4-8-.01 and 391-4-8-.03 through 391-4-8-.06 are reserved. (At the request of the Agency, publication of this Chapter is being withheld because adoption of a new Chapter 391-4-8 is anticipated.)

Chapter 391-4-9, entitled "General Regulations," containing Rule [391-4-9-.01](#), has been adopted. Filed December 9, 1975; effective December 29, 1975.

Rules [391-4-2-.47](#) through [391-4-2-.59](#) have been adopted. Filed December 10, 1975; effective December 30, 1975.

Chapter 391-4-3 has been repealed and a new Chapter 391-4-3, of the same title, containing Rules [391-4-3-.01](#) through [391-4-3-.11](#), [391-4-3-.50](#) through [391-4-3-.65](#) and 391-4-3-.151, adopted. Filed March 2, 1976; effective March 22, 1976. (Rules [391-4-3-.12](#) through [391-4-3-.49](#) and 391-4-3-.66 through [391-4-3-.150](#) are reserved.)

Rules [391-4-2-.39](#), [391-4-2-.41](#), and [391-4-2-.44](#) have been repealed and new Rules of the same numbers adopted. Filed March 29, 1976; effective April 18, 1976.

Rule 391-4-2-.156 has been adopted. Filed March 29, 1976; effective April 18, 1976.

Sub-paragraphs (1)(a) and (1)(g) of Rule [391-4-3-.63](#) have been amended. Filed April 5, 1976; effective April 25, 1976.

Rule [391-4-3-.65](#) has been amended by the adoption of paragraph (4). Filed June 10, 1976; effective June 30, 1976.

Chapter 391-3-3 has been repealed and a new Chapter 391-3-3, of the same title, containing Rules [391-3-3-.01](#) through [391-3-3-.09](#), adopted. Filed July 19, 1976; effective August 8, 1976.

Chapter 391-4-2, containing Rules [391-4-2-.01](#) through [391-4-2-.59](#) and 391-4-2-.101 through 391-4-2-.156, has been repealed and a new Chapter 391-4-2, of the same title, containing Rules [391-4-2-.01](#) through [391-4-2-.27](#), [391-4-2-.29](#) through [391-4-2-.46](#) and 391-4-2-.101 through

391-4-2-.158, adopted. Filed August 5, 1976; effective August 25, 1976. (Rules [391-4-2-.28](#) and [391-4-2-.47](#) through 391-4-2-.100 are reserved.)

Chapter 391-4-13, entitled "Protection of Endangered, Threatened, Rare, or Unusual Species," containing Rules [391-4-13-.01](#) through 391-4-13-.09, has been adopted. Filed August 5, 1976; effective August 25, 1976.

Rules [391-4-2-.47](#) through [391-4-2-.51](#) have been adopted. Filed August 24, 1976; effective September 13, 1976.

Emergency Rule [391-4-2-.66](#) "Emergency Closing of the Coosa River and Other Rivers" was filed on September 8, 1976. By an opinion of the Attorney General to the Department of Natural Resources, said Emergency Rule became effective on September 7, 1976, the date of adoption; said Emergency Rule is to remain in effect for a period of 120 days, or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. In accordance with the Authority granted in said Emergency Rule, the Commissioner of the Department of Natural Resources issued an Administrative Order declaring that certain portions of the Etowah and Oostanaula Rivers are closed to commercial fishing, effective September 13, 1976. (Said emergency Rule and said Administrative Order will not be printed. Copies may be obtained at the Department of Natural Resources.)

Rule [391-4-2-.28](#) has been adopted. Filed September 14, 1976; effective October 4, 1976.

Chapter 391-4-5, entitled "Boating Regulations," received in the Office of Secretary of State on July 11, 1975, has been repealed and a new Chapter 391-4-5, of the same title, containing Rules [391-4-5-.01](#) through [391-4-5-.09](#) adopted. Filed October 6, 1976; effective October 26, 1976.

Rules [391-4-2-.52](#) through [391-4-2-.60](#) have been adopted. Filed October 26, 1976; effective November 15, 1976.

Rule [391-4-2-.201](#) has been adopted. Filed October 26, 1976; effective November 15, 1976. (Rules 391-4-2-.159 through 391-4-2-.200 are reserved.)

Rule 391-4-2-.158 has been amended. Filed November 5, 1976; effective November 25, 1976.

Rule [391-4-3-.12](#) has been adopted. Filed February 28, 1977; effective March 20, 1977. (This Rule will not be printed at the request of the Department of Natural Resources since the adoption of a new Chapter 391-4-3 is contemplated the latter part of March, 1977; copies may be obtained from the Agency.)

Rules [391-4-2-.61](#) and [391-4-2-.62](#) have been adopted. Filed March 14, 1977; effective April 3, 1977. (These Rules will not be printed at the request of the Department of Natural Resources since the adoption of a new Chapter 391-4-2 is contemplated in April 1977; copies may be obtained from the Agency.)

Rule 391-4-2-.101 has been amended by the adoption of paragraph (24). Filed March 14, 1977; effective April 3, 1977. (This Rule will not be printed at the request of the Department of Natural Resources since the adoption of a new Chapter 391-4-2 is contemplated in April, 1977; copies may be obtained from the Agency.)

Rules 391-4-2-.111, 391-4-2-.112, 391-4-2-.114, 391-4-2-.117, 391-4-2-.118, 391-4-2-.121, 391-4-2-.122, 391-4-2-.133, 391-4-2-.134, 391-4-2-.141, 391-4-2-.142, 391-4-2-.156, and 391-4-2-.157 have been amended. Filed March 14, 1977; effective April 3, 1977. (These Rules will not be printed at the request of the Department of Natural Resources since the adoption of a new Chapter 391-4-2 is contemplated in April, 1977; copies may be obtained from the Agency.)

Chapter 391-3-7, entitled "Erosion and Sedimentation Control," containing Rules [391-3-7.01](#) through [391-3-7.09](#), has been adopted. Filed April 6, 1977; effective April 26, 1977.

Chapter 391-4-3, containing Rules [391-4-3.01](#) through [391-4-3.11](#), [391-4-3.50](#) through [391-4-3.65](#), and [391-4-3.151](#) has been repealed and a new Chapter 391-4-3, of the same title, containing Rules [391-4-3.01](#) through [391-4-3.11](#), and [391-4-3.100](#), has been adopted. (Rules [391-4-3.12](#) through [391-4-3.99](#) are reserved.) Filed April 6, 1977; effective April 26, 1977.

Rules 391-4-13-.09 has been amended by the adoption of sub-paragraphs (1)(f), (2)(f), (2)(g), and (4)(h). Filed May 11, 1977; effective May 31, 1977.

Emergency Rule 391-4-8-0.2 "Emergency Closing of Salt Waters to Fishing with Power Drawn Nets" was filed on May 17, 1977, having become effective May 13, 1977, the date promulgated and adopted to remain in effect for a period of 120 days or until the adoption of a permanent Rule superseding this Emergency Rule, as specified by the Agency. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 391-4-8-0.3 "Emergency Closing of Salt Waters to Fishing with Seines and Nets of Certain Sizes" was filed on June 20, 1977, having become effective on May 26, 1977, the date promulgated and adopted, to remain in effect for a period of 120 days or until the adoption of a permanent Rule superseding this Emergency Rule, as specified by the Agency.

Emergency Rule 391-4-8-0.4 "Emergency Authorization to Open, Under Certain Conditions, Tidal Rivers and Creeks or Portions Thereof to Fishing for Shrimp for Bait" was filed on July 1, 1977, having become effective June 24, 1977, to remain in effect for 120 days or until the adoption of a permanent Rule superseding this Emergency Rule, as specified by the Agency.

Under the Authority granted in Emergency Rules 391-4-8-0.2 and 391-4-8-0.4, effective May 13, 1977 and June 24, 1977, respectively, the Commissioner of the Department of Natural Resources issued an Administrative Order on July 1, 1977, declaring: "1. Effective 7 a.m. E.D.T. on Wednesday July 6, 1977 all salt waters outside, on the seaward side of the sounds, shall be open to commercial fishing with power-drawn nets. 2. Effective 7 a.m. E.D.T. on Wednesday July 6, 1977 the hatched areas on the seven maps attached hereto as Exhibit A shall be open to commercial fishing with power-drawn nets for shrimp for bait from 7 a.m. E.D.T. to 7 p.m. E.D.T. daily. Provided, however, persons so taking shrimp shall be limited to no more than thirty

(30) quarts of shrimp on board their boat at any one time." Said Administrative Order was filed in the Office of Secretary of State on July 12, 1977.

460 Georgia Department of State Parks, containing Chapters 460-1 through 460-7, has been repealed in its entirety. Filed June 30, 1977; effective July 20, 1977.

Chapter 391-5-1, entitled "Purpose of the State Parks and Historic Sites System," containing Rule [391-5-1-.01](#), has been adopted. Filed June 30, 1977; effective July 20, 1977.

Chapter 391-5-2, entitled "Definitions," containing Rule [391-5-2-.01](#), has been adopted. Filed June 30, 1977; effective July 20, 1977.

Chapter 391-5-3, entitled "Site Occupancy and Use," containing Rules [391-5-3-.01](#) through [391-5-3-.11](#), has been adopted. Filed June 30, 1977; effective July 20, 1977.

Chapter 391-5-4, entitled "Rates and Refunds," containing Rules [391-5-4-.01](#) and [391-5-4-.02](#), has been adopted. Filed June 30, 1977; effective July 20, 1977.

Chapter 391-5-5, entitled "Reservations," containing Rules [391-5-5-.01](#) through [391-5-5-.08](#), has been adopted. Filed June 30, 1977; effective July 20, 1977.

Chapter 391-5-6, entitled "Enforcement," containing Rules [391-5-6-.01](#) and [391-5-6-.02](#) has been adopted. Filed June 30, 1977; effective July 20, 1977.

Chapter 391-3-5, containing Rules [391-3-5-.01](#) through [391-3-5-.20](#), has been repealed and a new Chapter 391-3-5, entitled "Rules for Safe Drinking Water," containing Rules [391-3-5-.01](#) through [391-3-5-.47](#), adopted. Filed July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Emergency Rules 391-4-8-0.2, 391-4-8-0.3, and 391-4-8-0.4 and all Administrative Orders issued pursuant thereto have been repealed. Filed August 26, 1977; effective September 15, 1977.

Chapter 391-4-8, containing Rules 391-4-8-.02 and 391-4-8-.07 (Rules 391-4-8-.01, and 391-4-8-.03 through 391-4-8-.06 were reserved) has been repealed and a new Chapter 391-4-8, of the same title, containing Rules 391-4-8-.01 and 391-4-8-.99, adopted. (Rules 391-4-8-.02 through 391-4-8-.98 are reserved.) Filed August 26, 1977; effective September 15, 1977.

Rules [391-4-2-.47](#) through [391-4-2-.51](#) have been repealed and new Rules of the same numbers adopted. Filed September 2, 1977; effective August 26, 1977, the day of adoption, in accordance with Georgia Laws 1977, pp. 396, 455 (Sec 45-513, sub-sec. (d)).

Rules [391-4-2-.01](#) through [391-4-2-.46](#) have been repealed and new Rules [391-4-2-.01](#) through [391-4-2-.12](#) and [391-4-2-.26](#) through [391-4-2-.41](#) adopted. Rules [391-4-2-.13](#) through [391-4-2-.25](#), and [391-4-2-.42](#) through [391-4-2-.46](#) are reserved. Filed September 14, 1977; effective October 4, 1977.

Rules [391-4-2-.52](#) through [391-4-2-.60](#) have been repealed and new Rules of the same numbers adopted. Filed September 16, 1977; effective August 26, 1977, the day of adoption, in accordance with Georgia Laws 1977, pp. 396, 455.

Rules 391-4-2-.101 through 391-4-2-.158 have been repealed and new Rules 391-4-2-.101 through 391-4-2-.154 adopted. Rules 391-4-2-.155 through 391-4-2-.200 are reserved. Filed September 14, 1977; effective October 4, 1977.

Rule 391-4-13-.09 has been amended by the repeal of sub-paragraphs (5)(b), (e), (i), (n), (p), (r), (s), (u); (6)(c), (d), (l), (n), (o), (s), (t), (v), (w), (y), (bb), (cc), (gg), (hh), (ii), (kk), (ll), (mm), (nn), (oo), (pp), (rr), (ss), (uu), (vv), (ww), (xx), (eee), (fff), (ggg), (iii), (jjj), (lll), and by renumbering the remaining subparagraphs. Filed September 14, 1977; effective October 4, 1977.

283 Georgia Historical Commission, containing Chapters 283-1 and 283-2, has been repealed. Filed September 30, 1977; effective October 20, 1977.

540 Georgia Recreation Commission, containing Chapters 540-1 and 540-2, has been repealed. Filed September 30, 1977; effective October 20, 1977.

670 Ty Cobb Baseball Memorial Commission, containing Chapters 670-1 through 670-4, has been repealed. Filed September 30, 1977; effective October 20, 1977.

Chapter 391-1-5, entitled "Planning and Research," containing Rules [391-1-5-.01](#) and [391-1-5-.02](#) has been adopted. Filed September 30, 1977; effective October 20, 1977.

Chapter 391-5-7, entitled "Transfer of Ty Cobb Baseball Memorial Commission," containing Rule [391-5-7-.01](#), has been adopted. Filed September 30, 1977; effective October 20, 1977.

Rule [391-3-6-.07](#) has been adopted. Filed February 2, 1978; effective February 22, 1978.

Rules [391-4-2-.61](#) and [391-4-2-.62](#) have been repealed and new Rules of the same numbers adopted. Filed March 6, 1978; effective March 26, 1978.

Rules 391-4-2-.107, 391-4-2-.108, 391-4-2-.110, 391-4-2-.113, 391-4-2-.114, 391-4-2-.117, 391-4-2-.118, 391-4-2-.128, 391-4-2-.129, 391-4-2-.130, 391-4-2-.131, 391-4-2-.137, 391-4-2-.138, 391-4-2-.139, 391-4-2-.145, 391-4-2-.148, 391-4-2-.152, and 391-4-2-.153 have been amended, respectively, by the addition of a paragraph. Filed March 6, 1978; effective March 26, 1978.

Emergency Rule 391-3-8-0.5, "Rules for Dam Safety," containing Rules 391-3-8-0.5-.01 through 391-3-8-0.5-.12, was filed on July 28, 1978, effective July 28, 1978, the date of adoption, to remain in effect for a period of 120 days or until the effective date of permanent Rules covering the same subject matter superseding this Emergency Rule, as specified by the Agency, and in accordance with Rule 391-3-8-0.5-.12.

Rules [391-4-2-.47](#) through [391-4-2-.51](#) have been repealed and new Rules of the same numbers adopted. Filed August 11, 1978; effective August 31, 1978.

Rule [391-4-9-.01](#) has been repealed and a new Rule [391-4-9-.01](#) adopted. Filed August 11, 1978; effective August 31, 1978.

Chapter 391-3-8, entitled "Rules for Dam Safety," containing Rules [391-3-8-.01](#) through [391-3-8-.12](#), has been adopted superseding Emergency Rule 391-3-8-0.5. Filed August 31, 1978; effective September 20, 1978.

Rules [391-4-2-.02](#), [391-4-2-.26](#) through [391-4-2-.41](#), [391-4-2-.47](#) through [391-4-2-.62](#), and 391-4-2-.101 through 391-4-2-.154 have been repealed and new Rules [391-4-2-.02](#), [391-4-2-.26](#) through [391-4-2-.36](#), and 391-4-2-.101 through 391-4-2-.154 adopted. Filed September 6, 1978; effective September 26, 1978.

Rule 391-4-2-.155 has been adopted. Filed September 6, 1978; effective September 26, 1978.

Rules [391-4-2-.52](#) through [391-4-2-.60](#) have been adopted. Filed November 2, 1978; effective September 29, 1978, the date of adoption, as specified by Certification of said Rules in accordance with Georgia Code Sec. 45-513(d).

Rules [391-4-2-.61](#) through [391-4-2-.63](#) have been adopted. Filed March 2, 1979; effective March 22, 1979.

Rules 391-4-2-.107, 391-4-2-.108, 391-4-2-.110, 391-4-1-.113, 391-4-2-.114, 391-4-2-.117, 391-4-2-.118, 391-4-2-.128 through 391-4-2-.131, 391-4-2-.138 through 391-4-2-.140, 391-4-2-.146, 391-4-2-.149, 391-4-2-.153, and 391-4-2-.154 have been amended by additions thereto. Filed March 2, 1979; effective March 22, 1979.

Rule [391-3-1-.01](#) has been repealed and a new Rule [391-3-1-.01](#) adopted. Filed March 20, 1979; effective April 9, 1979.

Rule [391-3-1-.02](#) has been amended by: the adoption of subparagraphs (1)(c), (1)(d); the repeal of subparagraph (2)(a)1. and the adoption of a new subparagraph (2)(a)1.; the adoption of subparagraphs (2)(a)4. thru (2)(a)8.; the repeal of subparagraphs (2)(b), (2)(c)1.(iv), (2)(c)2.(iii), (2)(d)3. and the adoption of new subparagraphs of the same numbers; the repeal of Figure 1 of subparagraph (2)(d) and the adoption of a new Figure 1; the repeal of subparagraphs (2)(g)2., (2)(h), (2)(i)1. (ii), (2)(j)1., (2)(l)1., (2)(l)2., (2)(n)1.(v) and the adoption of new subparagraphs of the same numbers; the repeal of subparagraphs (2)(n)1. (vi), (2)(n)1.(vii); the adoption of subparagraphs (2)(k)2., (2)(n)2., (2)(t) through (2)(z), (2)(aa) through (2)(ff); the repeal of subparagraphs (4)(b), (4)(c), 4(e), (4)(f), (4)(g), (5)(a)10. and the adoption of a new subparagraphs of the same numbers; the repeal of paragraph (6) and the adoption of a new paragraph (6); and, the adoption of paragraphs (7), (8), (9). Filed March 20, 1979; effective April 9, 1979.

Rule [391-3-1-.03](#) has been amended by the repeal of paragraphs (3), (5), and (6) and by the adoption of new paragraphs of the same numbers. Filed March 20, 1979; effective April 9, 1979.

Rules [391-3-1-.05](#) and [391-3-1-.09](#) have been repealed and new Rules of the same numbers adopted. Filed March 20, 1979; effective April 9, 1979.

Rule [391-3-1-.10](#) has been adopted. Filed March 20, 1979; effective April 9, 1979.

Chapter 391-3-9, entitled "Radioactive Waste Material Disposal," containing Rules [391-3-9-.01](#) through [391-3-9-.07](#), has been adopted. Filed June 14, 1979; effective July 4, 1979.

Chapter 391-2-2, entitled "Shore Assistance," containing Rules [391-2-2-.01](#) through [391-2-2-.07](#), has been adopted. Filed July 11, 1979; effective July 31, 1979.

Rule [391-4-2-.14](#) has been adopted. Filed July 26, 1979; effective August 15, 1979.

Rules [391-4-2-.02](#), [391-4-2-.10](#), [391-4-2-.12](#), [391-4-2-.26](#), [391-4-2-.27](#), and 391-4-2-.101 through 391-4-2-.155 have been repealed and new Rules of the same numbers adopted. Filed July 26, 1979; effective August 15, 1979.

Rules [391-4-2-.28](#) through [391-4-2-.36](#) have been repealed. Filed July 26, 1979; effective August 15, 1979.

Rules [391-4-2-.47](#) through [391-4-2-.51](#) have been adopted. Filed August 9, 1979; effective August 29, 1979.

Rules 391-3-6.08 through [391-3-6-.10](#) have been adopted. Filed August 24, 1979; effective September 13, 1979.

Emergency Rule 391-2-2-0.6 was filed on October 1, 1979, having become effective September 26, 1979, the date of adoption, to remain in effect for 120 days, as specified by the Agency. Said Emergency Rule authorized the Board of Natural Resources to suspend the provisions of subparagraph [391-2-2-.05](#) so that construction or alteration authorized by a permit granted by the Committee (Shore Assistance Committee, established by Georgia Laws 1979, Act No. 672) may commence immediately, and directed the Board to specify, in the Resolution declaring such suspension, the geographic area or the particular permit(s), previously approved by the Committee, covered by the suspension. Said Emergency Rule has attached thereto Resolution of the Board adopted on September 26, 1979 adopting said Emergency Rule, and has attached thereto Resolution of said Board adopted September 26, 1979 specifying the geographic area concerned.

Rules [391-4-2-.52](#), and [391-4-2-.54](#) through [391-4-2-.58](#) have been repealed and new Rules of the same numbers adopted. Filed November 2, 1979; effective November 22, 1979.

Rule 391-4-2-.156 has been adopted. Filed November 5, 1979; effective November 25, 1979.

Chapter 391-4-5 has been repealed and a new Chapter 391-4-5 of the same title, containing Rules [391-4-5-.01](#) through 391-4-5-18, adopted. Filed December 12, 1979; effective January 1, 1980.

By Certification of the Department of Natural Resources filed on December 28, 1979, Chapter 391-4-12, entitled "Coastal Marshlands Protection," containing Rules [391-4-12-.01](#) through [391-4-12-.05](#), was declared renumbered as Chapter 391-2-3 and the Rules therein renumbered as [391-2-3-.01](#) through [391-2-3-.05](#); effective January 17, 1980.

By Certification of the Department of Natural Resources filed on December 28, 1979, Chapter 391-4-8, entitled "Saltwater Fishing Regulations," containing Rules 391-4-8-.01 and 391-4-8-.99, was renumbered as Chapter 391-2-4 and the Rules therein renumbered as [391-2-4-.01](#), and [391-2-4-.99](#); effective January 17, 1980.

Rule [391-2-4-.02](#) has been adopted. Filed December 28, 1979; effective January 17, 1980.

Rule [391-4-3-.13](#) has been adopted. Filed January 4, 1980; effective January 24, 1980.

Paragraph (9) of Rule [391-2-2-.02](#) has been repealed and a new paragraph (9) adopted. Filed January 28, 1980; effective February 17, 1980.

Paragraphs (1) and (2) of Rule [391-2-2-.04](#) have been amended. Filed January 28, 1980; effective February 17, 1980.

Subparagraphs (1)(a)4., 5., 6. of Rule [391-2-2-.05](#) have been amended. Filed January 28, 1980; effective February 17, 1980.

Subparagraph (6)(a) of Rule [391-2-2-.05](#) has been repealed and a new subparagraph (6)(a) adopted. Filed January 28, 1980; effective February 17, 1980.

Subparagraph (2)(d) of Rule [391-2-2-.11](#) has been amended. Filed January 28, 1980; effective February 17, 1980.

Rule [391-4-3-.05](#) has been repealed and a new Rule [391-4-3-.05](#) adopted. Filed January 28, 1980; effective February 17, 1980.

Rule [391-4-3-.06](#) has been repealed. Filed January 28, 1980; effective February 17, 1980.

Rule [391-4-3-.09](#) has been amended by the repeal of subparagraphs (1)(c) and (1)(f) and by renumbering subparagraph (1)(d) as (1)(c) and subparagraph (1)(e) as (1)(d); said Rule has been further amended by adding a fishing fee following subparagraph (1)(d); paragraphs (2) and (4) of said Rule have been amended. Filed January 28, 1980; effective February 17, 1980.

Rule [391-4-3-.10](#) has been amended by the adoption of paragraph (3). Filed January 28, 1980; effective February 17, 1980.

Rule [391-4-3-.12](#) has been adopted. Filed January 28, 1980; effective February 17, 1980.

Rule [391-4-2-.61](#) has been repealed and a new Rule [391-4-2-.61](#) adopted. Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.106 has been amended by the adoption of subparagraph (1)(c) and paragraph (4). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.107 has been amended by the adoption of subparagraph (1)(f). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.109 has been amended by the adoption of subparagraph (1)(f). Filed March 3, 1980; effective 23, 1980.

Rule 391-4-2-.112 has been amended by the adoption of subparagraph (1)(f). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.113 has been amended by the adoption of subparagraph (1)(f). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.114 has been amended by the adoption of subparagraph (1)(f). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.116 has been amended by the adoption of subparagraph (1)(h). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.117 has been amended by the adoption of subparagraph (1)(e) and paragraph (3). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.120 has been amended by the adoption of subparagraph (1)(d). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.127 has been amended by the adoption of subparagraph (1)(e). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.128 has been amended by the adoption of subparagraph (1)(g). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.129 has been amended by the adoption of subparagraph (1)(e). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.130 has been amended by the adoption of subparagraph (1)(h). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.135 has been amended by the adoption of subparagraph (1)(c) and paragraph (3). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.137 has been amended by the adoption of subparagraph (1)(i). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.138 has been amended by the adoption of subparagraph (1)(h). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.140 has been amended by the adoption of subparagraph (1)(g). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.142 has been amended by the adoption of subparagraph (1)(e). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.145 has been amended by the adoption of subparagraph (1)(d). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.146 has been amended by the adoption of subparagraph (1)(d). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.148 has been amended by the adoption of subparagraph (1)(d). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.149 has been amended by the adoption of subparagraph (1)(i). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.150 has been amended by the adoption of subparagraph (1)(c). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.151 has been amended by the adoption of subparagraph (1)(f). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.153 has been amended by the adoption of subparagraph (1)(d). Filed March 3, 1980; effective March 23, 1980.

Rule 391-4-2-.154 has been amended by the adoption of subparagraph (1)(e). Filed March 3, 1980; effective March 23, 1980.

Rule [391-4-2-.202](#) has been adopted. Filed March 3, 1980; effective March 3, 1980.

Rule [391-3-1-.01](#) has been amended by the repeal of subparagraph (jjj) and by the adoption of a new subparagraph (jjj); said Rule has been further amended by the adoption of subparagraphs (kkk) through (vvv). Filed March 7, 1980; effective March 27, 1980.

Rule [391-3-1-.02](#) has been amended by the adoption of subparagraphs (2)(a)9., (2)(gg), and (6)(a)2.(xi); said Rule has been further amended by the repeal of subparagraph (6)(a)2.(vii)(I)I. and by the adoption of a new subparagraph (6)(a)2.(vii)(I)I. Filed March 7, 1980; effective March 27, 1980.

Rule [391-4-3-.06](#) has been adopted. Filed March 27, 1980; effective April 16, 1980.

Rule [391-3-5-.48](#) has been adopted. Filed June 24, 1980; effective July 14, 1980.

Rule [391-3-6-.06](#) has been repealed and a new Rule [391-3-6-.06](#) adopted. Filed June 24, 1980; effective July 14, 1980.

Rule [391-3-6-.11](#) and 391-3-6.12 have been adopted. Filed June 24, 1980; effective July 14, 1980.

Chapter 391-3-10, entitled "Inspection and Maintenance," containing Rules [391-3-10-.01](#) through [391-3-10-.10](#) has been adopted. Filed July 1, 1980; effective July 21, 1980.

Rules [391-4-2-.10](#), [391-4-2-.12](#), [391-4-2-.13](#), [391-4-2-.26](#), and [391-4-2-.27](#) have been repealed and new Rules of the same numbers adopted. Filed July 29, 1980; effective August 18, 1980.

Rules 391-4-2-.101 through 391-4-2-.156 have been repealed and new Rules of the same numbers adopted. Filed July 29, 1980; effective August 18, 1980.

Rules 391-4-2-.157 through 391-4-2-.163 have been adopted. Filed July 29, 1980; effective August 18, 1980. (Rules 391-4-2-.164 through 391-4-2-.200 are reserved.)

Paragraphs (2), (3), and (5) of Rule [391-4-2-.47](#) have been repealed a new paragraphs of the same numbers adopted. Filed August 6, 1980; effective August 26, 1980.

Paragraph (1) of Rule [391-4-2-.48](#) has been repealed and a new paragraph (1) adopted. Filed August 6, 1980; effective August 26, 1980.

Paragraph (1) of Rule [391-4-2-.49](#) has been repealed and a new paragraph (1) adopted. Filed August 6, 1980; effective August 26, 1980.

Paragraph (1) of Rule [391-4-2-.50](#) has been repealed and a new paragraph (1) adopted. Filed August 6, 1980; effective August 26, 1980.

Rule [391-2-4-.03](#) has been adopted. Filed August 15, 1980; effective September 4, 1980.

Chapter 391-3-11, entitled "Hazardous Waste Management," containing Rules [391-3-11-.01](#) through [391-3-11-.15](#), has been adopted. Filed August 28, 1980; effective September 17, 1980.

Paragraphs (1) and (2) of Rule [391-4-2-.52](#) have been repealed and new paragraphs (1) and (2) adopted. Filed September 12, 1980; effective October 2, 1980.

Rule [391-4-2-.54](#) has been repealed and a new Rule [391-4-2-.54](#) adopted. Filed September 12, 1980; effective October 2, 1980.

Paragraph (1) of Rule [391-4-2-.55](#) has been repealed and a new paragraph (1) adopted. Filed September 12, 1980; effective October 2, 1980.

Paragraph (1) of Rule [391-4-2-.56](#) has been repealed and a new paragraph (1) adopted. Filed September 12, 1980; effective October 2, 1980.

Paragraph (1) of Rule [391-4-2-.57](#) has been repealed and a new paragraph (1) adopted. Filed September 12, 1980; effective October 2, 1980.

Paragraph (1) of Rule [391-4-2-.58](#) has been repealed and a new paragraph (1) adopted. Filed September 12, 1980; effective October 2, 1980.

Rule [391-3-1-.01](#) has been amended by the repeal of subparagraph (jjj) and by the adoption of a new subparagraph (jjj). Filed October 27, 1980; effective November 16, 1980.

Rule [391-3-1-.02](#) has been amended by: the repeal of subparagraph (2)(a)6.(i) and by the adoption of a new subparagraph (2)(a)6.(i); the adoption of subparagraphs (2)(a)6.(iii), (2)(hh) through (2)(oo); and by the repeal of paragraph (7) and the adoption of a new paragraph (7). Filed October 27, 1980; effective November 16, 1980.

Chapter 391-1-5 has been repealed. Filed December 22, 1980; effective January 11, 1981.

By Certification of the Department of Natural Resources filed on December 22, 1980, Chapters 260-1, entitled "Organizational Authority," 260-6, entitled "Agreements," 260-7, entitled "Deputy Regulations," 260-9, entitled "General Regulations," and 260-11, entitled "Public Exhibition of Wildlife," Rules and Regulations of the State Game and Fish Commission, have been repealed in their entirety; effective January 11, 1981.

By the Certification of the Department of Natural Resources filed on December 22, 1980, Chapter 390-1, entitled "Conservation of Oil and Gas in Georgia," and Chapter, 390-2, entitled "Geological Geophysical, and Other Surveys and Investigations," have been repealed in their entirety, and Chapter 390-3, entitled "Underground Gas Storage," has been renumbered as 391-3-12 and the Rules therein numbered as [391-3-12-.01](#) through [391-3-12-.06](#) (Rules and Regulations of the Department of Mines, Mining and Geology); and effective January 11, 1981.

By the Certification of the Department of Natural Resources filed on December 22, 1980, Chapters 720-1, entitled "Organization," 720-2, entitled "Duties of the Committee," 720-3, entitled "Compensation and Reimbursement," 720-4, entitled "Official Seal," and 720-5, entitled "By-laws and Statutory Authority," Rules and Regulations of the Franklin D. Roosevelt Warm Springs Memorial Commission, have been repealed in their entirety; effective January 11, 1981.

Rule [391-4-2-.61](#) has been repealed and a new Rule [391-4-2-.61](#) adopted. Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.106 has been amended by the adoption of subparagraph (1)(c) and by the adoption of paragraph (4). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.107 has been amended by the adoption of subparagraph (g). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.109 has been amended by the adoption of subparagraph (1)(g). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.111 has been amended by the adoption of subparagraph (f). Filed December 22, 1980; effective January 1, 1981.

Rule 391-4-2-.112 has been amended by the adoption of subparagraph (f). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.113 has been amended by the adoption of subparagraph (f). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.114 has been amended by the adoption of subparagraph (d). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.116 has been amended by the adoption of subparagraph (1)(h). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.117 has been amended by the adoption of subparagraph (1)(e) and by the adoption of paragraph (3). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.120 has been amended by the adoption of paragraph (1)(d). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.126 has been amended by the adoption of paragraph (d). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.127 has been amended by the adoption of subparagraph (1)(e). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.130 has been amended by the adoption of subparagraph (f). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.131 has been amended by the adoption of subparagraph (i). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.132 has been amended by the adoption of subparagraph (d). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.137 has been amended by the adoption of subparagraph (1)(d) and by the adoption of paragraph (3). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.139 has been amended by the adoption of subparagraph (1)(h). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.141 has been amended by the adoption of subparagraph (1)(h). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.144 has been amended by the adoption of subparagraph (g). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.145 has been amended by the adoption of subparagraph (1)(d) and paragraph (3). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.148 has been amended by the adoption of subparagraph (e). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.149 has been amended by the adoption of subparagraph (1)(d). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.151 has been amended by the adoption of subparagraph (d). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.152 has been amended by the adoption of subparagraph (1)(g) and paragraph (3). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.153 has been amended by the adoption of subparagraph (1)(c). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.154 has been amended by the adoption of subparagraph (1)(f) and (3) and (4). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.156 has been amended by the adoption of subparagraph (1)(d). Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-2-.157 has been amended by the adoption of subparagraph (1)(f). Filed December 22, 1980; effective January 11, 1981.

Rule [391-4-9-.02](#) has been adopted. Filed December 22, 1980; effective January 11, 1981.

Chapter 391-4-13, entitled "Protection of Endangered, Threatened, Rare or Unusual Species," containing Rules [391-4-13-.01](#) through 391-4-13-.09, has been renumbered as Chapter 391-4-10, and said Rules therein renumbered as [391-4-10-.01](#) through [391-4-10-.09](#). Filed December 22, 1980; effective January 11, 1981.

By Certification of the Department of Natural Resources filed on December 22, 1980, the title of Division 391-5 has been changed from "Parks and Historic Sites" to "Parks, Recreation and Historic Sites," effective January 11, 1981.

Rule [391-4-5-.02](#) has been amended by the repeal of subparagraph (d) and by the adoption of a new subparagraph (d). Filed January 30, 1981; effective February 19, 1981.

Rule [391-4-5-.03](#) has been amended by the adoption of paragraphs (8) and (9). Filed January 30, 1981; effective February 19, 1981.

Rules [391-4-5-.12](#) and [391-4-5-.13](#) have been repealed and new Rules of the same numbers adopted. Filed January 30, 1981; effective February 19, 1981.

Rule [391-4-5-.16](#) has been amended by the repeal of subparagraph (b) and by the adoption of a new subparagraph (b). Filed January 30, 1981; effective February 19, 1981.

Rule [391-4-5-.17](#) has been repealed and a new Rule [391-4-5-.17](#) adopted. Filed January 30, 1981; effective February 19, 1981.

Rule [391-4-3-.06](#) has been amended by the repeal of subparagraphs (c) and (d) and by the adoption of new subparagraphs (c), (d), and (e). Filed April 3, 1981; effective April 23, 1981.

Rule [391-4-3-.10](#) has been amended by the repeal of paragraph (3) and by the adoption of a new paragraph (3). Filed April 3, 1981; effective April 23, 1981.

Rule [391-2-4-.01](#) has been repealed. Filed April 17, 1981; effective May 7, 1981.

Rule [391-3-10-.06](#) has been amended by the repeal of paragraph (2) and by the adoption of a new paragraph (2). Filed April 29, 1981; effective May 19 1981.

Rule [391-3-10-.07](#) has been repealed and a new Rule [391-3-10-.07](#) adopted. Filed April 29, 1981; effective May 19, 1981.

Rule [391-3-10-.09](#) has been repealed and a new Rule [391-3-10-.09](#) adopted. Filed April 29, 1981; effective May 19, 1981.

Rule [391-3-7-.01](#) has been amended by the repeal of subparagraph (i) and by the adoption of a new subparagraph (i). Filed July 16, 1981; effective August 5, 1981.

Rule [391-3-7-.02](#) has been amended by the repeal of the unnumbered paragraph following the Rule title and subparagraphs (a), (h), (i), (j), (k), and (l), and by the adoption of a new unnumbered paragraph and new subparagraphs (a), (h), (i), (j) and (k). Filed July 16, 1981; effective August 5, 1981.

Rule [391-3-7-.03](#) has been amended by the repeal of subparagraphs (2)(c), (3)(b) and paragraph (4), and by the adoption of new subparagraphs (2)(c), (3)(b) and a new paragraph (4). Filed July 16, 1981; effective August 5, 1981.

Rule [391-3-7-.04](#) has been amended by the repeal of paragraph (2) and by the adoption of a new paragraph (2). Filed July 16, 1981; effective August 5, 1981.

Rule [391-3-7-.06](#) has been amended by the repeal of paragraph (2) and by the adoption of a new paragraph (2). Filed July 16, 1981; effective August 5, 1981.

Rule 391-3-7.07 has been repealed and a new Rule [391-3-7.07](#) adopted. Filed July 16, 1981; effective August 5, 1981.

Rule [391-3-7.08](#) has been repealed and a new Rule [391-3-7.08](#) adopted. Filed July 16, 1981; effective August 5, 1981.

Rule [391-3-7.09](#) has been repealed. Filed July 16, 1981; effective August 5, 1981.

Rule [391-3-11.01](#) has been amended by the repeal of paragraph (2) and by the adoption of a new paragraph (2). Filed July 16, 1981; effective August 5, 1981.

Rule [391-3-11.02](#) has been amended by: the repeal of paragraph (1) and by the adoption of a new paragraph (1); the repeal of paragraph (2); and, by renumbering paragraph (3) as (2). Filed July 16, 1981; effective August 5, 1981.

Rule [391-3-11.05](#) has been amended by: the repeal of paragraph (1) and by the adoption of a new paragraph (1); the repeal of paragraph (2); and, by renumbering paragraph (3) as (2). Filed July 16, 1981; effective August 5, 1981.

Rule [391-3-11.07](#) has been amended by: the repeal of paragraph (1) and by the adoption of a new paragraph (1); the repeal of paragraphs (2) and (3); and, by the renumbering paragraphs (4) and (5) as (2) and (3), respectively. Filed July 16, 1981; effective August 5, 1981.

Rule [391-3-11.08](#) has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed July 16, 1981; effective August 5, 1981.

Rule [391-3-11.09](#) has been amended by the repeal of paragraphs (1) and (2) and by the adoption of a new paragraph (1). Filed July 16, 1981. effective August 5, 1981.

Rule [391-3-11.10](#) has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1), and has been further amended by the adoption of paragraphs (3), (4), and (5). Filed July 16, 1981; effective August 5, 1981.

Rule [391-3-11.11](#) has been amended by: the adoption of subparagraphs (1)(a), (2)(b) through (2)(h), (3)(a) through (3)(e), (4)(a) through (4)(h), and (5)(a); the repeal of subparagraphs (6)(a) through (6)(d) and by the adoption of new subparagraphs (6)(a) through (6)(c); and, by the adoption of subparagraph (7)(a) and paragraphs (9) and (10). Filed July 16, 1981; effective August 5, 1981.

Rule [391-4-2.47](#) has been amended by the repeal of paragraphs (1), (2), and (3) and by the adoption of new paragraphs (1), (2), and (3). Filed August 6, 1981; effective August 26, 1981.

Rule [391-4-2.48](#) has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed August 6, 1981; effective August 26, 1981.

Rule [391-4-2-.49](#) has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed August 6, 1981; effective August 26, 1981.

Rule [391-4-2-.50](#) has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed August 6, 1981; effective August 26, 1981.

Rule [391-4-9-.03](#) has been adopted. Filed August 10, 1981; effective August 30, 1981.

Rule [391-4-2-.10](#) has been repealed and a new Rule [391-4-2-.10](#) adopted. Filed August 10, 1981; effective August 30, 1981.

Rule [391-4-2-.15](#) has been adopted. Filed August 10, 1981; effective August 30, 1981.

Rules [391-4-2-.26](#) and [391-4-2-.27](#) have been repealed and new Rules of the same numbers adopted. Filed August 10, 1981; effective August 30, 1981.

Rules 391-4-2-.101 through 391-4-2-.163 "Hunting Regulations" have been repealed and new Rules 391-4-2-.101 through 391-4-2-.162 adopted. Filed August 10, 1981; effective August 30, 1981.

Rule [391-4-2-.52](#) has been amended by the repeal of paragraphs (1) and (2), and by the adoption of new paragraphs (1) and (2). Filed September 22, 1981; effective October 12, 1981.

Rule [391-4-2-.54](#) has been repealed and a new Rule [391-4-2-.54](#) adopted. Filed September 22, 1981; effective October 12, 1981.

Rule [391-4-2-.55](#) has been amended by the repeal of paragraph (1), and by the adoption of a new paragraph (1). Filed September 22, 1981; effective October 12, 1981.

Rule [391-4-2-.56](#) has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed September 22, 1981; effective October 12, 1981.

Rule [391-4-2-.57](#) has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed September 22, 1981; effective October 12, 1981.

Rule [391-4-2-.58](#) has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed September 22, 1981; effective October 12, 1981.

Rule [391-3-1-.02](#) has been amended by: the repeal of subparagraph (2)(a)9. and by the adoption of a new subparagraph (2)(a)9.; the adoption of subparagraph (2)(g)1.(viii); the repeal of subparagraph (2)(gg)2.(i)(I) and by the adoption of a new subparagraph (2)(gg)2.(i)(I); and, by the adoption of subparagraph (2)(gg)2.(i)(V). Filed December 3, 1981; effective December 23, 1981.

Chapter 391-3-13, entitled "Oil and Gas Deep Drilling," containing Rules [391-3-13-.01](#) through [391-3-13-.17](#) has been adopted. Filed December 23, 1981; effective January 12, 1982.

Rule [391-4-2-.61](#) has been repealed and a new Rule [391-4-2-.61](#) adopted. Filed February 2, 1982; effective February 22, 1982.

Rules 391-4-2-.105 through 391-4-2-.107, 391-4-2-.109, 391-4-2-.111 through 391-4-2-.114, 391-4-2-.116, 391-4-2-.117, 391-4-2-.120, 391-4-2-.126, 391-4-2-.127, 391-4-2-.130 through 391-4-2-.132, 391-4-2-.137, 391-4-2-.139, 391-4-2-.141, 391-4-2-.144, 391-4-2-.145, 391-4-2-.148, through 391-4-2-.153, 391-4-2-.155, 391-4-2-.156 have been amended. Filed February 2, 1982; effective February 22, 1982.

Rule [391-4-5-.02](#) has been amended by the repeal of subparagraph (g), Filed July 1, 1982; effective July 21, 1982.

Rule [391-4-5-.03](#) has been amended by the repeal paragraphs (1), (3), (6), (7), and (8) and by the adoption of new paragraphs (1), (3), (6) and (7); said Rule is further amended by the repeal of subparagraph (9)(a) and by the adoption of a new subparagraph (9)(a) and by the adoption of a new subparagraph (9)(a). Filed July 1, 1982; effective July 21, 1982.

Rule [391-4-5-.04](#) has been repealed and a new Rule [391-4-5-.04](#) adopted. Filed July 1, 1982; effective July 21, 1982.

Rule [391-4-5-.15](#) has been amended by the repeal of subparagraph (a) and by the adoption of a new subparagraph (a). Filed July 1, 1982; effective July 21, 1982.

Rule [391-4-5-.18](#) has been repealed a new Rule [391-4-5-.18](#) adopted. Filed July 1, 1982; effective July 21, 1982.

Rules [391-4-5-.19](#), [391-4-5-.20](#), and [391-4-5-.21](#) have been adopted. Filed July 1, 1982; effective July 21, 1982.

Rules [391-4-2-.10](#), [391-4-2-.12](#), [391-4-2-.26](#), [391-4-2-.27](#), [391-4-2-.61](#), and 391-4-2-.101 through 391-4-2-.162 have been repealed and new Rules of the same numbers adopted. Filed July 6, 1982; effective July 26, 1982.

Rules [391-4-2-.16](#), 391-4-2-.163, 391-4-2-.164, and 391-4-2-.165 have been adopted. Filed July 6, 1982; effective July 26, 1982.

Chapter 391-1-1, entitled "Organization," containing Rules 391-1-1.01 through [391-1-1-.03](#), has been adopted. Filed July 29, 1982; effective August 18, 1982.

Chapter 391-1-2, entitled "Procedure for Administrative Hearings Before Board-Appointed Administrative Law Judges," containing Rules [391-1-2-.01](#) through [391-1-2-.26](#), has been adopted. Filed July 29, 1982; effective August 18, 1982.

Chapter 391-1-3, entitled "Administrative Review of Initial Decision," containing Rules [391-1-3-.01](#) through [391-1-3-.13](#), has been adopted. Filed July 29, 1982; effective August 18, 1982.

Rule [391-4-2-.47](#) has been amended by the repeal of subparagraph (1)(a) and paragraphs (2) and (3), and by the adoption of a new subparagraph (1)(a) and new paragraphs (2) and (3). Filed July 29, 1982; effective August 18, 1982.

Paragraphs [391-4-2-.48](#), [391-4-2-.49](#), and [391-4-2-.50](#) have been repealed and new paragraphs [391-4-2-.48](#), [391-4-2-.49](#), and [391-4-2-.50](#) adopted. Filed July 29, 1982; effective August 18, 1982.

Rule [391-4-2-.52](#) has been amended by the repeal of paragraphs (1) and (2) and by the adoption of new paragraphs (1) and (2). Filed July 29, 1982; effective August 18, 1982.

Rule [391-4-2-.54](#) has been repealed and a new Rule [391-4-2-.54](#) adopted. Filed July 29, 1982; effective August 18, 1982.

Paragraphs [391-4-2-.55](#), [391-4-2-.56](#), [391-4-2-.57](#), [391-4-2-.58](#) have been repealed and new paragraphs [391-4-2-.55](#), [391-4-2-.56](#), [391-4-2-.57](#), [391-4-2-.58](#) adopted. Filed July 29, 1982; effective August 18, 1982.

Rule [391-3-1-.02](#) has been amended by the repeal of subparagraph (2)(a)8, and by the adoption of a new subparagraph (2)(a)8. Filed August 27, 1982; effective September 16, 1982.

Rule [391-3-1-.03](#) has been amended by the adoption of subparagraph (3)(a)5. Filed August 27, 1982; effective September 16, 1982.

Paragraph [391-3-11-.01](#) has been amended. Filed December 9, 1982; effective December 29, 1982.

Rules [391-3-11-.02](#) and [391-3-11-.05](#) have been amended. Filed December 9, 1982; effective December 29, 1982.

Rule [391-3-11-.04](#) has been amended by changing the punctuation in paragraphs (2) and (3). Filed December 9, 1982; effective December 29, 1982.

Paragraph [391-3-11-.07](#) has been amended and paragraph [391-3-11-.07](#) adopted. Filed December 9, 1982; effective December 29, 1982.

Paragraph [391-3-11-.08](#) has been amended. Filed December 9, 1982; effective December 29, 1982.

Rules [391-3-11-.10](#), [391-3-11-.11](#) and [391-3-11-.12](#) have been amended. Filed December 9, 1982; effective December 29, 1982.

Rule [391-3-11-.15](#) has been repealed. Filed December 9, 1982; effective December 29, 1982.

Rule [391-4-3-.06](#) has been repealed and a new Rule [391-4-3-.06](#) adopted. Filed March 31, 1983; effective April 20, 1983.

Rule [391-3-5-.02](#) has been amended by the repeal of subparagraph (q) and by the adoption of a new subparagraph (q) and subparagraphs (ff) and (gg). Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.04](#) has been amended by the repeal of paragraph (3) and by the adoption of a new paragraph (3) and paragraphs (4) and (5). Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.06](#) has been amended by the repeal of subparagraphs (c)1. and (d), and by the adoption of new subparagraphs (c)1. and (d). Filed July 15, 1983. effective August 4, 1983.

Rule [391-3-5-.07](#) has been amended by: the repeal of subparagraphs (5)(c), (11)(c) and (11)(f) and by the adoption of new subparagraphs (5)(c), (11)(c), and (11)(f); the repeal of paragraph (10) and by adoption of new subparagraphs (10) and (14); and, by the adoption of new subparagraphs (5)(b)1. and (5)(b)2. Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.09](#) has been amended by the repeal of subparagraphs (a), (c), (f)3., (k), and (l), and by the adoption of new subparagraphs (a), (c), (f)3., (k), (l), (n), and (o). Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.12](#) has been amended by the repeal of subparagraph (1)(b) and by the adoption of a new subparagraph (1)(b). Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.13](#) has been amended by the repeal of paragraphs (1) and (2) and by the adoption of new paragraphs (1) and (2). Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.14](#) has been amended by the repeal of paragraphs (4), (7), (8), (9), and (10) and by the adoption of new paragraphs of the same numbers. Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.16](#) has been repealed and a new Rule [391-3-5-.16](#) adopted. Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.17](#) has been amended by the repeal of paragraph (10) and by the adoption of a new paragraph (10). Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.18](#) has been amended by the repeal of subparagraphs (1)(a),(4)(a)1. and (4)(a)2. and by the adoption of new subparagraphs (1)(a), (1)(d), (4)(a)1., and (4)(a)2., and by the adoption of paragraph (5). Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.19](#) has been amended by the repeal of paragraphs (1), (3), and (7) and by the adoption of new paragraphs (1), (3), (7), (9) and (10) and by the adoption of subparagraphs (4)(e) and (4)(f). Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.20](#) has been amended by the repeal of paragraph (1) and by the adoption of new paragraphs (1) and (5). Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.21](#) has been amended by the adoption of paragraph (7). Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.22](#) has been amended by the repeal of subparagraph (1)(b) and by the adoption of a new subparagraph (1)(b), and by the adoption of paragraph (6). Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.24](#) has been repealed and a new Rule [391-3-5-.24](#) adopted. Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.25](#) has been amended by the repeal of paragraph (1) and by the adoption of new paragraphs (1) and (5). Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.26](#) has been amended by the repeal of paragraphs (1),(4) and (8) and by the adoption of new paragraphs (1),(4),(8) and (9). Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.27](#) has been repealed and a new Rule [391-3-5-.27](#) adopted. Filed July 15, 1983; effective August 4, 1983.

Rule [391-3-5-.31](#) has been amended by the repeal of subparagraph (1)(d) and by the adoption of a new subparagraph (1)(d). Filed July 15, 1983; effective August 4, 1983.

Rules [391-3-5-.49](#), [391-3-5-.50](#) and [391-3-5-.51](#) have been adopted. Filed July 15, 1983; effective August 4, 1983.

Rules [391-4-2-.10](#), [391-4-2-.11](#), [391-4-2-.26](#), [391-4-2-.27](#), [391-4-2-.61](#), and 391-4-2-.101 through 391-4-2-.165, have been repealed and new Rules of the same numbers adopted; also, Rules [391-4-2-.64](#) and 391-4-2-.166 have been adopted. Filed July 25, 1983; effective August 14, 1983.

Rule [391-4-2-.12](#) has been amended by the adoption of paragraph (6). Filed July 25, 1983; effective August 14, 1983.

Paragraphs 391-4-2-.47, and (5) have been amended. Filed July 25, 1983; effective August 14, 1983.

Paragraph (1) of Rules [391-4-2-.48](#), [391-4-2-.49](#), [391-4-2-.50](#), [391-4-2-.52](#), [391-4-2-.55](#), [391-4-2-.56](#), [391-4-2-.57](#) and [391-4-2-.58](#) have been amended. Filed July 25, 1983; effective August 14, 1983.

Chapter 391-4-11, entitled "Commercial Alligator Farming," containing Rules [391-4-11-.01](#) through [391-4-11-.10](#), has been adopted. Filed July 25, 1983, effective August 14, 1983.

Rule [391-4-3-.09](#) has been repealed. Filed October 19, 1983; effective November 8, 1983.

Rule [391-4-3-.10](#) has been amended by the repeal of subparagraph (1)(a) and by the adoption of a new subparagraph (1)(a). Filed October 19, 1983; effective November 8, 1983.

Rule [391-2-4-.02](#) has been amended by the repeal of paragraphs (2), (3), and (4) and by the adoption of new paragraphs (2), (3), and (4). Filed December 28, 1983; effective January 17, 1984.

Rule [391-4-10-.09](#) has been amended by the repeal of subparagraphs (1)(a) and (4)(g) and by the adoption of new subparagraphs (1)(a) and (4)(g). Filed April 20, 1984; effective May 10, 1984.

Rule [391-4-5-.19](#) has been amended by the adoption of subparagraphs (u), (u)1., (v), (v)1., (w), (w)1., (x), and (x)1.. Filed May 1, 1984; effective May 21, 1984.

Rule [391-4-5-.20](#) has been amended by the repeal of subparagraph (1)(f)5. and by the adoption of a new subparagraph (1)(f)5.; said Rule has been further amended by the adoption of subparagraphs (1)(n)4., (1)(v), (1)(v)1., (2)(s), (2)(s)1., (2)(t), (2)(t)1. and 2., (2)(u), (2)(u)1. through 15., (3)(q)13. and 14., (3)(cc), (3)(cc)1., (3)(dd), (3)(dd)1. and 2., (3)(ee), (3)(ee)1. through 9., (4)(j), (4)(j)1. through 3., (4)(k), and (4)(k)1.. Filed May 1, 1984; effective May 21, 1984.

Subparagraph [391-3-9-.03](#) has been amended. Filed July 6, 1984; effective July 26, 1984.

Paragraph [391-3-11-.02](#) has been amended. Filed July 6, 1984; effective July 26, 1984.

Paragraph [391-3-11-.08](#) has been amended. Filed July 6, 1984; effective July 26, 1984.

Chapter 391-4-2 has been amended by the repeal of Rules [391-4-2-.10](#), [391-4-2-.11](#), [391-4-2-.15](#), [391-4-2-.26](#), [391-4-2-.27](#), [391-4-2-.61](#), [391-4-2-.64](#), and 391-4-2-.101 through 391-4-2-.166 and by the adoption of new Rules [391-4-2-.10](#), [391-4-2-.11](#), [391-4-2-.15](#), [391-4-2-.26](#), [391-4-2-.27](#), [391-4-2-.61](#), [391-4-2-.64](#) and 391-4-2-.101 through 391-4-2-.166. Filed July 30, 1984; effective August 19, 1984.

Rule [391-4-2-.47](#) has been amended by the amendment of subparagraph (1)(a) and paragraphs (2) and (3). Filed July 30, 1984; effective August 19, 1984.

Rules [391-4-2-.48](#), [391-4-2-.49](#), [391-4-2-.50](#), [391-4-2-.52](#), [391-4-2-.55](#), [391-4-2-.56](#), [391-4-2-.57](#) and [391-4-2-.58](#) have all been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed July 30, 1984; effective August 19, 1984.

Rules 391-4-2-.167 through 391-4-2-.171 have been adopted. Filed July 30, 1984; effective August 19, 1984.

Rule [391-4-2-.26](#) has been amended by amending subparagraph (4)(c) and by adopting a new subparagraph (4)(g). Filed October 4, 1984; effective October 24, 1984.

Rule 391-4-2-.172 has been adopted. Filed October 4, 1984; effective October 24, 1984.

Chapter 391-1-2 has been repealed and a new Chapter 391-1-2, of the same title, containing Rules [391-1-2-.01](#) through [391-1-2-.35](#), adopted. Filed March 12, 1985; effective April 1, 1985.

Chapter 391-1-3 has been repealed. Filed March 12, 1985; effective April 1, 1985.

Chapter 391-5-8, entitled "Designation of Historic Buildings and Landmark Museum Buildings," Containing Rules [391-5-8-.01](#) through [391-5-8-.03](#), was filed on April 2, 1985; effective April 22, 1985.

Rule 391-3-1.02 has been amended by the following: subparagraphs (2)(a)6. and (2)(c) repealed and new subparagraphs (2)(a)6. and (2)(c) adopted; subparagraphs (2)(pp), (2)(qq), (2)(rr), (2)(ss), (2)(tt), and (2)(uu) adopted; subparagraphs (5)(b) and (5)(d) repealed and new subparagraphs (5)(b) and (5)(d) adopted; subparagraphs (8)(b) repealed and new subparagraph (8)(b) adopted; and, paragraph (9) repealed and a new paragraph (9) adopted. Filed May 6, 1985; effective May 26, 1985.

Paragraph [391-3-10-.02](#) has been amended. Filed May 6, 1985; effective May 26, 1985.

Rule [391-3-10-.06](#) has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1). Filed May 6, 1985; effective May 26, 1985.

Rule [391-3-6-.02](#) has been amended by the repeal of subparagraph (3)(a) and by the adoption of new subparagraphs (3)(a) and (3)(g). Filed May 30, 1985; effective June 19, 1985.

Rule [391-3-6-.03](#) has been amended by the following: the repeal of subparagraphs (2)(b), (6)(a), (6)(b)1.(v), (6)(c)5., (6)(d)1.(iv), (6)(e)1.(iv), and (6)(f)1.(v), and, by the adoption of new subparagraphs of these numbers; the repeal of paragraphs (7) and (11) and by the adoption of new paragraphs (7) and (11); by the adoption of subparagraphs (3)(e) and (5)(g); and, by the adoption of paragraphs (12), (13) and (14). Filed May 30, 1985; effective June 19, 1985.

Rules [391-4-2-.10](#), [391-4-2-.11](#), [391-4-2-.26](#), [391-4-2-.27](#), [391-4-2-.54](#), [391-4-2-.61](#) and [391-4-2-.64](#) have been repealed and new Rules of the same numbers adopted. Filed July 17, 1985; effective August 6, 1985.

Paragraphs (1), (2) and (3) of Rule [391-4-2-.47](#) have been amended. Filed July 17, 1985; effective August 6, 1985.

Paragraph (1) of Rules [391-4-2-.48](#), [391-4-2-.49](#), [391-4-2-.50](#), [391-4-2-.52](#), [391-4-2-.55](#), [391-4-2-.56](#), [391-4-2-.57](#), and [391-4-2-.58](#), have been amended. Filed July 17, 1985; effective August 6, 1985.

Rules 391-4-2-.101 through 391-4-2-.172 have been repealed and new Rules 391-4-2-.101 through 391-4-2-.170 adopted. Filed July 17, 1985; effective August 6, 1985.

Rule [391-4-5-.20](#) has been amended by the adoption of subparagraphs (2)(1)(3)., (3)(ff)1., ((4)(k)2., 4)(k)3. and (4)(k)4.. Filed September 4, 1985; effective September 24, 1985.

Rules [391-3-11-.01](#), [391-3-11-.02](#), [391-3-11-.03](#), [391-3-11.04](#), [391-3-11-.06](#), [391-3-11-.08](#), [391-3-11-.09](#), [391-3-11-.12](#), [391-3-11-.13](#) and [391-3-11-.14](#) amended. Filed September 6, 1985; effective September 26, 1985.

Rules [391-3-11-.05](#), [391-3-11-.07](#), [391-3-11-.10](#) and [391-3-11-.11](#) repealed and new Rules of the same numbers adopted. Filed September 6, 1985; effective September 26, 1985.

Rules [391-4-2-.52](#), [391-4-2-.54](#), [391-4-2-.55](#), [391-4-2-.57](#) and [391-4-2-.58](#) repealed and Emergency Rules [391-4-2-0.7-.52](#), [391-4-2-0.8-.54](#), [391-4-2-0.9-.55](#), [391-4-2-0.10-.57](#) and [391-4-2-0.11-.58](#) adopted in lieu thereof. Filed October 1, 1985; effective September 25, 1985, the date of adoption, to remain in effect for a period of 120 days, as specified by the Agency. These Emergency Rules were adopted to make the Georgia Migratory Bird Hunting Regulations coincide with those published by the U.S. Fish and Wildlife Service. (Said Emergency Rules will not be published; copies may be obtained from the Agency.)

Rule [391-4-3-.10](#) has been amended by the repeal of paragraphs (1) and (2) and by the adoption of new paragraphs (1) and (2). Filed October 16, 1985; effective November 5, 1985.

Rule [391-3-8-.01](#) has been repealed and a new Rule [391-3-8-.01](#) adopted. Filed October 29, 1985; effective November 18, 1985.

Rule [391-3-8-.02](#) has been amended. Filed October 29, 1985; effective November 18, 1985.

Rule [391-3-8-.12](#) has been repealed and Rules [391-3-8-.03](#) through [391-3-8-.11](#) renumbered as Rules [391-3-8-.04](#) through [391-3-8-.12](#); and, a new Rule [391-3-8-.03](#) adopted. Filed October 29, 1985; effective November 18, 1985.

Renumbered Rule [391-3-8-.04](#) has been repealed and a new Rule [391-3-8-.04](#) adopted. Filed October 29, 1985; effective November 18, 1985.

Renumbered Rule [391-3-8-.05](#) has been amended by the repeal of paragraph (7). Filed October 29, 1985; effective November 18, 1985.

Renumbered Rule [391-3-8-.09](#) has been amended by the repeal of paragraphs (2), (3) and (6) and by the adoption of new paragraphs (2), (3), (6) and (7). Filed October 29, 1985; effective November 18, 1985.

Renumbered Rule [391-3-8-.10](#) has been amended by the repeal of paragraph (1) and by the adoption of a new paragraph (1); said Rule has been further amended by renumbering subparagraph (4)(1) as subparagraph (4)(m) and by the adoption of a new subparagraph (4)(1). Filed October 29, 1985; effective November 18, 1985.

Renumbered Rule [391-3-8-.11](#) has been amended by the repeal of paragraph (1) and subparagraph (2)(d) and by the adoption of a new paragraph (1) and subparagraphs (2)(d) and (2)(h). Filed October 29, 1985; effective November 18, 1985.

Rules [391-4-2-.10](#), [391-4-2-.26](#), [391-4-2-.61](#), [391-4-2-.64](#), and 391-4-2-.101 through 391-4-2-.172 have been repealed and new Rules [391-4-2-.10](#), [391-4-2-.26](#), [391-4-2-.61](#), [391-4-2-.64](#) and 391-4-2-.101 through 391-4-2-.173 adopted. Filed July 31, 1986; effective August 20, 1986.

Paragraphs [391-4-2-.47](#) have been amended. Filed July 31, 1986; effective August 20, 1986.

Paragraphs (1) of Rules [391-4-2-.48](#), [391-4-2-.49](#) and [391-4-2-.50](#) have been repealed and new paragraphs (1) adopted. Filed July 31, 1986; effective August 20, 1986.

Chapter 391-3-11 has been amended by changing the authority citation within the Rules; by adopting paragraphs [391-3-1-.03](#); and, by the adoption of a new Rule [391-3-11-.15](#). Filed September 5, 1986; effective September 25, 1986.

Rule [391-4-2-.46](#) has been adopted. Filed October 22, 1986; effective November 11, 1986.

Paragraphs [391-4-2-.52](#) have been amended. Filed October 22, 1986; effective November 11, 1986.

Rule [391-4-2-.54](#) has been repealed and a new Rule [391-4-2-.54](#) adopted. Filed October 22, 1986; effective November 1, 1986.

Paragraphs (1) of Rules [391-4-2-.55](#), [391-4-2-.56](#), [391-4-2-.57](#) and [391-4-2-.58](#) have been amended. Filed October 22, 1986; effective November 11, 1986.

Rule [391-2-4-.03](#) has been amended by the repeal of subparagraph (2)(g) and by the adoption of a new subparagraph (2)(g). Filed October 23, 1986; effective November 12, 1986.

Rule [391-4-5-.19](#) has been amended by the adoption of subparagraph (d)12. Filed December 9, 1986; effective December 29, 1986.

Rule [391-4-5-.20](#) has been amended by the adoption of subparagraphs (1)(r)2., (1)(w), (3)(g)6. thru 8., and (3)(gg). Filed December 9, 1986; effective December 29, 1986.

Rule [391-3-1-.01](#) has been amended by the repeal of the main paragraph and by the adoption of a new main paragraph. Filed December 9, 1986; effective December 29, 1986.

Paragraphs 391-3-1-.02 and (9) have been amended. Filed December 9, 1986; effective December 29, 1986.

Rule [391-3-1-.03](#) has been amended by the adoption of subparagraphs (8)(c) 6. through 11. Filed December 9, 1986; effective December 29, 1986.

Chapter 391-3-14, entitled "Asbestos Removal and Encapsulation," containing Rules [391-3-14-.01](#) through [391-3-14-.03](#), adopted. Filed December 9, 1986; effective December 29, 1986.

Chapter 391-5-9, entitled "Submerged Cultural Resources" containing [391-5-9-.01](#) through [391-5-9-.07](#) adopted. Filed February 9, 1987; effective March 1, 1987.

Emergency Rule 391-4-2-0.12, which repealed Rule [391-4-2-.13](#) and adopted a new Rule 391-4-2-0.12-.13, has been adopted. Filed March 30, 1987, effective March 25, 1987, the date of adoption, to remain in effect for a period of 120 days, as specified by the Agency.

Said Emergency Rule was adopted to implement the legislative intent and to further public welfare which requires the Board of Natural Resources to set the fee for residents' wildlife management area stamps at or below \$15.60 and for non-residents' stamps at or below \$61.25 which must be purchased on or before April 1 in order to hunt on State wildlife management areas after such date. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Subparagraph [391-1-2-.01](#) has been amended. Filed April 24, 1987; effective May 14, 1987.

Rule [391-1-2-.02](#) has been amended by the repeal of subparagraph (2)(o) and by the adoption of new subparagraphs (2)(o) and (2)(p). Filed April 24, 1987; effective May 14, 1987.

Paragraph [391-1-2-.03](#) has been amended. Filed April 24, 1987; effective May 14, 1987.

Subparagraph 391-1-2-.066 has been amended and subparagraph 391-1-2-.067. adopted. Filed April 24, 1987; effective May 14, 1987.

Rule [391-1-2-.09](#) has been amended. Filed April 24, 1987; effective May 14, 1987.

Subparagraph [391-1-2-.15](#) and paragraph (3) have been amended. Filed April 24, 1987; effective May 14, 1987.

Paragraphs [391-1-2-.16](#) have been amended. Filed April 24, 1987; effective May 14, 1987.

Rule [391-1-2-.19](#) has been amended by the adoption of subparagraph (1)(e). Filed April 24, 1987; effective May 14, 1987.

Rule [391-1-2-.20](#) has been amended by the adoption of a paragraph (4). Filed April 24, 1987; effective May 14, 1987.

Paragraph [391-1-2-.22](#) has been amended. Filed April 24, 1987; effective May 14, 1987.

Paragraphs [391-1-2-.24](#) have been amended. Filed April 24, 1987; effective May 14, 1987.

Paragraph [391-1-2-.31](#) has been amended. Filed April 24, 1987; effective May 14, 1987.

Rule [391-1-2-.35](#) has been repealed and a new Rule [391-1-2-.35](#) adopted. Filed April 24, 1987; effective May 14, 1987.

Rule [391-1-2-.36](#) has been adopted. Filed April 24, 1987; effective May 14, 1987.

Rules [391-4-2-.10](#), [391-4-2-.13](#), [391-4-2-.14](#), [391-4-2-.26](#), [391-4-2-.27](#), [391-4-2-.61](#), [391-4-2-.64](#) and 391-4-2-.101 through 391-4-2-.173 repealed and Rules [391-4-2-.10](#), [391-4-2-.13](#), [391-4-2-.26](#), [391-4-2-.27](#), [391-4-2-.61](#), [391-4-2-.64](#) and 391-4-2-.101 through 391-4-2-.178 adopted. Filed July 16, 1987; effective August 5, 1987.

Rule [391-4-2-.15](#) has been amended. Filed July 16, 1987; effective August 5, 1987.

Paragraphs [391-4-2-.47](#) have been amended. Filed July 16, 1987; effective August 5, 1987.

Paragraph (1) of Rules [391-4-2-.48](#), [391-4-2-.49](#) and [391-4-2-.50](#) have been amended. Filed July 16, 1987; effective August 5, 1987.

Rule [391-4-2-.201](#) has been amended by amending subparagraphs (2)(b) and (5)(f) and by adopting a subparagraph (5)(g). Filed July 16, 1987; effective August 5, 1987.

Rules [391-3-10-.01](#), [391-3-10-.03](#), [391-3-10-.04](#), [391-3-10-.07](#), [391-3-10-.08](#), [391-3-10-.09](#) and [391-3-10-.10](#) repealed and new Rules of these numbers adopted. Filed September 2, 1987; effective September 22, 1987.

Rule [391-3-10-.02](#) has been amended by the repeal of paragraph (3) and by the adoption of a new paragraph (3); said Rule has been further amended by the adoption of paragraphs (5) and (6). Filed September 2, 1987; effective September 22, 1987.

Rule [391-3-10-.05](#) has been amended by the repeal of subparagraph (a)2. and the adoption of a new subparagraph (a)2. Filed September 2, 1987; effective September 22, 1987.

Rule [391-3-10-.06](#) has been amended by the repeal of subparagraph (3)(a) and by the adoption of a new subparagraph (3)(a); said Rule has been further amended by the adoption of subparagraph (3)(e). Filed September 2, 1987; effective September 22, 1987.

Rule [391-3-10-.11](#) has been adopted. Filed September 2, 1987; effective September 22, 1987.

Paragraphs (1) and (2) of Rule [391-4-2-.52](#) have been amended. Filed September 22, 1987; effective October 12, 1987.

Paragraph (1) of Rules [391-4-2-.46](#), [391-4-2-.54](#), [391-4-2-.55](#), [391-4-2-.56](#), [391-4-2-.57](#), and [391-4-2-.58](#) have been amended. Filed September 22, 1987; effective October 12, 1987.

Rule [391-3-1-.01](#) has been amended by the repeal of subparagraphs (jjj) and by the adoption of new subparagraphs (jjj) and by the adoption of new subparagraphs (jjj) and (www). Filed September 25, 1987; effective October 15, 1987.

Rule 391-3-.02 has been amended by the repeal of subparagraphs (2)(a)6., (2)(w), (2)(x), (2)(ii), (2)(mm), (2)(tt), (8)(b) and paragraph (9) and by the adoption of subparagraphs and paragraph of

these numbers; said Rule has been further amended by the adoption of a new subparagraph (2)(vv). Filed September 25, 1987; effective October 15, 1987.

Rules [391-3-11-.01](#) through [391-3-11-.15](#) have been amended to change references and authority and Rule [391-3-11-.16](#) has been adopted. Filed October 7, 1987; effective October 27, 1987.

Rule [391-2-4-.02](#) has been amended by the repeal of subparagraph (3)(c) and by the adoption of a new subparagraph (3)(c). Filed December 2, 1987; effective December 22, 1987.

Rule [391-3-1-.01](#) has been amended by the repeal of subparagraph (mmm) and by the adoption of a new subparagraph (mmm); said Rule has been further amended by the adoption of subparagraphs (xxx), (yyy), (zzz) and (aaaa). Filed March 25, 1988; effective April 14, 1988.

Rule [391-3-1-.02](#) has been amended by the repeal of subparagraph (4)(c) and paragraph (7) and by the adoption of a new subparagraph (4)(c) and a new paragraph (7). Filed March 25, 1988; effective April 14, 1988.

Rule [391-3-1-.02](#) has been amended by the repeal of subparagraphs (2)(a)9. and 2(gg)2.(i)(V) and by the adoption of new subparagraphs of these numbers. Filed May 3, 1988; effective May 23, 1988.

Rules [391-3-11-.01](#) through [391-3-11-.16](#) has been amended. Filed June 8, 1988; effective June 28, 1988.

Emergency Rule 391-3-6-0.13 containing Rule 391-3-6-0.13-.14, entitled "State Revolving Loan Program," was filed on April 1, 1988, having become effective March 23, 1988, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this

Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted to allow the implementing of this Rule until it can be adopted permanently. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 391-3-6-0.13 repealed and Rule [391-3-6-.14](#) has been adopted. Filed July 8, 1988 effective July 28, 1988.

Emergency Rule 391-3-15-0.14, entitled "Underground Storage Tank Management," containing Rules 391-3-15-0.14-.01 through 391-3-15-0.14-.15, was filed on July 7, 1988, having become effective July 1, 1988, to remain effect for a period of 120 days or until the effective date of a permanent Charter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted because there is an imminent peril to the public welfare if the receipt of Environmental Assurance Fees is not expedited to the maximum extent possible during an interim period prior to adoption of final rules. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Rules [391-4-2-.10](#), [391-4-2-.26](#), [391-4-2-.27](#), [391-4-2-.61](#) and [391-4-2-.64](#) have been repealed and new Rules of these numbers adopted. Filed July 15, 1988; effective August 4, 1988.

Paragraphs (2) and (3) of Rule [391-4-2-.47](#) have been amended. Filed July 15, 1988; effective August 4, 1988.

Paragraph (1) of Rules [391-4-2-.48](#), [391-4-2-.49](#) and [391-4-2-.50](#) have been amended. Filed July 15, 1988; effective August 4, 1988.

Rules [391-4-2-.14](#), [391-4-2-.70](#) and [391-4-2-.71](#) have been adopted. Filed July 15, 1988; effective August 4, 1988.

Rules 391-4-2-.101 through 391-4-2-.179 have been repealed. Filed July 15, 1988; effective August 4, 1988.

Rules [391-4-11-.03](#), [391-4-11-.04](#), [391-4-11-.05](#), [391-4-11-.06](#) and [391-4-11-.07](#) have been repealed and new Rules of these numbers adopted. Filed July 15, 1988; effective August 4, 1988.

Chapter 391-4-12, entitled "Nuisance Alligator Harvest," containing Rules [391-4-12-.01](#) through [391-4-12-.06](#), was filed on July 15, 1988; effective August 4, 1988.

Chapter 391-4-13, entitled "Sale of Alligator Meat and Products," containing Rules [391-4-13-.01](#) through [391-4-13-.03](#), was filed on July 15, 1988; effective August 4, 1988.

Emergency Rule 391-4-2-0.15 containing the repeal of subparagraph 391-4-2-0.15-.70(ccc) was filed on August 29, 1988, effective August 24, 1988, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent repeal of the same subject matter, as specified by the Agency. Said paragraph was repealed because the Rogers Tract W.M.A. will not be leased to the State this year, and this Emergency Rule is necessary to avoid public confusion and to aid law enforcement on the land. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Rules [391-4-2-.53](#) and [391-4-2-.54](#) have been repealed. Filed October 14, 1988; effective November 3, 1988.

Paragraphs (1) and (2) of Rule [391-4-2-.52](#) have been amended. Filed October 14, 1988; effective November 3, 1988.

Paragraphs (1) of Rules [391-4-2-.46](#), [391-4-2-.55](#) [391-4-2-.56](#), [391-4-2-.57](#) and [391-4-2-.58](#) have been amended. Filed October 14, 1988; effective November 3, 1988.

Rule [391-4-2-.60](#) has been amended. Filed October 14, 1988; effective November 3, 1988.

Chapter 391-3-15, entitled "Underground Storage Tank Management," containing Rules [391-3-15-.01](#) through [391-3-15-.15](#), has been adopted. Filed November 4, 1988; effective November 24, 1988.

Rules [391-3-6-.03](#) and [391-3-6-.06](#) have been amended. Filed December 9, 1988; effective December 29, 1988.

Rules [391-4-3-.03](#), [391-4-3-.06](#), [391-4-3-.07](#), [391-4-3-.08](#) have been repealed and new rules of the same titles adopted; Rule [391-4-3-.09](#) entitled "Public Fishing Areas" adopted. February 2, 1989; effective February 22, 1989.

Rule [391-3-5-.01](#) has been repealed and a new Rule of the same title adopted. Filed May 12, 1989; effective June 1, 1989.

Rule 319-3-5-.02 has been amended by the repeal of subparagraphs (f), (h), (n), (p) and (r) and by the adoption of new subparagraphs of the same letters and by the adoption of a new subparagraph (hh).

Rule [391-3-5-.04](#) has been repealed and a new Rule of the title adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.06](#) has been amended by the repeal of subparagraphs (a), (c)1. and (d)1., and by the adoption of new subparagraphs (a), (c)1. and (d)1. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.07](#) has been amended by the repeal of subparagraphs (3)(g), (5)(b)1., (5)(b)2. and paragraphs (4) and (10) and by the adoption of new subparagraphs (3)(b), (5)(b)1., (5)(b)2. and paragraphs (4) and (10) and by the adoption of a new subparagraph (11)(d)3.

Rule [391-3-5-.09](#) has been amended by the repeal of subparagraphs (a), (f)3. and (m) and by the adoption of new subparagraphs (a), (f)3. and (m). Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.10](#) has been repealed and a new Rule of the same title adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.12](#) has been repealed and a new Rule of the same title adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.14](#) has been amended by the repeal of paragraphs (4), (5), (7), (9) and subparagraph (10)(a), and by the adoption of new paragraphs (4), (5), (7), (9) and subparagraph (10)(a).

Rule [391-3-5-.17](#) has been repealed and a new Rule of the same title adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.18](#) has been repealed and a new Rule of the same title adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.19](#) has been repealed and a new Rule entitled "Secondary Maximum Contaminant Levels for Drinking Water" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.20](#) has been repealed and a new Rule of the same title adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.21](#) has been repealed and a new Rule of the same title adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.22](#) has been repealed and a new Rule of the same title adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.23](#) has been repealed and a new Rule entitled "Microbiological Contaminant Sampling and Analytical Requirements" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.24](#) has been repealed and a new Rule entitled "Trihalomethanes" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.25](#) has been repealed and a new Rule entitled "Volatile Synthetic Organic Chemical Sampling and Analytical Requirements" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.26](#) has been repealed and a new Rule entitled "Sodium and Corrosion Control" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.27](#) has been repealed and a new Rule entitled "Monitoring Frequency and Analytical Methods for Radioactivity in Community Water Systems" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.28](#) has been repealed and a new Rule entitled "Alternative Analytical Techniques" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.29](#) has been repealed and a new Rule entitled "Laboratory Approval" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.30](#) has been repealed and a new Rule entitled "Reporting Requirements" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.31](#) has been repealed and a new Rule entitled "Monitoring of Consecutive Public Water Systems" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.32](#) has been repealed and a new Rule entitled "Public Notification" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.33](#) has been repealed and a new Rule entitled "Variances and Exemptions" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.34](#) has been repealed and a new Rule entitled "Emergencies" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.35](#) has been repealed and a new Rule entitled "Inspections and Investigations" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.36](#) has been repealed and a new Rule entitled "Enforcement" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.37](#) has been repealed and a new Rule entitled "State Primacy Maintenance" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.38](#) has been repealed and a new Rule entitled "Effective Date" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.39](#) has been repealed and a new Rule entitled "Public Water System Classification" adopted. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.40](#) has been repealed. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.41](#) has been repealed. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.42](#) has been repealed. Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.43](#) has been repealed and renumbered as [391-3-5-.34](#). Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.44](#) has been repealed and renumbered as [391-3-5-.35](#). Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.45](#) has been repealed and renumbered as [391-3-5-.36](#). Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.46](#) has been repealed and renumbered as [391-3-5-.37](#). Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.47](#) has been repealed and renumbered as [391-3-5-.38](#). Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.48](#) has been repealed and renumbered as [391-3-5-.39](#). Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.49](#) has been repealed and renumbered as [391-3-5-.31](#). Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.50](#) has been repealed and renumbered as [391-3-5-.24](#). Filed May 12, 1989; effective June 1, 1989.

Rule [391-3-5-.51](#) has been repealed. Filed May 12, 1989; effective June 1, 1989.

Chapter 391-3-6 has been amended. Filed May 31, 1989; effective June 20, 1989.

Chapter 391-3-4 has been amended by amending Rules [391-3-4-.01](#), [.02](#), [.03](#), [.04](#), [.06](#), [.07](#) and [.08](#); Rules [391-3-4-.05](#), [.09](#) and [.10](#) have been repealed and new Rules adopted and by adopting Rules [391-3-4-.11](#) thru [391-3-4-.19](#). Filed June 9, 1989; effective June 29, 1989.

Rule [391-2-4-.02](#) has been amended. Filed June 19, 1989; effective July 9, 1989.

Emergency Rule 391-3-6-0.16-.03, (containing Rule 391-3-6-0.16-.03(5)(d)(iv) and (v), modifies paragraph [391-3-6-.03](#) and adds new paragraph [391-3-6-.03](#) was filed on July 6, 1989; effective June 30, 1989, the date of adoption, remain in effect for a period of 120 days or until the effective date of a permanent Rule superseding this Emergency Rule, as specified by the Agency. (Said Emergency Rule will not be published, copies may be obtained from the Agency.)

Chapter 391-4-2 has been amended. Filed July 17, 1989; effective August 6, 1989.

Rule [391-4-11-.03](#) has been repealed and a new Rule entitled "Acquisition of Alligators" adopted. Filed July 17, 1989; effective August 6, 1989.

Rules [391-4-11-.04](#) through [391-4-11-.06](#) have been amended. Filed July 17, 1989; effective August 6, 1989.

Rules [391-4-11-.07](#) through [391-4-11-.09](#) have been amended. Filed July 17, 1989; effective August 6, 1989.

Rule [391-4-13-.02](#) has been repealed and a new Rule of the same title adopted. Filed July 17, 1989; effective August 6, 1989.

Rule [391-4-13-.03](#) has been amended and a new paragraph (f) adopted. Filed July 17, 1989; effective August 6, 1989.

Rule [391-2-4-.04](#) has been adopted. Filed August 24, 1989; effective September 13, 1989.

Emergency Rule 391-3-6-0.17-.03 which amended subparagraphs (2)(c), (3)(e), (5)(d)(i), (5)(d)(ii), (5)(d)(ii)8., (5)(d)(ii)10., (5)(d)(ii)11., added subparagraphs (5)(d)(ii)14., through (5)(d)(ii)31., amended footnote under subparagraph (5)(d)(ii); amended subparagraph (5)(d)(iii); repealed subparagraphs (5)(d)(iii)1. through (5)(d)(iii)52.; adopted new subparagraphs (5)(d)(iii)1. through (5)(d)(iii)89.; amended subparagraphs (6)(a), (6)(a)(i), (6)(b), (6)(c), (6)(c)(iii), paragraphs (7), (9), (11), (12); amended footnote (2) under paragraph (12) and amended paragraph (14) was filed on August 25, 1989; effective August 23, 1989, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted to protect the citizens of Georgia during an interim period prior to adoption of the final rule. (Said Emergency Rule will not be published, copies may be obtained from the Agency.)

Emergency Rule 391-3-6-0.18-.06 which amended subparagraphs (4)(d)5.(i); repealed subparagraphs (4)(d)5.(i)1. through (4)(d)5.(i)68.; adopted new subparagraphs (4)(d)5.(ii)1. through (4)(d)5.(i)129.; amended subparagraphs (4)(d)5.(ii); (4)(d)5.(ii)(1) through (4)(d)5.(ii)(3); repealed subparagraphs (4)(d)5.(ii)(3)(a) through (4)(d)5.(ii)(3)(ll); adopted new subparagraphs (4)(d)5.(ii)(3)(a) through (4)(d)5.(ii)(3)(t); amended subparagraphs (4)(d)5.(iii)(1), (4)(d)5.(iii)(2); repealed subparagraphs (4)(d)5.(iii)(4), (4)(d)5.(iii)(5); amended and renumbered subparagraph (4)(d)5.(iii)(6) to (4)(d)5.(iii)(4); and amended subparagraph (4)(d)5.(iv) was filed on August 25, 1989; effective August 23, 1989, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted to protect the citizens of Georgia during an interim period prior to adoption of the final rule. (Said Emergency Rule will not be published, copies may be obtained from the Agency.)

Rule [391-4-2-.52](#) has amended paragraphs (1) and (3) and adopted paragraphs (4) and (5). Filed September 12, 1989; effective October 2, 1989.

Rule [391-4-2-.55](#) has been amended. Filed September 12, 1989; effective October 2, 1989.

Rule [391-4-2-.56](#) has been amended. Filed September 12, 1989; effective October 2, 1989.

Rule [391-4-2-.57](#) has been amended. Filed September 12, 1989; effective October 2, 1989.

Rule [391-4-2-.58](#) has been amended. Filed September 12, 1989; effective October 2, 1989.

Rule [391-4-2-.60](#) has been amended. Filed September 12, 1989; effective October 2, 1989.

Chapter 391-3-11 has been amended. Filed October 31, 1989; effective November 20, 1989.

Emergency Rule 391-3-6-0.19-.03 which amended subparagraphs (5)(d)(iii)83 through (5)(d)(iii)89 and (5)(d)(v); added subparagraphs (5)(d)(iii)83 through (5)(d)(iii)89 and new paragraph (5)(d)(v) was filed on December 8, 1989; effective December 6, 1989, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule superseding this Emergency Rule, as specified by the Agency. Said

Emergency Rule was adopted to protect the citizens of Georgia during an interim period prior to adoption of the final rule. (Said Emergency Rule will not be published, copies may be obtained from the Agency.)

Chapter 391-6-1 entitled "Regional Reservoirs" containing Rules [391-6-1-.01](#) through [391-6-1-.07](#) has been adopted. Filed December 8, 1989; effective December 28, 1989.

Rules [391-3-6-.03](#) and [391-3-6-.06](#) have been amended. Filed December 8, 1989; effective December 28, 1989.

Rule [391-3-7-.01](#) and [391-3-7-.02](#) have been amended. Filed December 12, 1989; effective January 1, 1990.

Rule [391-3-7-.03](#) has been amended and retitled "Land Disturbing Activity Permits". Filed December 12, 1989; effective January 1, 1990.

Rule [391-3-7-.04](#) has been amended and retitled "Erosion and Sedimentation Control Plan Requirements". Filed December 12, 1989; effective January 1, 1990.

Rule [391-3-7-.05](#) has been repealed and a new Rule entitled "Land Disturbing Activities Within the 100 Year Flood Plain" adopted. Filed december 12, 1989; effective January 1, 1990.

Rule [391-3-7-.06](#) has been repealed and a new Rule entitled "Retention of Undisturbed Vegetative Buffer" adopted. Filed December 12, 1989; effective January 1, 1990.

Rule [391-3-7-.07](#) has been repealed and a new Rule entitled "Land Disturbing Activities Within 100 Feet (Horizontal) of Trout Streams" adopted. Filed December 12, 1989; effective January 1, 1990.

Rule [391-3-7-.08](#) has been repealed and a new Rule entitled "Turbidity Limits for Stormwater Runoff Discharges" adopted. Filed December 12, 1989; effective January 1, 1990.

Rule [391-3-7-.06](#) has been amended and renumbered to [391-3-7-.09](#). Filed December 12, 1989; effective January 1, 1990.

Rule [391-3-7-.07](#) was renumbered to [391-3-7-.10](#). Filed December 12, 1989; effective January 1, 1990.

Chapter 391-3-15 has been amended. Filed January 29, 1990; effective February 18, 1990.

Rule [391-1-1-.01](#) have been amended. Filed January 30, 1990; effective February 19, 1990.

Rules [391-1-1-.02](#) and [.03](#) have been amended. Filed January 30, 1990; effective February 19, 1990.

Rules [391-1-1-.04](#) and [.05](#) have been adopted. Filed January 30, 1990; effective February 19, 1990.

Rules 391-1-12-.02(3), .06(1)(b) 2. and 3. have been amended; and 4. has been adopted. Filed January 30, 1990; effective February 19, 1990.

Rules [391-1-2-.08](#), [.10\(1\)](#), [.15\(3\)](#), [.16\(1\)](#), have been amended; .17(3) has adopted a new (3) and renumbered (3) to (4) and (4) to (5); .19(4) has been amended and (1)(f) adopted. Filed January 30, 1990; effective February 19, 1990.

Rule [391-1-2-.21](#) has been amended and subparagraph (8) repealed; .23(1)(l) has been amended and a new (1)(m) adopted and (1)(m) renumbered to (1)(n); .24(4) has been amended and .37 adopted. Filed January 30, 1989; effective February 19, 1990.

Chapter 391-3-2 has been amended. Filed April 3, 1990; effective April 23, 1990.

Rules [391-3-6-.02](#) through [391-3-6-.07](#) have been amended. Filed April 3, 1990; effective April 23, 1990.

Rule [391-3-6-.15](#) entitled "General Permit Requirements" adopted. Filed April 3, 1990; effective April 23, 1990.

Rules [391-3-6-.04](#) and [391-3-6-.06](#) have been amended. Filed July 6, 1990; effective July 26, 1990.

Chapter 391-5-10 entitled "Evaluation of Properties For The Georgia Register of Historic Places," containing Rules [391-5-10-.01](#) to [391-5-10-.04](#) adopted. Filed July 12, 1990; effective August 1, 1990.

Chapter 391-5-11 entitled "Preliminary and Final Certification of Rehabilitated Historic Properties," containing Rules [391-5-11-.01](#) to [391-5-11-.05](#) adopted. Filed July 12, 1989; effective August 1, 1990.

Rules [391-4-2-.10](#); [.14](#); [.26](#); [.47](#); [.48](#); [.61](#); [.64](#); [.70](#); [.71](#) have been amended. Filed July 24, 1990; effective August 13, 1990.

Rules 391-4-11-.02;(5) and (6) has been adopted; Rules [391-4-11-.03](#); [.05\(e\)](#); [.08](#); [.09\(2\)](#) have been amended. Filed July 24, 1990; effective August 13, 1990.

Rules [391-4-13-.02](#) and [.03\(1\)\(a\)](#) have been amended. Filed July 24, 1990; effective August 13, 1990.

Rule [391-4-12-.05](#) have been amended. Filed July 24, 1990; effective August 13, 1990.

Rule [391-4-2-.09](#), [.52](#), [.55](#) through [.58](#) have been amended. Filed August 30, 1990; effective September 19, 1990.

Chapter 391-3-8 has been amended. Filed August 31, 1990; effective September 20, 1990.

Emergency Rule 391-5-11-0.20-.01(12)(d) was filed on October 4, 1990; effective September 28, 1990, the date of adoption to remain in effect for a period of 120 days or until the effective date of a permanent Rule superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted in order to protect the welfare of Georgia citizens and others who are participating in the rehabilitation of historic properties. (Said Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule [391-2-4-.05](#) has been adopted. Filed October 25, 1990; effective November 14, 1990.

Chapter 391-3-11 has been amended. Filed November 2, 1990; effective November 22, 1990.

Chapter 391-3-5 has been amended. Filed December 4, 1990; effective December 24, 1990.

Rules [391-3-1-.01](#), [.02](#) and [.03](#) have been amended. Filed December 20, 1990; effective January 9, 1991.

Chapter 391-3-16 entitled "Rules for Environmental Planning Criteria" containing Rules [391-3-16-.01](#) through [391-3-16-.03](#) has been adopted. Filed December 27, 1990; effective March 28, 1990, as specified by certification of this Agency.

Rules [391-3-6-.02](#), [.03](#) and [.06](#) have been amended. Filed February 15, 1991; effective March 7, 1991.

Rule [391-4-3-.03](#) has been repealed and a new Rule, same title adopted; Rule [391-4-3-.10](#) has been amended. Filed March 1, 1991; effective March 21, 1991.

Chapters 391-5-10 and 391-5-11 have been amended. Filed April 15, 1991; effective May 5, 1991.

Chapter 391-3-17 entitled "Radioactive Materials" containing Rules [391-3-17-.01](#) to [391-3-17-.09](#) have been adopted. Filed May 2, 1991; effective May 22, 1991.

Rules [391-5-3-.03](#) and [391-5-3-.12](#) have been adopted. Filed May 30, 1991; effective June 19, 1991.

Chapter 391-4-2 has been amended. Filed July 17, 1991; effective August 6, 1991.

Rules [391-4-9-.01](#) and [.03](#) have been amended. Filed July 17, 1991; effective August 6, 1991.

Rule [391-4-11-.04](#) has been repealed and a new Rule entitled "Specifications for Alligator Farms" adopted. Filed July 17, 1991; effective August 6, 1991.

Rule [391-4-13-.02](#) has been amended. Filed July 17, 1991; effective August 6, 1991.

Rule [391-2-4-.04](#) has been amended. Filed July 30, 1991; effective August 19, 1991.

Rules [391-3-15-.01](#), .02, .04 through .13 have been amended. Filed August 8, 1991; effective August 28, 1991.

Chapter 391-3-4 has been amended. Filed September 4, 1991; effective September 24, 1991.

Rules [391-4-2-.50](#), [.52\(1\)](#), [\(3\)](#), [\(4\)](#), [.55\(1\)](#), [.57\(1\)](#), [.58\(1\)](#) have been amended. Filed September 10, 1991; effective September 30, 1991.

Subparagraph (a) of Rule [391-3-1-.02](#) has been amended. Filed September 27, 1991; effective October 17, 1991.

Rule [391-4-2-.46](#) has been amended. Filed October 7, 1991; effective October 27, 1991.

Chapter 391-3-11 has been amended. Filed December 9, 1991; effective December 29, 1991.

Rules [391-3-16-.04](#) and [.05](#) have been adopted. Filed December 20, 1991; effective January 9, 1992.

Emergency Rule 391-4-4-0.21-.01 was filed on January 31, 1992, effective January 29, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted to define the term "exotic fish" thereby preventing the importation of fish not native to Georgia waters that could represent an imminent peril to the public, safety or welfare of the citizens of Georgia. (Emergency Rule will not be published; copies may be obtained from the Agency).

The Georgia Department of Natural Resources has adopted Emergency Rules 391-4-2-0.22-.13 and 391-4-2-0.23-.14. Filed February 28, 1992; effective February 26, 1992, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted to prevent an imminent threat to public welfare and to protect the citizens of Georgia from chaos resulting from a delay in increasing hunting and fishing license fees. (Emergency Rule will not be published; copies may be obtained from the Agency).

Chapter 391-3-18 entitled "Environmentally Sensitive Property," containing Rules [391-3-18-.01](#) to [.04](#) has been adopted. Filed February 7, 1992, effective February 27, 1992.

Paragraphs (4) and (5) of Rule [391-2-4-.04](#) have been amended. Filed February 26, 1992; effective March 17, 1992.

Emergency Rules 391-4-2-0.22-.13 and 391-4-2-0.23-.14(2) were repealed and permanent Rules [391-4-2-.13](#) and [391-4-2-.14](#) adopted. Filed March 16, 1992; effective April 5, 1992.

Emergency Rule 391-3-6-0.24-.04 was filed May 1, 1992, effective April 29, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted to "make the Rules consistent with Federal Law". (Emergency Rule will not be published; copies may be obtained from the Agency).

Rules [391-4-3-.02](#), [.03\(1\)](#), [.09](#) were repealed and readopted; .04(e) adopted; .06(g), (h) repealed and readopted and (i) adopted; .10(4) adopted. Filed June 5, 1992; effective June 25, 1992.

Chapter 391-4-2 and Rules [391-4-9-.02](#) have been amended. Filed June 5, 1992; effective June 25, 1992.

Chapter 391-3-5 has been amended. Filed June 25, 1992; effective July 15, 1992.

Chapter 391-2-1 entitled "River Houses", containing Rules [391-2-1-.01](#) to [391-2-1-.08](#) has been adopted; Chapters 391-2-2 and 391-2-3 have been repealed and new Chapters, same titles, adopted. Filed June 26, 1992; effective July 16, 1992.

Chapter 391-3-10 has been repealed and Emergency Chapter 391-3-10-0.25 of same title containing Emergency Rules 391-3-10-0.25-.01 to 391-3-10-0.25-.35 adopted. Filed July 21, 1992; effective July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted to make the Rules comply with the Georgia Motor Vehicle Emission Inspection and Maintenance Act as amended by the 1992 General Assembly to provide additional authorities to satisfy the Federal Clean Air Act Amendments of 1990. (Emergency Rule will not be published; copies may be obtained from the Agency).

Rule [391-2-4-.04](#) has been amended. Filed July 22, 1992; effective August 11, 1992.

Chapter 391-3-3 has been amended by changing name to "Surface Mining"; Rules [391-3-3-.01](#) to [391-3-3-.08](#) have been amended; .09 repealed and a new Rule entitled "Protection of the Environment and Contiguous Natural and Other Resources" adopted; .10 entitled "Confidentiality of Information" adopted. Filed July 23, 1992; effective August 12, 1992.

Emergency Rule 391-3-6-0.24-.04 has been repealed and a permanent Rule, same title, adopted. Filed August 19, 1992; effective September 8, 1992.

Rules [391-3-1-.01](#), [.02](#), [.03](#) have been amended. Filed August 27, 1992; effective September 16, 1992.

Rules [391-4-2-.46](#), [.52](#), [.55](#), [.56](#), [.57](#), and [.58](#) have been amended. Filed August 28, 1992; effective September 17, 1992.

Rule [391-2-1-.05](#) has been amended. Filed September 1, 1992; effective September 21, 1992.

Rule [391-2-4-.06](#) has been adopted. Filed October 1, 1992; effective October 21, 1992.

Chapter 391-3-11 has been amended. Filed October 29, 1992; effective November 18, 1992.

Rules [391-3-1-.01](#), [.02](#), [.03](#), [.05](#), [.09](#), [.10](#), [.11](#), and [.12](#) have been amended. Filed November 2, 1992; effective November 22, 1992.

Emergency Chapter 391-3-10-0.25 has been repealed and a permanent Chapter 391-3-10 of same title has been adopted. Filed November 2, 1992; effective November 22, 1992.

Rules [391-4-10-.02](#), [.06](#), [.09](#) were amended and paragraph (3) of Rule [391-4-10-.03](#) adopted. Filed November 4, 1992; effective November 24, 1992.

Rule [391-5-3-.12](#) has been amended. Filed November 20, 1992; effective December 10, 1992.

Rules [391-3-13-.12](#) and [.13](#) were amended. Filed November 24, 1992; effective December 14, 1992.

Rule [391-4-2-.52](#) has been amended. Filed December 14, 1992; effective January 3, 1993.

Rule [391-3-4-.17](#) has been amended, .19 repealed and a new Rule entitled "Scrap Tire Management" adopted; .20 entitled "Enforcement" adopted. Chapter 391-3-15 has been amended. Filed December 17, 1992; effective January 6, 1993.

Rules [391-3-6-.02](#), [.03](#), [.06](#), [.08](#), [.09](#).10, .12, .14 have been amended. Filed April 8, 1993; effective April 28, 1993.

Chapter 391-3-19 entitled "Hazardous Site Response" containing Rules [391-3-19-.01](#) to [391-3-19-.03](#) have been adopted. Filed May 27, 1993; effective June 16, 1993.

Chapter 391-4-2 has been amended. Filed June 3, 1993; effective June 23, 1993.

Chapter 391-3-4 has been amended; Rules [391-3-5-.02](#) and [.17](#) have been amended; [391-3-5-.40](#) has been adopted. Filed June 7, 1993; effective June 27, 1993.

Rules [391-3-1-.02](#), [.03](#) have been amended. Filed July 1, 1993; effective July 21, 1993.

Emergency Rule 391-4-9-0.26-.04 was filed and effective July 23, 1993, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted due to "a threat to human health through the importation of non-domesticated wild animals..." (Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule [391-2-4-.04](#) has been amended. Filed July 26, 1993; effective August 15, 1993.

Rules [391-3-6-.03](#) and [.12](#) were amended. Filed August 9, 1993; effective August 29, 1993.

Rules [391-1-1-.01](#) to [.03](#), [391-4-2-.52](#), .55 to .58 have been amended; Chapters 391-4-11, 391-4-12 and 391-4-13 have been repealed and new Chapters of same titles adopted. Filed August 27, 1993; effective September 16, 1993.

Rules [391-3-4-.01](#), [.08](#), [.12](#) have been amended. Filed October 7, 1993; effective October 27, 1993.

Emergency Rule 391-5-12-0.27 was filed October 28, 1993; effective October 27, 1993, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted "to allow the issuance of permits for construction and repair of boat docks..." (Emergency Rule will not be published; copies may be obtained from the Agency.)

Rules [391-3-1-.02](#), [.03](#) have been amended. Filed October 28, 1993; effective November 17, 1993.

Rule [391-4-9-.04](#) has been adopted. Filed October 29, 1993; effective November 18, 1993.

Rule [391-3-10-.14](#) has been amended; Rule [391-3-10-.36](#) and Chapter 291-3-20 have been adopted. Filed November 1, 1993; effective November 21, 1993.

Emergency Rule 391-3-17-0.28-.03 was filed December 9, 1993, effective December 8, 1993, the date of adoption to remain in effect for a period of 120 days or until the effective date of a permanent Rule superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted "to maintain in good standing the Agreement between the State of Georgia and the United States Nuclear Regulatory Commission; and to adequately protect the public health and safety related to the receipt, use and possession of radioactive materials." (Said Emergency Rule will not published; copies may be obtained from the Agency.)

Chapter 391-3-11 has been amended. Filed January 27, 1994; effective February 16, 1994.

Rule [391-3-19-.02](#) has been amended; .04 and .05 have been adopted. Filed January 31, 1994; effective February 20, 1994.

Rules [391-4-3-.03](#), [.10\(4\)](#) have been amended and Chapter 391-4-14 has been adopted. Filed February 4, 1994; effective February 24, 1994.

Chapter 391-3-17 has been amended. Filed February 24, 1994; effective March 16, 1994.

Chapter 391-3-5 has been amended. Filed March 10, 1994; effective March 30, 1994.

Chapter 391-3-21 entitled "Grant Program" containing [391-3-21-.01](#), .02 submitted April 14, 1994.

Chapter 391-3-22 entitled "Clean Fueled Fleets" containing Rules [391-3-22-.01](#) to [.11](#) has been adopted. Filed May 2, 1994; effective May 22, 1994.

Chapter 391-5-12 entitled "Permitting Boat Docks at High Falls State Park Lake", containing Rules [391-5-12-.01](#) to [.08](#), has been adopted. Filed May 5, 1994; effective May 25, 1994.

Rules [391-3-6-.05](#), [.15](#) has been amended and .16, .17 adopted. Filed May 9, 1994; effective May 29, 1994.

Chapter 391-5-13 entitled "State and Federal Grant Programs" submitted May 11, 1994.

Chapter 391-7-1 entitled "Pollution Prevention Actions Grant Programs" submitted May 11, 1994.

Rules [391-3-20-.01](#), [.02](#), [.09](#), [.18](#), [.21](#); [391-3-1-.01](#), [.02](#) have been amended; [391-3-1-.13](#) adopted. Filed May 24, 1994; effective June 13, 1994.

Grant [391-3-21-.03](#) submitted May 25, 1994.

Grant [391-5-13-.02](#), [.03](#) submitted May 26, 1994.

Grant [391-5-13-.04](#) submitted June 1, 1994.

Rules [391-4-2-.02](#), [.10](#), [.11](#), [.15](#), [.26](#), [.47](#), [.48](#), [.63](#), [.70](#), [.71](#) have been amended and [.17](#) adopted. Filed June 2, 1994; effective June 22, 1994.

Grant [391-5-13-.05](#) submitted June 10, 1994.

Grant [391-3-21-.04](#) submitted June 27, 1994.

Rules [391-1-1-.01](#), [.02](#), [.03](#) have been amended. Filed June 29, 1994; effective July 19, 1994.

Chapters 391-5-1 to 5-6 have been amended. Filed June 30, 1994; effective July 20, 1994.

Grant [391-3-21-.03](#) submitted July 1, 1994.

Rule [391-3-19-.02](#), [.05](#) have been amended; [.06](#) to [.08](#) adopted. Filed July 1, 1994; effective July 21, 1994.

Rules [391-3-1-.01](#) to [.03](#) have been amended. Filed July 28, 1994; effective August 17, 1994.

Grant [391-3-21-.04](#) submitted August 15, 1994.

Chapter 391-3-20 and Rules [391-3-1-.02](#) and [391-3-10-.14](#), [.36](#) have been amended. Filed August 31, 1994; effective September 20, 1994.

Rules [391-4-2-.52](#), [.55](#) to [.58](#) have been amended. Filed September 1, 1994; effective September 21, 1994.

Grants [391-3-21-.01](#), [.02](#) submitted September 27, 1994.

Chapter 391-3-17 has been amended. Filed October 4, 1994; effective October 24, 1994.

Rules [391-3-1-.01](#) to [.03](#) have been amended and [.14](#) adopted. Filed October 31, 1994; effective November 20, 1994.

Chapter 391-3-11 has been amended. Filed December 6, 1994; effective December 26, 1994.

Rules [391-2-4-.02](#); [391-3-2-.02](#), [.04](#); [391-3-6-.07](#) have been amended. Filed December 9, 1994; effective December 29, 1994.

Editors Note: [391-5-13-.06](#) to .09 were submitted as part of the disbursements register and will not be published. This register is open for public inspection.

Grant [391-5-13-.10](#) submitted December 29, 1994.

Chapter 391-3-15 has been amended. Filed February 3, 1995; effective February 23, 1995.

Rules [391-2-4-.07](#) and [391-3-19-.09](#) have been adopted; [391-3-19-.02](#), .03, .06 were amended. Filed February 28, 1995; effective March 20, 1995.

Grant [391-5-13-.05](#) submitted March 13, 1995.

Rules [391-3-10-.36](#), [391-3-20-.12](#) and [391-3-20-.17](#) have been reserved. Filed April 28, 1995; effective May 18, 1995.

Emergency Rule 391-2-4-0.29-.03 was filed and effective May 24, 1995, the date of adoption to remain in effect for a period of 120 days or until the effective date of a permanent Rule superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted to "protect the citizens of Georgia from an imminent peril during an interim period prior to adoption of a final Rule." (Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 391-3-6-0.30-.18 was filed July 3, 1995, effective June 28, 1995, the date of adoption to remain in effect for a period of 120 days or until the effective date of a permanent Rule superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted to "protect the citizens of Georgia during a interim period prior to adoption of the final Rule." (Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 391-4-2 and Rules [391-4-12-.02](#), .03; [391-4-11-.04](#), .09 have been amended. Filed May 25, 1995; effective June 14, 1995.

Rules [391-3-1-.01](#), .02, .03 have been amended. Filed June 30, 1995; effective July 20, 1995.

Grant [391-3-21-.03](#) submitted July 26, 1995.

Rule [391-2-4-.03](#) has been amended. Filed August 24, 1995; effective September 13, 1995.

Rules [391-4-2-.50](#), .52, .55, .56 to .58 have been amended. Filed August 25, 1995; effective September 14, 1995. 1999.

Rules [391-3-1-.01](#), .02; 391-3-.10-.36 and Chapter 391-3-20 have been amended. Filed August 28, 1995; effective September 17, 1995.

Chapter 391-3-6 has been amended. Filed August 30, 1995; effective September 19, 1995.

Grants [391-3-21-.01](#), .02, .04 submitted September 20, 1995.

Rule [391-3-6-.18](#) has been amended and .19 has been adopted. Filed October 6, 1995; effective October 26, 1995.

Grant [391-5-13-.04](#) submitted October 23, 1995.

Emergency Rule 391-4-3-0.31-.10 was filed November 3, 1995, effective November 1, 1995, the date of adoption to remain in effect for a period of 120 days or until the effective date of permanent Rule superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule was adopted "in order to protect the citizens' of Georgia from imminent peril". (Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule [391-2-4-.04](#) has been amended. Filed November 3, 1995; effective November 23, 1995.

Grant [391-3-21-.05](#) submitted November 30, 1995.

Chapter 391-3-11 amended. Filed December 8, 1995; effective December 28, 1995.

Rule [391-3-19-.09](#) amended. Filed December 11, 1995; effective December 31, 1995.

Rule [391-2-4-.08](#) has been amended and Chapter 391-4-6 entitled "Sapelo Island General Operating and Access Procedures" has been adopted. Filed January 25, 1996; effective February 14, 1996. Paragraph (3) of Rule [391-4-2-.02](#) has been adopted. Filed February 28, 1996; effective March 19, 1996.

Emergency Rule 391-3-6-0.32 was filed on May 1, 1996, effective April 25, 1996, the date of adoption, to remain in effect 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rules were adopted to "protect the citizens of Georgia during an interim period prior to adoption of the final Rule". (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Grant [391-3-21-.04](#) submitted May 20, 1996.

Rule [391-2-4-.07](#) has been amended. Filed May 29, 1996; effective June 18, 1996.

Rules [391-4-2-.10](#), [.26](#), [.48](#), [.70](#), [.71](#) have been amended; Rule [391-4-9-.02](#) has been repealed and a new Rule adopted. Filed May 30, 1996; effective June 19, 1996.

Rules [391-3-1-.01](#), [.02](#), [.03](#) and [391-4-14-.01](#) have been amended.

Rules [391-3-14-.04](#) to [.10](#) have been adopted. Filed June 3, 1996; effective June 23, 1996.

Emergency Rule 391-3-20-0.33 was filed on June 4, 1996; effective May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a Permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Said Emergency Rule was adopted to comply with O.C.G.A. Section [12-9-1](#) et seq. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Rules [391-3-10-.01](#), [.12](#), [.16](#), [.36](#) have been amended. Filed June 4, 1996; effective June 24, 1996.

Rules [391-3-15-.01](#), [.02](#), [.04](#) to [.09](#), [.11](#) to [.13](#) have been amended. Filed June 6, 1996; effective June 26, 1996.

Chapter 391-3-23 entitled "Petroleum Pipeline Eminent Domain Permit Procedures" containing Rules [391-3-23-.01](#) to 393-3-23-.08 has been adopted. Filed June 18, 1996; effective July 8, 1996.

Grant [391-3-21-.05](#) submitted June 26, 1996.

Chapter 391-3-24 entitled "Lead-Based Paint Abatement and Certification" containing

Rules [391-3-24-.01](#) to [.08](#) has been adopted. Filed June 28, 1996; effective July 18, 1996.

Emergency Rule 391-3-6-0.32 has been repealed and a new Chapter 391-3-6 adopted. Filed July 10, 1996; effective July 30, 1996.

Grant [391-3-21-.06](#) submitted July 11, 1996.

Grant [391-5-13-.04](#) submitted August 14, 1996.

Rules [391-3-1-.02](#), [.12](#) have been amended. Chapter 391-3-20 has been amended. Filed August 26, 1996; effective September 15, 1996.

Rule [391-3-15-.13](#) has been amended. Filed September 3, 1996; effective September 23, 1996.

Rules [391-4-2-.52](#), [.55](#), [.56](#), [.57](#), [.58](#) have been amended. Rule [391-4-2-.72](#) has been adopted. Filed September 6, 1996; effective September 26, 1996.

Rules [391-4-3-.05](#), [.06](#), [.07](#), [.09](#), [.11](#) have been repealed and new

Rules adopted. Rules [391-4-3-.13](#), [.14](#) have been adopted. Filed September 11, 1996; effective October 1, 1996.

Rule [391-3-6-.03](#) has been amended. Filed October 17, 1996; effective November 6, 1996.

Chapter 391-3-11 has been amended. Filed December 10, 1996; effective December 30, 1996.

Grant [391-5-13-.01](#) submitted December 27, 1996.

Emergency Rules 391-2-4-0.34-.04 and 391-2-4-0.35-.09 were filed and effective on January 29, 1997, the date of adoption, to remain in effect for 120 days or until the effective date of a Permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. Said Emergency Rules were adopted to protect the resource from an imminent peril during an interim period prior to adoption of a final Rule. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Rules [391-4-3-.03](#), [.06](#), [.08](#) have been amended. Filed January 29, 1997; effective February 18, 1997.

Grant Chapter 391-7-2 submitted March 17, 1997.

Rules [391-3-17-.01](#) to [.07](#), [.10](#) have been amended. Filed April 16, 1997; effective May 6, 1997.

Rules [391-2-4-.04](#), [391-4-3-.06](#), [.09](#) have been amended. Filed April 23, 1997; effective May 13, 1997.

Rules [391-3-6-.03](#), [.06](#), [.12](#), [.14](#) have been amended. Filed May 2, 1997; effective May 22, 1997.

Rules [391-2-4-.08](#), [391-4-2-.10](#), [.11](#), .26, .48 have been amended; .18 has been adopted; .62 has been repealed; .70, .71 have been repealed and new Rules adopted. Filed June 2, 1997; effective June 22, 1997.

Rules [391-3-1-.01](#) to [.03](#), [.13](#); [391-3-20-.01](#), [.03](#) to [.07](#), [.09](#) to [.12](#), .16 to .19, .21 have been amended. Filed June 3, 1997; effective June 23, 1997.

Grant [391-3-21-.05](#) submitted June 30, 1997.

Rules [391-3-4-.04](#) to [.07](#), [.13](#) have been amended. Filed July 31, 1997; effective August 20, 1997.

Rules [391-4-2-.49](#), [.52](#), [.55](#) to [.58](#) have been amended. Filed August 27, 1997; effective September 16, 1997.

Rules [391-3-5-.02](#), [.04](#) to [.07](#), [.09](#), [.10](#), [.14](#), [.17](#) to [.25](#), [.27](#) to [.29](#), [.39](#) have been amended. Filed September 26, 1997; effective October 16, 1997.

Grant 391-2-5 entitled "Coastal Incentive Grant Program" submitted October 1, 1997.

Grants [391-3-21-.01](#), .02 submitted October 2, 1997.

Emergency Rule 391-3-20-0.36-.04, [.09](#) was filed on October 17, 1997, having become effective on October 15, 1997, the date of adoption, to remain in effect for 120 days or until the effective date of a Permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. Said Emergency Rule was adopted to make more test

stations available for testing vehicle emissions. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 391-4-9-0.37-.03, [.05](#) was filed on November 3, 1997, having become effective on October 29, 1997, the date of adoption, to remain in effect for 120 days or until the effective date of a Permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. Said Emergency Rule was adopted to immediately protect human health threatened through the exhibition, display, possession and transportation of certain rabies vector wildlife species. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule [391-2-4-.08](#) has been amended. Filed December 3, 1997; effective December 23, 1997.

Chapter 391-3-11 has been amended. Filed December 4, 1997; effective December 24, 1997.

Emergency Rule 391-3-20-0.38-.01, [.04](#), [.05](#), [.09](#) was filed on December 5, 1997, having become effective on December 3, 1997, the date of adoption, to remain in effect for 120 days or until the effective date of a Permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. Said Emergency Rule was adopted to make more test stations available for testing vehicle emissions. (This Emergency Rule will not be published; copies may be obtained from the Agency.) Rules [391-3-1-.01](#) to [.03](#); [391-3-20-.01](#), [.17](#); [391-3-22-.06](#), [.08](#) have been amended. Filed December 5, 1997; effective December 25, 1997.

Grant [391-3-21-.04](#) submitted February 2, 1998.

Grant [391-3-21-.07](#) submitted February 3, 1998.

Chapter 391-3-.10 has been repealed; Rules [391-3-20-.01](#) to [.05](#), [.07](#) to [.15](#), [.17](#) have been amended. Filed March 27, 1998; effective April 16, 1998.

Rules [391-4-9-.03](#), [.04](#) have been amended. Filed April 24, 1998; effective May 14, 1998.

Chapter 391-4-7 entitled "Protected Wildlife Habitats" has been adopted. Filed April 30, 1998; effective May 20, 1998.

Rules [391-4-2-.10](#), [.11](#), [.26](#), [.27](#), [.48](#), [.64](#), [391-4-13-.02](#) have been amended. Rules [391-4-2-.70](#), [.71](#) have been repealed and new Rules adopted. Filed May 21, 1998; effective June 10, 1998.

Chapter 391-1-3 entitled "Public Participation in Enforcement of Environmental Statutes" has been adopted. Rule [391-3-6-.01](#) has been amended. Filed May 22, 1998; effective June 11, 1998.

Rules [391-3-1-.01](#) to [.03](#), [391-3-22-.01](#) to [.09](#), [.11](#) have been amended. Filed May 26, 1998; effective June 15, 1998.

Emergency Rule 391-1-2-0.39 was filed on June 25, 1998, having become effective on June 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a

permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. Said Emergency Rule was adopted to prevent imminent peril to the public health, safety and welfare by making the administrative process for the removal of drunken vessel operators on the waters of this state effective and lawful. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Chapter 391-3-24 has been repealed and a new Chapter adopted. Filed June 26, 1998; effective July 16, 1998.

Grant [391-3-21-.05](#) submitted July 17, 1998.

Chapters 391-1-1 and 391-1-2 have been repealed and new Chapters adopted. Rules [391-3-20-.04](#), [.09](#), [.13](#), [391-4-2-.46](#), [.49](#), [.52](#), [.55](#), [.56](#), [.57](#), [.58](#), [391-5-8-.01](#), [.03](#), [391-5-9-.01](#), [.02](#), [391-5-10-.01](#), [.03](#) and [391-5-11-.01](#) have been amended. Filed August 27, 1998; effective September 16, 1998.

Rules [391-4-3-.03](#), [.06](#), [.09](#), [.14](#) have been repealed and new Rules adopted; [.05](#), [.07](#), [.13](#) have been amended and [.15](#) has been adopted. Filed September 3, 1998; effective September 23, 1998.

Grant 391-2-5 submitted September 14, 1998.

Grant [391-5-13-.04](#) submitted September 24, 1998.

Rules [391-2-4-.09](#), [.10](#) and [391-4-2-.73](#) have been adopted. Filed September 24, 1998; effective October 14, 1998.

Rules [391-3-8-.02](#) to [.05](#), [.08](#) to [.11](#) have been amended; [.12](#), [.13](#) have been repealed. Filed October 5, 1998; effective October 25, 1998.

Grants [391-3-21-.01](#), [.02](#), [.07](#), [.08](#) submitted October 20, 1998.

Rules [391-2-4-.04](#), [391-3-20-.01](#), [.17](#), [.21](#) have been amended.

Chapter 391-3-25 entitled "Low Emission Vehicle Certification" has been adopted. Filed October 23, 1998; effective November 12, 1998.

Grant [391-3-21-.04](#) submitted November 3, 1998.

Rules [391-3-6-.03](#), [.06](#) have been amended. Filed November 3, 1998; effective November 23, 1998.

Rule [391-2-2-.03](#) has been adopted. Filed December 2, 1998; effective December 22, 1998.

Chapter 391-3-11 has been amended. Filed December 3, 1998; effective December 23, 1998.

Grant [391-3-21-.04](#) submitted December 7, 1998.

Emergency Rule 391-3-27-0.40 entitled "Rules for Year 2000 Readiness of Environmental Facilities" was filed on May 3, 1999, having become effective on April 30, 1999, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. Said Emergency Rule was adopted "to establish the procedures required for the administration and implementation of O.C.G.A. [50-32-1](#)". (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Rules [391-4-2-.11](#), [.26](#), [.47](#), [.48](#) have been amended; [391-4-2-.70](#), [.71](#), [.72](#), [.201](#) repealed and new Rules adopted and [391-4-2-.73](#) repealed. Filed April 30, 1999; effective May 20, 1999.

Rule [391-5-1-.03](#) has been amended. Filed May 14, 1999; effective June 3, 1999.

Rule [391-3-6-.20](#) has been adopted. Filed June 16, 1999; effective July 6, 1999.

Rules [391-3-1-.01](#), [.02](#), [.03](#), [.13](#), [391-3-20-.01](#), [.05](#), [.21](#) have been amended. Filed June 18, 1999; effective July 8, 1999.

Grant [391-3-21-.05](#) submitted July 9, 1999.

Rule [391-3-19-.03](#) has been amended. Filed August 6, 1999; effective August 26, 1999.

Rules [391-4-2-.46](#), [.49](#), [.52](#), [.55](#) to [.58](#) have been amended. Rule [391-4-2-.51](#) has been repealed and a new Rule adopted. Filed August 26, 1999; effective September 15, 1999.

Chapter 391-3-26 entitled "Commercial Environmental Laboratories" has been adopted. Filed September 3, 1999; effective September 23, 1999.

Rules [391-3-1-.01](#), [.02](#), [.03](#); [391-3-20-.01](#), [.03](#) to [.07](#), [.09](#) to [.16](#), [.18](#), [.21](#), [.22](#); [391-4-3-.03](#), [.09](#), [.13](#), [.14](#) have been amended. Filed September 17, 1999; effective October 7, 1999.

Rules [391-3-5-.02](#), [.04](#), [.14](#), [.26](#), [.33](#), [.40](#), [.41](#) have been amended. Filed September 24, 1999; effective October 14, 1999.

Grant [391-5-13-.04](#) submitted October 1, 1999.

Rule [391-2-4-.04](#) has been amended. Filed October 28, 1999; effective November 17, 1999.

Rules [391-3-11-.01](#) to [.18](#) have been amended. Rule [391-3-11-.19](#) has been repealed. Filed October 27, 2000; effective November 16, 2000.

Rules [391-3-19-.02](#), [.07](#), Appendix I have been amended, Appendix IV has been adopted. Filed November 3, 1999; effective November 23, 1999.

Rule [391-2-4-.11](#) has been adopted. Rules [391-3-20-.06](#), [.09](#), [.11](#) to [.18](#), [.20](#) have been amended. Filed December 2, 1999; effective December 22, 1999.

Grant [391-3-21-.04](#) submitted December 28, 1999.

Rules [391-3-1-.01](#), [.02](#), [.03](#) have been amended. Filed January 27, 2000; effective February 16, 2000.

Rule [391-3-6-.03](#) has been amended. Filed February 7, 2000; effective February 27, 2000.

Rule [391-3-6-.03](#) has been amended. Filed April 12, 2000; effective May 2, 2000.

Grant [391-3-21-.01](#) submitted May 8, 2000.

Rule [391-4-2-.26](#) has been amended. Filed June 1, 2000; effective June 21, 2000.

Rules [391-3-6-.06](#), [.20](#) have been amended. Filed June 26, 2000; effective July 16, 2000.

Grant [391-3-21-.05](#) submitted July 7, 2000.

Rules [391-3-1-.01](#), [.02](#), [.03](#) have been amended. Filed July 27, 2000; effective August 16, 2000.

Chapter 391-1-4 entitled "Georgia Greenspace Program" has been adopted. Filed August 15, 2000; effective September 4, 2000.

Rules [391-4-2-.46](#), [.49](#), [.52](#), [.55](#) to [.58](#) have been amended. Filed August 28, 2000; effective September 17, 2000.

Rules [391-3-5-.02](#), [.04](#), [.09](#), [.12](#), [.14](#), [.15](#), [.17](#), [.18](#), [.20](#), [.24](#), [.30](#), [.32](#), [.39](#), [.40](#), [.42](#) have been amended. Filed September 29, 2000; effective October 19, 2000.

Grant [391-3-21-.04](#) submitted October 5, 2000.

Rules [391-4-3-.06](#), [.13](#), [.14](#) have been amended. Filed October 11, 2000; effective October 31, 2000.

Rules [391-3-11-.01](#) to [.18](#) has been amended. Rule [391-3-11-.19](#) has been repealed. Filed October 27, 2000; effective November 16, 2000.

Grant [391-3-21-.09](#) submitted October 30, 2000.

Chapter 391-3-7 has been repealed and a new Chapter adopted. Filed November 2, 2000; effective November 22, 2000. Rules [391-3-1-.01](#), [.02](#), [.03](#), [391-3-20-.01](#), [.03](#), [.04](#), [.05](#), [.07](#), [.08](#), [.09](#), [.11](#), [.12](#), [.13](#), [.15](#), [.17](#), [.18](#), [.19](#), [.21](#), [.22](#) have been amended. Filed December 8, 2000; effective December 28, 2000.

Rule [391-3-7-.05](#) has been amended. Filed December 12, 2000; effective January 1, 2001.

Rule [391-3-6-.21](#) has been adopted. Filed February 8, 2001; effective February 28, 2001.

Rule [391-3-20-.21](#) has been amended. Filed March 1, 2001; effective March 21, 2001.

Grant Chapter 391-1-5 entitled "The Georgia Greenspace Program FY 2001" submitted March 6, 2001.

Grant [391-3-21-.01](#) submitted March 12, 2001.

Rule [391-3-6-.16](#) has been amended. Filed March 30, 2001; effective April 19, 2001.

Rule [391-3-6-.13](#) has been amended. Filed April 3, 2001; effective April 23, 2001.

Rules [391-4-2-.02](#), [.09](#), [.11](#), [.12](#), [.17](#), [.26](#), [.48](#), [.49](#) have been amended. Rules [391-4-2-.04](#), [.10](#), [.13](#), [.14](#), [.64](#), [.70](#), [.71](#), [.72](#) and [391-4-9-.02](#) have been repealed and new Rules adopted. Rules [391-4-2-.05](#) to [.08](#) have been repealed. Filed May 29, 2001; effective June 18, 2001.

Rule [391-3-6-.05](#) has been amended. Filed May 31, 2001; effective June 20, 2001.

Rules [391-3-5-.04](#), [.14](#), [.18](#), [.20](#), [.22](#) to [.27](#), [.30](#), [.32](#), [.41](#) have been amended. Filed June 8, 2001; effective June 28, 2001.

Grant [391-3-21-.05](#) submitted June 26, 2001.

Rules [391-3-1-.01](#), [.02](#), [.03](#), [391-3-20-.01](#), [.03](#) to [.07](#), [.09](#), [.12](#), [.13](#), [.15](#), [.16](#), [.20](#), [.21](#) have been amended. Filed June 28, 2001; effective July 18, 2001.

Rules [391-2-4-.04](#), [391-4-2-.46](#), [.52](#), [.55](#) to [.58](#) have been amended.

Rule [391-4-2-.13](#) has been repealed and a new Rule adopted. Filed August 28, 2001; effective September 17, 2001.

Rule [391-3-6-.20](#) has been amended. Filed September 12, 2001; effective October 2, 2001.

Grant [391-5-13-.05](#) submitted September 19, 2001.

Grant [391-3-21-.04](#) entitled "Section 319(h) Nonpoint Source Implementation

Grant FY1999, FY2000 and FY2001" submitted September 28, 2001.

Grant [391-3-21-.04](#) entitled "Section 319(h) Nonpoint Source Implementation

Grant FY1996, FY1997, FY1998, and FY2002 submitted September 28, 2001.

Rule [391-4-2-.70](#) has been amended. Filed October 1, 2001; effective October 21, 2001.

Rules [391-3-15-.01](#), [.02](#), [.04](#) to [.09](#), [.11](#) to [.13](#) have been amended.

Filed October 9, 2001; effective October 29, 2001.

Rules [391-3-6-.03](#), [.06](#) have been amended. Filed October 26, 2001; effective November 15, 2001.

Chapter 391-1-4 has been amended. Filed November 21, 2001; effective December 11, 2001.

Grant [391-3-21-.01](#) submitted November 28, 2001.

Rules [391-3-1-.01](#), [.02](#), [.03](#), [391-3-20-.01](#), [.04](#), [.05](#), [.07](#), [.09](#), [.10](#), [.11](#), [.13](#), [.15](#), [.17](#), [.22](#), [391-3-25-.01](#), [.02](#), [.03](#), [.05](#) have been amended. Rule [391-3-25-.06](#) has been adopted. Filed December 6, 2001; effective December 26, 2001.

Grant Chapter 391-1-5 submitted January 24, 2002.

Rules [391-3-11-.01](#) to [.18](#) have been amended. Filed February 5, 2002; effective February 25, 2002.

Rules [391-3-17-.01](#) to [.10](#) have been amended. Filed March 29, 2002; effective April 18, 2002.

Rule [391-3-6-.03](#) has been amended. Filed May 10, 2002; effective May 30, 2002.

Rule [391-4-2-.17](#) has been repealed. Rule [391-4-2-.26](#) has been repealed and a new Rule adopted. Rule [391-4-2-.70](#) has been amended. Filed June 4, 2002; effective June 24, 2002.

Rules [391-3-1-.01](#), [.02](#), [.03](#), [391-3-20-.03](#), [.06](#), [.19](#), [.21](#), [391-3-24-.01](#) to [.07](#) have been amended. Filed June 27, 2002; effective July 17, 2002.

Rules [391-3-6-.03](#) and [.13](#) have been amended. Filed July 2, 2002; effective July 22, 2002.

Rules [391-4-2-.46](#), [.52](#), [.55](#) to [.58](#), [391-4-3-.03](#), [.06](#), [.13](#) and [.14](#) have been amended. Rule [391-4-9-.05](#) has been adopted. Filed August 19, 2002; effective September 8, 2002.

Chapter 391-1-4 has been repealed and a new Chapter adopted. Filed December 4, 2002; effective December 24, 2002.

Rule [391-3-6-.03](#) has been amended. Filed December 9, 2002; effective December 29, 2002.

Rules [391-3-1-.01](#), [.02](#), [391-3-5-.02](#), [.04](#), [.06](#), [.09](#), [.10](#), [.14](#), [.15](#), [.17](#), [.18](#), [.20](#), [.21](#), [.27](#), [.30](#), [.32](#), [.33](#), [.40](#), [.41](#), [391-3-11-.01](#) to [.18](#), [391-3-20-.04](#), and [.17](#) have been amended. Filed December 10, 2002; effective December 30, 2002.

Grant [391-5-13-.03](#) submitted December 30, 2002.

Rule [391-3-1-.02](#) has been amended. Filed January 31, 2003; effective February 20, 2003.

Rules [391-3-1-.01](#), [.02](#), and [.03](#) have been amended. Chapter 391-3-29 entitled "Water Well Pump Installers" has been adopted. Filed March 31, 2003; effective April 20, 2003.

Emergency Rule 391-3-1-0.41-.02(2)(bbb)3. has been adopted. Filed April 25, 2003; effective April 23, 2003, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. This Emergency Rule was adopted to provide adequate time for fuel providers to modify their production processes and schedules to avoid supply problems while providing cleaner air sooner, to help support the 2004 emission reductions needed for the ozone attainment plan. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Grant [391-3-21-.04](#) submitted May 29, 2003.

Rules [391-4-2-.10](#), [.26](#), [.47](#), [.48](#), [.49](#), [.64](#), [.201](#), and [391-4-9-.03](#) have been amended.

Rules [391-4-2-.11](#), [.14](#), [.18](#), [.27](#), [.70](#), [.71](#), [.72](#), and [391-4-9-.02](#) have been repealed and new Rules adopted. Rules [391-4-2-.62](#) and [.65](#) have been adopted. Chapter 391-4-15 entitled "Wildlife Violator Compact" has been adopted. Filed May 30, 2003; effective June 29, 2003.

Rules [391-3-17-.01](#) to [.03](#) have been amended. Rule [391-3-17-.05](#) has been repealed and a new Rule adopted. Filed May 30, 2003; effective July 1, 2003, as specified by the Agency.

Rules [391-3-1-.02](#) and [.03](#) have been amended. Filed June 4, 2003; effective June 24, 2003.

Rules [391-3-19-.02](#), [.06](#), and [.07](#) have been amended. Filed July 3, 2003; effective July 23, 2003.

Rules [391-3-6-.20](#) and [.21](#) have been amended. Filed August 26, 2003; effective September 15, 2003.

Rule [391-4-2-.17](#) has been adopted. Rules [391-4-2-.46](#), [.52](#), [.55](#) to [.58](#) have been amended. Filed September 2, 2003; effective September 22, 2003.

Rule [391-4-3-.03](#) has been amended. Filed September 4, 2003; effective September 24, 2003.

Grant Chapter 391-2-5 submitted October 9, 2003.

Chapter 391-5-14 entitled "Georgia State Income Tax Credit Program for Rehabilitated Historic Property" has been adopted. Filed October 9, 2003; effective October 29, 2003.

Rules [391-3-6-.01](#), [391-3-7-.01](#), [.05](#), [.07](#), and [.08](#) have been amended. Rules [391-3-6-.22](#), [391-3-7-.09](#) and [.10](#) have been adopted. Rules [391-3-7-.02](#) to [.04](#) have been repealed.

Filed November 5, 2003; effective November 25, 2003.

Grant [391-3-21-.04](#) submitted November 10, 2003.

Rules [391-3-20-.01](#) and [.17](#) have been amended. Filed December 5, 2003; effective December 25, 2003.

Rule [391-3-7-.01](#) has been amended. Filed December 9, 2003; effective December 29, 2003.

Grant [391-5-13-.02](#) submitted December 23, 2003.

Rule [391-3-6-.23](#) has been adopted. Rules [391-3-11-.01](#) to [.18](#) have been amended. Filed February 2, 2004; effective February 22, 2004.

Grant [391-3-21-.04](#) submitted March 2, 2004.

Chapter 391-3-30 entitled "Outdoor Water Use" has been adopted. Filed June 8, 2004; effective June 28, 2004.

[391-4-2-.62](#) has been amended. Filed July 1, 2004; effective July 21, 2004.

Rules [391-3-1-.02](#) and [.03](#) have been amended. Filed July 8, 2004; effective July 28, 2004.

Grants [391-3-21-.01](#), .02, .07 to .09 terminated July 13, 2004.

Rules [391-4-2-.46](#), [.52](#), [.55](#) to [.58](#) have been amended. Filed August 27, 2004; effective September 16, 2004.

Grant [391-3-21-.10](#) submitted November 5, 2004.

Rule [391-3-6-.14](#) has been amended. Rule [391-3-6-.24](#) has been adopted. Filed November 5, 2004; effective November 25, 2004.

Rules [391-3-1-.01](#), [.02](#), [391-3-7-.01](#), [.05](#), [.08](#), [391-3-11-.01](#) to [.18](#), [391-3-20-.01](#) to [.05](#), [.07](#) to [.13](#), [.15](#) to [.22](#) have been amended. Filed December 20, 2004; effective January 9, 2005.

Rule [391-2-4-.07](#) has been amended. Filed December 20, 2004; effective April 1, 2005, as specified by the Agency.

Rules [391-3-5-.02](#), [.04](#), [.13](#), [.18](#), [.20](#), [.25](#), and [.40](#) have been amended. Filed December 21, 2004; effective January 10, 2005.

Grant [391-3-21-.04](#) submitted March 31, 2005.

Rule [391-5-1-.03](#) has been amended. Filed May 5, 2005; effective May 25, 2005.

Rules [391-4-2-.12](#), [.26](#), [.48](#), [.49](#), [.62](#), and [.64](#) have been amended. Rules [391-4-2-.18](#), [.70](#), and [.71](#) have been repealed and new Rules adopted. Filed June 16, 2005; effective July 6, 2005.

Rules [391-3-1-.01](#) to [.03](#) have been amended. Filed June 30, 2005; effective July 20, 2005.

Rule [391-3-4-.06](#) has been amended. Filed July 8, 2005; effective July 28, 2005.

Rule [391-5-1-.05](#) has been amended. Filed August 9, 2005; effective August 29, 2005.

Rules [391-4-2-.46](#), [.52](#), [.55](#) to [.58](#), [391-4-3-.03](#), and [.05](#) have been amended. Filed August 25, 2005; effective September 14, 2005.

Grant [391-2-5-.01](#) submitted October 24, 2005.

Rule [391-3-6-.03](#) has been amended. Filed November 7, 2005; effective November 27, 2005.

Rule [391-5-9-.08](#) has been adopted. Filed December 9, 2005; effective December 29, 2005.

Rule [391-1-2-.07](#) has been repealed and a new Rule adopted. Rule [391-3-20-.17](#) has been amended. Filed December 21, 2005; effective January 10, 2006.

Rule Chapter 391-3-28 entitled "Flint River Drought Protection" has been adopted. Filed January 20, 2006; effective February 9, 2006.

Grant [391-3-21-.04](#) submitted January 26, 2006.

Rules [391-3-11-.01](#) to [.18](#) have been amended. Filed February 21, 2006; effective March 13, 2006.

Rules [391-3-1-.02](#) and [.03](#) have been amended. Filed March 7, 2006; effective March 27, 2006.

Rule [391-5-1-.04](#) has been amended. Filed March 8, 2006; effective March 28, 2006.

Rules [391-3-1-.02](#) and [.03](#) have been amended. Filed March 30, 2006; effective April 19, 2006.

Rule [391-4-2-.70](#) has been amended. Filed May 26, 2006; effective June 15, 2006.

Rules [391-3-1-.01](#), [.02](#), and [.03](#) have been amended. Rule [391-3-1-.05](#) has been repealed.

Chapter 391-3-28 has been repealed and a new Chapter adopted. Filed June 23, 2006; effective July 13, 2006.

Rule [391-2-4-.11](#) has been amended. Filed July 3, 2006; effective July 23, 2006.

Rule [391-3-1-.03](#) has been amended. Filed July 24, 2006; effective August 13, 2006.

Rules [391-4-2-.46](#), [.52](#), [.55](#) to [.58](#), [391-4-3-.13](#) and [.14](#) have been amended. Filed August 24, 2006; effective September 13, 2006.

Chapter 391-1-6 entitled "Georgia Conservation Tax Credit Program" has been adopted.

Rule [391-4-2-.11](#) has been repealed and a new Rule adopted. Rule [391-4-2-.17](#) has been amended. Filed August 25, 2006; effective September 14, 2006.

Grant [391-5-13-.03](#) submitted September 28, 2006.

Rules [391-4-10-.07](#) and [.09](#) have been repealed and new Rules adopted. Filed October 26, 2006; effective November 15, 2006.

Rule [391-2-4-.04](#) has been amended. Filed December 8, 2006; effective December 28, 2006.

Grants [391-2-5-.01](#) to .18 submitted December 11, 2006.

Rules [391-3-20-.01](#) and [391-3-20-.17 1.](#) have been amended. Filed December 21, 2006; effective January 10, 2007.

Grant [391-3-21-.04](#) submitted February 16, 2007.

Rules [391-3-1-.02](#) and [.03](#) have been amended. Chapter 391-3-29 has been repealed.

Filed February 20, 2007; effective March 12, 2007.

Rule [391-2-3-.02](#) has been adopted. Filed March 6, 2007; effective March 26, 2007.

Rule [391-3-1-.02](#) has been amended. Filed March 14, 2007; effective April 3, 2007.

Rules [391-4-2-.10](#), [.26](#), [.48](#), [.49](#), [.62](#), and [.64](#) have been amended. Rules [391-4-2-.70](#) and [.71](#) have been repealed and new Rules adopted. Filed May 24, 2007; effective June 13, 2007.

Rule [391-3-16-.01](#) has been amended. Filed July 2, 2007; effective July 22, 2007.

Grant [391-5-13-.04](#) submitted July 5, 2007.

Rules [391-3-1-.01](#) to [.03](#) and [391-3-7-.09](#) have been amended. Filed July 5, 2007; effective July 25, 2007.

Rule [391-2-3-.02](#) has been amended. Filed July 25, 2007; effective August 14, 2007.

Rules [391-1-1-.01](#), [.04](#) to [.06](#), [391-1-2-.03](#), [.04](#), [391-2-4-.10](#), [391-4-2-.46](#), [.52](#), [.55](#) to [.58](#) have been amended. Filed August 30, 2007; effective September 19, 2007.

Rule [391-3-20-.21](#) has been amended. Filed September 6, 2007; effective September 26, 2007.

Grants [391-2-5-.01](#) to .18 submitted October 31, 2007.

Rule [391-3-20-.17 1.](#) has been amended. Filed December 7, 2007; effective December 27, 2007.

Rule [391-3-6-.03](#) has been amended. Filed December 14, 2007; effective January 3, 2008.

Rules [391-3-1-.02](#) and [391-3-6-.23](#), and [\(15\)](#) have been amended. Filed February 7, 2008; effective February 27, 2008.

Grant [391-5-13-.02](#) submitted February 25, 2008.

Rules [391-3-15-.02](#), [.05](#) to [.07](#), and [.13](#) have been amended. Filed March 18, 2008; effective April 7, 2008.

Grant [391-5-13-.06](#) submitted April 23, 2008.

Rules [391-3-1-.01](#) and [.02](#) have been amended. Filed May 19, 2008; effective June 8, 2008.

Rules [391-4-2-.47](#) and [.70](#) have been amended. Filed May 29, 2008; effective June 18, 2008.

Grant [391-3-21-.04](#) submitted June 3, 2008.

Rules [391-3-11-.01](#) to [.18](#) have been amended. Filed June 3, 2008; effective June 23, 2008.

Rules [391-3-1-.02](#) and [.03](#) have been amended. Filed August 22, 2008; effective September 11, 2008.

Rules [391-4-2-.46](#), [.47](#), [.52](#), [.55](#) to [.58](#) have been amended. Filed September 2, 2008; effective September 22, 2008.

Rules [391-3-17-.01](#) to [.03](#), [.05](#), and [.06](#) have been amended. Filed October 17, 2008; effective November 6, 2008.

Grants [391-2-5-.01](#) to [.18](#) submitted October 30, 2008.

Rule [391-4-5-.12](#) has been amended. Filed October 30, 2008; effective November 19, 2008.

Rules [391-5-14-.02](#), [.07](#), and [.11](#) have been amended. Filed November 5, 2008; effective November 25, 2008.

Rule [391-3-20-.17](#) has been amended. Filed December 8, 2008; effective December 28, 2008.

Rules [391-3-6-.03](#) and [.13](#) have been amended. Rule [391-3-6-.25](#) has been adopted. Filed January 29, 2009; effective February 18, 2009.

Grant [391-5-13-.06](#) submitted February 11, 2009.

Rule [391-2-4-.04](#) has been amended. Filed February 11, 2009; effective March 3, 2009.

Grant [391-3-21-.10](#) submitted March 23, 2009.

Rules [391-3-1-.01](#), [.02](#), and [.04](#) have been amended. Rule [391-3-2-.16](#) has been adopted.

Chapter 391-3-32 entitled "Regional Water Planning" has been adopted. Filed March 23, 2009; effective April 12, 2009.

Rule [391-5-1.03](#) has been amended. Filed April 29, 2009; effective May 19, 2009.

Rules [391-1-6-.01](#) to [.05](#) have been amended. Filed May 1, 2009; effective May 21, 2009.

Rules [391-3-5-.02](#), [.06](#), [.15](#), [.18](#), [.23](#) to [.25](#), [.29](#), [.32](#), [391-4-2-.10](#), [.26](#), [.48](#), [.49](#), [.62](#), [.64](#), [391-4-3-.09](#), and [391-4-9-.02](#) have been amended. Rules [391-3-5-.52](#) to [.54](#) have been adopted. Rules [391-4-2-.13](#), [391-4-2-.70](#), and [.71](#) have been repealed and new Rules adopted. Chapter 391-3-31 entitled "Rules for Water Conservation Best Management Practices and Certification" has been adopted. Filed May 27, 2009; effective June 16, 2009.

Chapter 391-5-12 has been repealed and a new Chapter adopted. Filed June 24, 2009; effective July 14, 2009.

Rules [391-3-1-.01](#) to [.04](#) have been amended. Filed June 30, 2009; effective July 20, 2009.

Rules [391-3-15-.02](#), [.05](#), and [.13](#) have been amended. Rule [391-3-15-.16](#) has been adopted. Filed August 28, 2009; effective September 17, 2009.

Rules [391-4-2-.13](#) and [391-4-2-.58](#) have been repealed and new Rules adopted. Rules [391-4-2-.46](#), [.52](#), [.55](#) to [.57](#), [.62](#), [.70](#), and [391-4-3-.09](#) have been amended. Filed September 8, 2009; effective September 28, 2009.

Grants [391-2-5-.01](#) to [.18](#) submitted September 23, 2009.

Grants [391-3-21-.11](#) and [.12](#) submitted October 20, 2009.

Rule [391-4-10-.07](#) has been amended. Filed October 22, 2009; effective November 11, 2009.

Rule [391-2-3-.03](#) has been adopted. Filed November 17, 2009; effective December 7, 2009.

Rules [391-3-19-.02](#), [.03](#), [.04](#), [.06](#), [.08](#), Appendices I, II, III, and IV have been amended. Filed November 25, 2009; effective December 15, 2009.

Rule [391-3-1-.02](#) has been amended. Filed November 30, 2009; effective December 20, 2009.

Rule [391-2-3-.04](#) has been adopted. Filed January 29, 2010; effective February 18, 2010.

Rule [391-2-4-.04](#) has been amended. Filed March 25, 2010; effective April 14, 2010.

Grant [391-3-21-.04](#) submitted June 21, 2010.

Rule [391-4-2-.62](#) has been amended. Filed June 7, 2010; effective June 27, 2010.

Rule [391-3-1-.03](#) has been amended. Filed June 21, 2010; effective July 11, 2010.

Grant Chapter 391-2-5 containing [391-2-5-.01](#) to .18 submitted August 27, 2010.

Paragraphs (1) of Rules [391-4-2-.46](#), [391-4-2-.55](#), [391-4-2-.56](#), [391-4-2-.57](#), and [391-4-2-.58](#) have been amended. Paragraphs (1) and (2) of Rule [391-4-2-.47](#) have been amended. Paragraphs (1), (2), (3), (7), and (8) of Rule [391-4-2-.52](#) have been amended. Paragraphs 1(d) and 5 of Rule [391-4-3-.13](#) have been amended. Chapter 391-6-1 has been repealed. Filed September 1, 2010; effective September 21, 2010.

Rules [391-3-1-.01](#), [391-3-1-.02](#), and [391-3-1-.14](#) have been amended. Rule [391-3-1-.15](#) has been adopted. Filed September 16, 2010; effective October 6, 2010.

Rule [391-2-4-.02](#) has been amended. Filed November 4, 2010; effective November 24, 2010.

Grants [391-3-21-.13](#) and .14 submitted November 19, 2010.

Rules [391-3-7-.01](#) and [.05](#) have been amended. Chapter 391-3-24 has been repealed and a new Chapter entitled "Lead-Based Paint Hazard Management" adopted. Filed November 19, 2010; effective December 9, 2010.

Rules [391-3-1-.02](#) and [.03](#) have been amended. Filed December 9, 2010; effective December 29, 2010.

Paragraph (3) of Rule [391-5-1-.03](#) has been amended. Filed December 14, 2010; effective January 3, 2010.

Grant [391-5-13-.07](#) submitted December 15, 2010.

Rules [391-3-6-.08](#) and [.09](#) have been amended. Filed February 2, 2011; effective February 22, 2011.

Rule [391-3-6-.07](#) has been amended. Filed February 15, 2011; effective March 7, 2011.

Rule [391-3-6-.15](#) has been amended. Filed March 3, 2011; effective March 23, 2011.

Rule [391-2-3-.02](#) has been amended. Filed May 5, 2011; effective May 25, 2011.

Grants [391-3-21-.14](#) and .15 submitted May 16, 2011.

Rule [391-3-6-.03](#) has been amended. Filed May 16, 2011; effective June 5, 2011.

Rules [391-4-2-.10](#), [391-4-2-.12](#), [391-4-2-.27](#), [391-4-2-.64](#), [391-4-2-.70](#), [391-4-2-.71](#), [391-4-2-.73](#), [391-4-9-.02](#) repealed and readopted. F. Jun. 1; eff. Jun. 21, 2011.

Rules [391-4-2-.26](#), [391-4-2-.48](#), [391-4-2-.49](#), amended. F. Jun. 1, 2011; eff. Jun. 21, 2011.

Chapter 391-1-8 adopted and Rule [391-4-2-.71](#) repealed and readopted. F. Jun. 29, 2011; eff. Jul. 19, 2011.

Chapters 391-1-7, 391-1-8, [391-4-9-.06](#) adopted. F. Jun. 30, 2011; eff. Jul. 20, 2011.

Rules [391-3-1-.01](#), [.02](#), [.03](#) amended. F. Aug. 24, 2011; eff. Sep. 13, 2011.

Grants Chapter 391-2-5 submitted. Aug. 25, 2011.

Rules [391-4-2-.46](#), [391-4-2-.52](#), [391-4-2-.55](#), [391-4-2-.56](#), [391-4-2-.57](#), [391-4-2-.58](#) amended. F. Aug. 25, 2011; eff. Sep. 14, 2011.

Rule [391-3-6-.02](#) amended. F. Sep. 8, 2011; eff. Sep. 28, 2011.

Chapter 391-4-16 entitled "Fresh-water Turtle Regulations" adopted. F. Jan. 27, 2012; eff. Feb. 16, 2012.

Grants [391-5-13-.04](#) and [391-5-13-.05](#) submitted Feb. 7, 2012.

Rules [391-3-1-.01](#) and [.02](#) amended. F. Feb. 16, 2012; eff. Mar. 7, 2012.

Rules [391-2-3-.03](#), [391-2-3-.05](#) amended. F. Jun. 27, 2012; eff. Jul. 17, 2012.

Grant [391-3-21-.13](#) submitted July 18, 2012.

Rules [391-3-6-.05](#), [391-3-6-.20](#), [391-3-6-.21](#), [391-3-11-.01](#) through [.18](#), [391-3-21-.13](#) amended. F. Jul. 18, 2012; eff. Aug. 7, 2012.

Rules [391-3-1-.01](#), [.02](#), [.03](#) amended. F. Jul. 20, 2012; eff. Aug. 9, 2012.

Rules 391-3-11.01 through [391-3-11-.18](#) amended. F. July 18, 2012; eff. Aug. 7, 2012.

Rules [391-2-6-.01](#), [391-2-7-.01](#) adopted. F. Sep. 4, 2012; eff. Sep. 24, 2012.

Chapter 391-2-5 amended. F. Sep. 4, 2012; eff. Sep. 24, 2012.

Rules [391-4-2-.46](#), [391-4-2-.49](#), [391-4-2-.48](#), [391-4-2-.49](#), [391-4-2-.52](#), [391-4-2-.55](#), [391-4-2-.56](#), [391-4-2-.57](#), [391-4-2-.58](#) amended. F. Sep. 5, 2012; eff. Sep. 25, 2012.

Rules [391-3-1-.02](#) amended. F. Aug. 31, 2012; eff. Sep. 20, 2012.

Rules [391-1-6-.03](#) and [391-1-6-.04](#) amended. F. Nov. 6, 2012; eff. Nov. 26, 2012.

Rules [391-2-4-.01](#), [391-2-4-.12](#), [391-2-4-.13](#), [391-2-4-.14](#), adopted and rules [391-2-4-.02](#), [391-2-4-.04](#), [391-2-4-.06](#) amended. F. Dec. 18, 2012; eff. Jan. 7, 2013.

Rule [391-2-4-.15](#) adopted. F. Jan. 16, 2013; eff. Feb. 5, 2013.

Rule [391-4-6-.06](#) amended. F. Jan. 23, 2013; eff. Feb. 12, 2013.

Rules [391-3-4-.06](#) and [391-3-4-.07](#) amended. F. Feb. 5, 2013; eff. Feb. 25, 2013.

Grant [391-3-21-.15](#) submitted May 2, 2013.

Chapter 391-2-1 repealed. F. May 1, 2013; eff. May 21, 2013.

Rule [391-3-1-.02](#) amended. F. May 2, 2013; eff. May 22, 2013.

Rules [391-3-1-.02](#), [391-3-15-.13](#) amended. F. May 24, 2013; eff. June 13, 2013.

Rule [391-4-9-.07](#) adopted. F. May 28, 2013; eff. June 17, 2013.

Rules [391-4-2-.20](#), [.21](#), [.22](#), [.24](#), [.25](#), [.28](#) through [.32](#), [.40](#), [.41](#), [.43](#), [.44](#), [.45](#), [.53](#), [.54](#), [.66](#), [.67](#), [.68](#) adopted; Rules [391-4-2-.02](#), [.09](#), [.11](#), [.12](#), [.26](#), [.27](#), [.46](#) through [.52](#), [.55](#), [.56](#), [.60](#) through [.65](#), [.70](#), [.71](#), [391-4-9-.02](#) repealed and new rules adopted; Rules [391-4-2-.03](#), [.04](#), [.10](#), [.14](#), [.15](#), [.17](#), [.57](#), [.58](#), [.59](#) repealed. F. June 13, 2013; eff. July 3, 2013.

Rule [391-1-1-.01](#) amended; [391-1-1-.02](#) repealed. F. June 26, 2013; eff. July 16, 2013.

Rules [391-3-1-.01](#), [391-3-1-.02](#), [391-3-1-.03](#), [391-3-1-.12](#) amended. F. July 12, 2013; eff. Aug. 1, 2013.

Rules [391-3-1-.03](#), [391-3-7-.01](#), [391-3-7-.05](#), [391-3-17-.10](#) amended. F. Aug. 16, 2013; eff. Sep. 5, 2013.

Chapter 391-2-5 amended. F. Aug. 27, 2013; eff. Sep. 16, 2013.

Rule [391-4-2-.33](#) adopted; Rules [391-4-3-.03](#), [.05](#), [.06](#) amended; Rules [391-4-2-.43](#), [.44](#), [.45](#), [.47](#) through [.56](#) repealed and new rules adopted. F. Aug. 28, 2013; eff. Sep. 17, 2013.

Grant [391-5-13-.02](#) submitted Sep. 27, 2013.

Rule [391-3-6-.03](#) amended. F. Oct. 2, 2013; eff. Oct. 22, 2013.

Rule [391-2-4-.16](#) adopted; Rules [391-2-4-.01](#) through [.04](#), [391-2-4-.13](#), [391-3-6-.07](#), [391-4-3-.10](#) amended. F. Dec. 13, 2013; eff. Jan. 2, 2014.

Rule [391-4-5-.22](#) adopted; Rule [391-4-5-.05](#) amended. F. Dec. 16, 2013; eff. Jan. 5, 2014.

Rules [391-3-4-.06](#), [391-3-5-.01](#) through [391-3-5-.42](#), [391-3-5-.52](#), [391-3-5-.53](#), [391-3-5-.54](#), [391-3-17-.01](#), [.02](#), [.03](#), [.05](#), [.07](#) amended. F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule [391-2-4-.04](#) amended. F. Feb. 5, 2014; eff. Feb. 25, 2014.

Grant [391-5-13-.02](#) submitted Mar. 31, 2014.

Rule [391-3-1-.02](#) amended. F. Apr. 14, 2014; eff. May 4, 2014.

Chapter 391-3-22 repealed in its entirety, no new chapter adopted. F. Apr. 21, 2014; eff. May 11, 2014.

Rule [391-3-6-.23](#) amended; Rules [391-4-2-.27](#), [391-4-2-.70](#) repealed and new rules adopted; Rules [391-3-20-.01](#), [.03](#), [.04](#), [.05](#) through [.13](#), [.15](#) through [.22](#) amended. F. May 30, 2014; eff. June 19, 2014.

Rules [391-3-4-.01](#), [391-3-4-.16](#) amended. F. June 25, 2014; eff. July 15, 2014.

Rule [391-3-1-.03](#) amended. F. July 30, 2014; eff. Aug. 19, 2014.

Rule [391-4-3-.06](#) amended. F. Aug. 28, 2014; eff. Sep. 17, 2014.

Chapter 391-2-5 amended; Rules [391-4-2-.40](#), [.43](#), [.45](#), [.47](#) through [.54](#), [.56](#) repealed and new rules adopted. F. Sep. 3, 2014; eff. Sep. 23, 2014.

Rules [391-3-1-.01](#), [.02](#), [.03](#), [391-3-19-.03](#) through [.06](#), [.08](#) amended. F. Sep. 24, 2014; eff. Oct. 14, 2014.

Rules [391-4-3-.03](#), [.08](#), [.15](#) amended. F. Apr. 1, 2015; eff. Apr. 21, 2015.

Chapter 391-4-17 entitled "Boating Violator Compact" adopted. F. Apr. 3, 2015; eff. Apr. 23, 2015.

Rules [391-3-28-.01](#) through [.07](#) amended; Rules [391-3-28-.15](#), [.16](#) adopted. F. May 18, 2015; eff. Apr. 3, 2015, as specified by the Agency.

Rules [391-3-11-.01](#), [.02](#), [.05](#), [.07](#) through [.11](#), [.15](#), [.16](#) amended. F. May 18, 2015; eff. June 7, 2015.

Rules [391-4-2-.03](#), [.04](#) adopted; Rules [391-4-2-.11](#), [.21](#), [.22](#), [.24](#), [.27](#), [.28](#), [.40](#), [.51](#), [.52](#), [.66](#), [.67](#), [.70](#), [.71](#) repealed and new rules adopted. F. May 26, 2015; eff. June 15, 2015.

Rule [391-3-1-.03](#) amended. F. June 22, 2015; eff. July 12, 2015.

Rules [391-3-1-.01](#), [.02](#), [.03](#) amended. F. July 14, 2015; eff. Aug. 3, 2015.

Grant [391-3-21-.07](#) submitted July 15, 2015.

Rules [391-3-2-.04](#), [391-3-6-.07](#), [391-3-25-.01](#), [.02](#), [.03](#), [.06](#), and [391-3-30-.01](#) through [.06](#) amended; Rules [391-3-25-.07](#), [391-3-30-.07](#), [.08](#) and Chapter 391-3-33 entitled "Regional Water Planning" adopted. F. July 15, 2015; eff. Aug. 4, 2015.

Grant Chapter 391-2-5 submitted August 26, 2015.

Rules [391-4-2-.43](#), [.45](#), [.47](#) through [.50](#), [.53](#), [.54](#), [.56](#) repealed and new rules adopted. F. Aug. 31, 2015; eff. Sep. 20, 2015.

Grant [391-5-13-.02](#) submitted Sep. 24, 2015.

Rules [391-3-6-.03](#), [.06](#) amended. F. Oct. 2, 2015; eff. Oct. 22, 2015.

Rule [391-3-4-.19](#) amended. F. Oct. 8, 2015; eff. Oct. 28, 2015.

Rule [391-3-1-.02](#) amended. F. Nov. 18, 2015; eff. Dec. 8, 2015.

Rule [391-2-2-.03](#) amended. F. Dec. 7, 2015; eff. Dec. 27, 2015.

Rule [391-2-4-.04](#) amended. F. Dec. 7, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Rule [391-4-2-.70](#) repealed and new rule adopted. F. Dec. 17, 2015; eff. Jan. 6, 2016.

Chapter 391-5-14 entitled "Georgia State Income Tax Credit Program for Rehabilitated Historic Property" repealed and a new Chapter of the same title adopted. F. Jan. 5, 2016; eff. Jan. 25, 2016.

Rule [391-1-8-.07](#) amended. F. Feb. 4, 2016; eff. Feb. 24, 2016.

Rules [391-1-8-.02](#) through [.07](#), correction of non-substantive typographical error in Rule History, title changed from "Definitions" to correct title. Eff. Feb. 24, 2016.

Rules [391-3-5-.02](#), [.06](#), [.09](#), [.18](#), [.23](#), [.24](#), [.27](#), [.33](#), [.41](#), [.52](#) and [.54](#) amended; Rule [391-3-5-.55](#) adopted. F. Feb. 29, 2016; eff. Mar. 20, 2016.

Rules [391-3-7-.01](#), [.05](#) amended; Rule [391-3-7-.11](#) adopted. F. Mar. 31, 2016; eff. Apr. 20, 2016.

Rule [391-3-17-.02](#), correction of non-substantive typographical error in Rule History, original Rule title "Standards for Protection Against Radiation" corrected to "Licensing of Radioactive Material." Eff. May 1, 2016.

Rules [391-3-17-.01](#) through [.06](#) amended; Rule [391-3-17-.12](#) adopted. F. Apr. 11, 2016; eff. May 1, 2016.

Rules [391-3-17-.02](#), [.03](#), [.06](#), [.09](#) amended. F. May 11, 2016; eff. May 31, 2016.

Rules [391-4-2-.40](#), [.43](#), [.45](#), [.47](#) through [.54](#), [.56](#) amended; Rule [391-4-2-.70](#) repealed and new rule adopted. F. May 26, 2016; eff. June 15, 2016.

Rules [391-3-11-.01](#), [.02](#), [.04](#), [.05](#), [.07](#), [.08](#), [.10](#), [.11](#) amended. F. June 2, 2016; eff. June 22, 2016.

Rules [391-3-1-.01](#), [.02](#), [.03](#) amended. F. July 25, 2016; eff. Aug 14, 2016.

Grant [391-3-21-.08](#) submitted July 25, 2016.

Rule [391-3-5-.04](#) amended. F. July 26, 2016; eff. Aug 15, 2016.

Rule [391-4-3-.05](#) amended. F. Sep. 1, 2016; eff. Sep. 21, 2016.

Rule [391-4-2-.70](#) repealed and new rule adopted; Rule [391-4-9-.08](#) adopted. F. Sep. 6, 2016; eff. Sep. 26, 2016.

Grant Chapter 391-2-5 submitted Sep. 6, 2016, title changed to "Coastal Incentive Grant Program Description."

Rules [391-3-4-.04](#), [.06](#) amended. F. Sep. 13, 2016; eff. Oct. 3, 2016.

Rules [391-3-8-.01](#) thru .11 amended. F. Sep. 13, 2016; eff. Oct. 3, 2016.

Grant [391-3-21-.09](#) submitted Sep. 13, 2016.

Rule [391-5-1-.03](#), correction of typographical error, deletion of subparagraph (3)(b)8., in accordance with Rule as amended and published in Official Compilation, f. Dec. 14, 2010; eff. Jan. 3, 2011, as requested by the Agency. Effective September 13, 2016.

Rules [391-3-1-.02](#); [391-3-4-.01](#), [.02](#), [.03](#), [.05](#), [.07](#), [.11](#), [.12](#), [.14](#), .17; [391-3-20-.01](#), [.04](#), [.05](#), [.09](#) amended; Rule [391-3-4-.10](#) adopted. F. Nov. 2, 2016; eff. Nov. 22, 2016.

Rule [391-4-2-.70](#) repealed and new rule adopted. F. Mar. 17, 2017; eff. Apr. 6, 2017.

Rules [391-4-2-.43](#), [.45](#), [.47](#) through [.54](#), [.56](#) repealed and new rules adopted. F. May 1, 2017; eff. May 21, 2017.

Grant [391-5-13-.02](#) submitted May 19, 2017.

Rules [391-3-1-.03](#); [391-3-17-.01](#), [.02](#), [.05](#), [.06](#); [391-5-1-.05](#); [391-5-12-.04](#) amended; Rules [391-4-2-.03](#), [.04](#), [.11](#), [.21](#), [.22](#), [.24](#), [.25](#), [.27](#), [.31](#), [.40](#), [.60](#) through [.68](#), [.70](#), [.71](#), [.201](#); [391-4-9-.02](#) repealed and new rules adopted; Rule [391-4-2-.42](#) adopted; Rule [391-4-2-.72](#) repealed. F. June 1, 2017; eff. June 21, 2017.

Rules [391-3-1-.01](#), [391-3-1-.02\(2\)\(q\)](#), [391-3-1-.02\(4\)](#), (7), (8), (9), [391-3-1-.02\(12\)](#), (13), (14), [391-3-1-.03](#) amended. Note: Rule [391-3-1-.02](#), three amendments filed, one Rule posted with all changes. F. June 30, 2017; eff. July 20, 2017.

Grant [391-5-13-.03](#) submitted June 30, 2017.

Rules [391-4-2-.29](#), [391-4-2-.73](#), [391-4-3-.08](#), [391-4-3-.09](#), [391-4-9-.06](#) repealed and new rules adopted. F. July 13, 2017; eff. Aug. 2, 2017.

Note: Correction of typographical error in Subject 391-3-33 title, "Regional Water Planning" corrected to "Rules for Public Water Systems to Improve Water Supply Efficiency", original title as filed July 15, 2015; effective August 4, 2015. Correction submitted by Agency July 28, 2017. Effective July 28, 2017.

Rules [391-3-11-.01](#), [.02](#), [.04](#), [.05](#), [.07](#), [.08](#), [.09](#), [.10](#), [.11](#), [.16](#), [.17](#), [.18](#) amended. F. Sep 8, 2017; eff. Sep 28, 2017.

Note: Correction of typographical error in Rule [391-3-11-.17](#) History on SOS Rules and Regulations website, error discovered Sep. 2017. In accordance with History as published in *Official Compilation Rules and Regulations of the State of Georgia*, eff. Aug. 7, 2012: "**History. Amended:** F. Dec. 8, 1995; eff. Dec. 28, 1995." deleted. "**History.** Original Rule entitled "Recycled Used Oil Management Standards" adopted. F. Jan. 27, 1994; eff. Feb. 16, 1994."; "**Amended:** F. Dec. 6, 1994; eff. Dec. 26, 1994." and "**Amended:** F. Dec. 8, 1995; eff. Dec. 28, 1995." added. Effective Sep. 28, 2017.

Grant Chapter 391-2-5 submitted Sep. 19, 2017.

Rules [391-3-6-.05](#), [.06](#), [.08](#), [.09](#), [.15](#), [.16](#), [.17](#) amended. F. Oct. 13, 2017; eff. Nov. 2, 2017.

Rules [391-3-15-.01](#) through [.09](#), [.11](#), [.12](#), [.13](#), [.16](#) amended; Rule [391-3-15-.17](#) adopted. F. Oct. 17, 2017; eff. Nov. 6, 2017.

Grant [391-3-21-.15](#) submitted Nov. 10, 2017.

Rule [391-4-3-.10](#) amended. F. Dec. 11, 2017; eff. Dec. 31, 2017.

Rules [391-2-4-.09](#), [.10](#), [.11](#); [391-3-17-.02](#), [.03](#), [.06](#) amended; Rules [391-2-4-.17](#), [391-3-17-.13](#) adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018.

Rule [391-2-4-.04](#) amended. F. Feb. 7, 2018; eff. Mar. 1, 2018, as specified by the Agency.

Rules [391-3-1-.02](#) (paragraphs (2)(iii), (2)(ppp), (2)(www)); [391-3-4-.01](#) through .14, .16 through .19; [391-3-20-.01](#), .03, .04, .05, .07 through .11, .13, .15, .17, .18, .20 amended. F. Mar. 8, 2018; eff. Mar. 28, 2018.

Rule [391-3-6-.03](#) amended. F. Apr. 3, 2018; eff. Apr. 23, 2018.

Note: Correction of typographical error in Rules [391-4-16-.02](#) through [.09](#) on SOS Rules and Regulations website. Original Rules title in History corrected from "Purpose" to title as cited in original filing. Effective Apr. 25, 2018.

Chapter 391-4-16 entitled "Fresh-Water Turtle Regulations" repealed and a new Chapter of the same title adopted. F. Apr. 5, 2018; eff. Apr. 25, 2018.

Rules [391-3-1-.03\(8\), \(10\)](#), [391-3-1-.03\(9\)](#), [391-3-23-.01](#) through [.06](#), [391-3-4-.07](#), [391-4-2-.70](#) amended; Rules [391-3-23-.07](#), [.08](#) repealed; Rules [391-4-2-.43](#), [.45](#), [.47](#) through [.54](#), [.56](#) repealed and new rules adopted. F. May 29, 2018; eff. June 18, 2018.

Rule [391-4-2-.24](#) repealed and new rule adopted. F. June 28, 2018; eff. July 18, 2018.

Rules [391-3-1-.01](#), [.02](#), [.03](#), [.11](#), [.12](#), [391-3-6-.03](#) amended. F. July 3, 2018; eff. July 23, 2018.

Note: Rule [391-3-4-.10](#), correction of non-substantive typographical error in paragraph (11). "*Variances may be granted under Rule [391-3-4-.10](#) which are not less stringent than those found in 40 CFR 257.60 through 257.107.*" corrected to "*(b) Variances may be granted under Rule [391-3-4-.10](#) which are not less stringent than those found in 40 CFR 257.60 through 257.107.*", as requested by the Agency. Effective Aug. 10, 2018.

Grant Chapter 391-2-5 submitted Sep. 4, 2018.

Rule [391-4-2-.70](#) amended. F. Sep. 4, 2018; eff. Sep. 24, 2018.

Rules [391-3-19-.02](#), [.04](#), [.06](#), [.07](#), [.08](#), [.09](#), Appendix III, Appendix IV (title changed to "Standard Adult Lead Model (ALM) for Soil") amended. F. Sep. 5, 2018; eff. Sep. 25, 2018.

Rule [391-3-1-.02](#) amended. F. Oct. 9, 2018; eff. Oct. 29, 2018.

Grant [391-3-21-.15](#) submitted Oct. 29, 2018.

Rules [391-3-1-.02](#), [391-3-5-.06](#), [391-3-16-.01](#), 391-3-17.01 through [.10](#), [.12](#), [.13](#), 391-3-20-.01, [.03](#), [.06](#), [.09](#), [.11](#), [.17](#) amended; Rule [391-4-2-.70](#) repealed and new rule adopted. F. Jan. 28, 2019; eff. Feb. 17, 2019.

Note: Rule [391-3-20-.16](#), correction of typographical error in Rule title on SOS Rules and Regulations website, as requested by the Agency. "*Extensions, Reciprocal Inspections*" corrected to "*Extensions and Reciprocal Inspections. Amended*", as amended by filing May 30, 2014; eff. Jun. 19, 2014. Effective February 7, 2019.

Grants [391-3-21-.07](#), [.09](#) submitted Apr. 18, 2019.

Rule [391-3-1-.03](#) amended. F. Apr. 29, 2019; eff. May 19, 2019.

Rules [391-4-2-.43](#), [.45](#), [.47](#) through [.54](#), [.56](#) repealed and new rules adopted. F. May 9, 2019; eff. May 29, 2019.

Rules [391-4-3-.09](#), [391-4-9-.06](#) repealed and new rules adopted. F. May 22, 2019; eff. June 11, 2019.

Grant [391-5-13-.03](#) submitted May 22, 2019.

Rules [391-4-2-.05](#), [.06](#) adopted; Rules [391-4-2-.02](#), [.11](#), [.20](#), [.22](#), [.24](#), [.25](#), [.27](#), [.60](#), [.61](#), [.62](#), [.64](#), [.65](#), [.66](#), [.67](#), [.70](#), [.71](#), [.73](#), [.201](#) repealed and new rules adopted; Rules [391-4-2-.13](#), [.30](#) repealed. F. June 4, 2019; eff. June 24, 2019.

Rule [391-4-2-.22](#) repealed and new rule adopted. F. June 26, 2019; eff. July 16, 2019.

Grant [391-5-13-.11](#) submitted June 26, 2019.

Rules [391-3-13-.01](#), [.02](#), [.04](#), [.06](#), [.07](#), [.09](#) through [.14](#), [.16](#) amended; Rules [391-3-13-.03](#), [.08](#), [.17](#) repealed. F. July 15, 2019; eff. Aug. 4, 2019.

Rules [391-3-18-.01](#) through [.04](#) amended. F. July 22, 2019; eff. Aug. 11, 2019.

Rule [391-4-2-.24](#) repealed and new rule adopted. F. Aug. 27, 2019; eff. Sep. 16, 2019.

Rules [391-3-1-.01](#), [.02](#), [.03](#) amended. F. Sep. 6, 2019; eff. Sep. 26, 2019.

Grant [391-3-21-.15](#) submitted Sep. 6, 2019.

Note: Rule [391-3-1-.02](#), correction of non-substantive typographical errors in subparagraphs (2)(d), (2)(hh), (2)(rr) as requested by the Agency. Effective Nov. 1, 2019.

Rules [391-3-11-.01](#), [.03](#), [.05](#), [.10](#), [.11](#) amended; Rule [391-3-11-.19](#) adopted. F. Dec. 16, 2019; eff. Jan. 5, 2020.

Rule [391-2-4-.04](#) amended. Rule [391-4-2-.72](#) adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Rule [391-2-4-.18](#) adopted. F. Feb. 17, 2020; eff. Mar. 1, 2020, as specified by the Agency.

Rules [391-3-17-.02](#), [.05](#), [.10](#) amended; Rule [391-3-17-.07](#) amended, new Rule title, no change in Rule text, as specified by Agency. F. Feb. 26, 2020; eff. Mar. 17, 2020.

Grants [391-2-5-.01](#), [.06](#), [.12](#), [.13](#), [.15](#) submitted Mar. 9, 2020.

Rules [391-4-2-.42](#), [.43](#), [.45](#), [.47](#) through [.54](#), [.56](#) repealed and new rules adopted. F. May 1, 2020; eff. May 21, 2020.

Rules [391-3-6-.06](#), [.08](#), [.09](#), [.11](#), [.13](#), [.15](#), [.16](#), [.17](#), [.19](#), [.23](#) amended; Rule 391-3-6-.26 adopted. F. May 13, 2020; eff. June 2, 2020.

Rules [391-4-2-.03](#), [.20](#), [.21](#), [.70](#) repealed and new rules adopted. F. May 27, 2020; eff. June 16, 2020.

Rule [391-3-1-.03](#) amended. F. June 12, 2020; eff. July 2, 2020.

Rule [391-4-2-.70](#) repealed and new rule of same title adopted. F. June 26, 2020; eff. July 16, 2020.

Rules [391-3-1-.01](#), [.02](#), [.03](#) amended. F. July 9, 2020; eff. July 29, 2020.

Grants [391-2-5-.01](#), .06, .12, .13, .15 submitted Aug. 27, 2020.

Rule [391-3-11-.01](#) amended. F. Sep. 15, 2020; eff. Oct. 5, 2020.

Grant [391-3-21-.15](#) submitted Sep. 15, 2020.

Grant 391-3-21-.16 submitted Dec. 29, 2020.

Grants [391-2-5-.08](#), [391-5-13-.03](#) submitted Mar. 22, 2021.

Grants [391-5-13-.04](#) through .07, .10 repealed, submitted Mar. 22, 2021.

Rules [391-1-1-.01](#), [.04](#), [391-5-9-.01](#), [.02](#), [.03](#), [.05](#), [.06](#) amended; Subjects 391-5-8, 391-5-10, 391-5-11, 391-5-14 repealed. F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rules [391-3-17-.01](#) through [.06](#), [.08](#), [.13](#), [391-3-20-.01](#), [.04](#), [.05](#), [.07](#), [.09](#), [.11](#), [391-3-33-.05](#) amended. F. Mar. 24, 2021; eff. Apr. 13, 2021.

Rules [391-3-5-.02](#), [.04](#), [.05](#), [.07](#), [.10](#), [.15](#), [.17](#) through [.25](#), [.27](#), [.29](#), [.30](#), [.32](#), [.33](#), [.52](#) through [.55](#) amended; Rule [391-3-5-.38](#) repealed. F. Apr. 22, 2021; eff. May 12, 2021.

Rules [391-4-2-.43](#), [.45](#), [.47](#) through [.54](#), [.56](#) amended. F. May 6, 2021; eff. May 26, 2021.

Rules [391-4-2-.03](#), [.22](#), [.24](#), [.25](#), [.27](#), [.32](#), [.60](#), [.62](#), [.66](#) through [.68](#), [.70](#) amended; Rule [391-4-2-.65](#) repealed. F. June 7, 2021; eff. June 27, 2021.

Rules [391-2-3-.03](#), [391-4-2-.29](#), .73, [391-4-3-.04](#), [.05](#), .09, .13, .15, [391-4-10-.06](#), .07, [391-5-1-.05](#), .06, .08 amended; Rules [391-4-2-.01](#), [.72](#), [.201](#), [391-4-3-.01](#), [.08](#), [391-4-15-.01](#), [391-4-17-.01](#), Subjects 391-1-4, 391-1-5, and 391-5-7 repealed. F. June 8, 2021; eff. June 28, 2021.

Rules [391-3-1-.03](#), [391-3-4-.01](#) through [.07](#), [.09](#), [.12](#), .16, .19 amended. F. June 10, 2021; eff. June 30, 2021.

Rules [391-3-7-.01](#), [.05](#), [.09](#), [.11](#) amended. F. June 25, 2021; eff. July 15, 2021.

Note: Department 391, correction of titles on Rules and Regulations website due to administrative error, Chapter 391-2 title corrected from "*Environment Protection*" to "*Coastal Resources*" and Subject 391-2-5 title corrected from "*Air Quality Control*" to "*Coastal Incentive Grant Program Description*," as published in the *Official Compilation Rules and Regulations of the State of Georgia*. Corrections request submitted by Agency June 29, 2021. Effective June 29, 2021.

Grants [391-2-5-.01](#), .06, .12, .13, .15 submitted Aug. 26, 2021.

Rule [391-2-4-.11](#) amended; Rule [391-4-3-.16](#) adopted. F. Aug. 26, 2021; eff. Sep. 15, 2021.

Rules [391-3-1-.01](#), [.02](#), amended. F. Oct. 5, 2021; eff. Oct. 25, 2021.

Grant [391-3-21-.15](#) submitted Oct. 13, 2021.

Subjects 391-1-9 entitled "Nondiscrimination in the Provision of Public Services", 391-1-10 entitled "Social Media" adopted. F. Oct. 26, 2021; eff. Nov. 15, 2021.

Rule [391-2-4-.04](#) amended. F. Feb. 1, 2022; eff. Feb. 21, 2022.

Rule [391-3-6-.03](#) amended. F. Feb. 7, 2022; eff. Feb. 27, 2022.

Rules [391-3-24-.03](#), [.06](#), [.07](#) amended. F. Mar. 18, 2022; eff. Apr. 7, 2022.

Rule [391-3-4-.10](#) amended. F. Mar. 22, 2022; eff. Apr. 11, 2022.

Rules [391-3-17-.04](#), [.05](#), [.06](#), [.09](#), [391-3-20-.01](#), [.04](#), [.05](#), [.09](#), [.10](#), [.11](#), [.13](#), .15, .17, .22 amended. F. Mar. 30, 2022; eff. Apr. 19, 2022.

Grant [391-5-13-.02](#) submitted May 3, 2022.

Rules [391-3-7-.01](#), [.05](#), [.11](#) amended, Rule [391-3-7-.04](#) adopted. F. May 10, 2022; eff. May 30, 2022.

Rules [391-4-2-.40](#), [.43](#), [.45](#), [.47](#) through [.54](#), [.56](#) repealed and new rules of same title adopted. F. May 25, 2022; eff. June 14, 2022.

Rule [391-3-1-.03](#) amended. F. June 1, 2022; eff. June 21, 2022.

Rules [391-2-4-.04](#), [391-4-2-.12](#), .31 amended. F. June 22, 2022; eff. July 12, 2022.

Grant 391-3-21-.17 submitted June 29, 2022.

Note: Rule [391-4-2-.53](#), correction of non-substantive typographical errors in paragraph (2), "... four (3) scoters daily;... four (3) eiders daily... and no more than four (3) long-tailed ducks daily." corrected to "... three (3) scoters daily;... three (3) eiders daily... and no more than three (3) long-tailed ducks daily.", as requested by the Agency. Effective July 18, 2022.

Rule [391-3-1-.03](#) amended. F. Aug. 30, 2022; eff. Sep. 19, 2022.

Chapter 391-1. ADMINISTRATION.

Subject 391-1-1. ORGANIZATION AND PUBLIC PARTICIPATION.

Rule 391-1-1-.01. Organization.

- (1) The Board of Natural Resources is a Constitutional Board, empowered by law to establish the general policies to be followed by the Department of Natural Resources.
- (2) The Board appoints and removes (subject to the approval of the Governor) the Commissioner of Natural Resources and the Director of the Environmental Protection Division. The Board sets out the general policy under which the Commissioner supervises, directs, accounts for, organizes, plans, administers and executes all the respective statutory functions of the Department and the Divisions, and under which the Director of the Environmental Protection Division supervises, directs, accounts for, organizes, plans and executes the respective statutory functions of the Environmental Protection Division.
- (3) As organized by the Commissioner, the Department consists of the Commissioner's Office and five operating Divisions: Wildlife Resources; Parks, Recreation and Historic Sites; Coastal Resources; Law Enforcement; and Environmental Protection (created by statute). The directors of the Divisions other than Environmental Protection are appointed by the Commissioner, subject to the approval of the Board.

Cite as Ga. Comp. R. & Regs. R. 391-1-1-.01

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [50-13-3](#).

History. Original Rule entitled "Definitions" adopted. F. Nov. 21, 1972; eff. Dec. 12, 1972, as specified by R. [391-1-1-.07](#).

Repealed: F. Sept. 6, 1973; eff. Sept. 26, 1973.

Amended: New Rule entitled "Organization" adopted. F. July 29, 1982; eff. August 18, 1982.

Amended: F. Jan. 30, 1990; eff. Feb. 19, 1990.

Amended: F. Aug. 27, 1993; eff. Sept. 16, 1993.

Amended: F. June 29, 1994; eff. July 19, 1994.

Repealed: New Rule of same title adopted. F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Aug. 30, 2007; eff. Sept. 19, 2007.

Amended: F. Jun. 26, 2013; eff. July 16, 2013.
Amended: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-1-1-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-1-.02

Authority: O.C.G.A. Secs. [12-2-24](#), [50-13-3](#).

History. Original Rule entitled "General" adopted. F. Nov. 21, 1972; eff. Dec. 12, 1972, as specified by R. [391-1-1-.07](#).

Repealed: F. Sept. 6, 1973; eff. Sept. 26, 1973.

Amended: New Rule entitled "Description and Duties of the Commissioner's Office and the Divisions" adopted. F. July 29, 1982; eff. August 18, 1982.

Amended: F. Jan. 30, 1990; eff. Feb. 19, 1990.

Repealed: New Rule entitled "Description and Duties of the Commissioner's Office and Divisions" adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Amended: F. June 29, 1994; eff. July 19, 1994.

Repealed: New Rule of same title adopted. F. Aug. 27, 1998; eff. Sept. 16, 1998.

Repealed: F. Jun. 26, 2013; eff. July 16, 2013.

Rule 391-1-1-.03. Powers, Duties, Titles, Qualifications, Appointments and Other Matters Pertaining to the Department's Unit of Peace Officers.

- (1) By O.C.G.A. [27-1-16](#) there is established within the Department of Natural Resources a unit of peace officers known as conservation rangers. The Commissioner of Natural Resources appoints such number of conservation rangers of the state at large as are necessary to carry out the law enforcement responsibilities pertaining to the Department.
- (2) A conservation ranger of the state at large appointed by the Commissioner of Natural Resources is an employee of the Department and holds either the title of Conservation Ranger or of Class I Deputy Conservation Ranger, depending upon whether law enforcement duties are primary function of the conservation ranger's employment (Conservation Ranger) or if additional duties, such as that of a park manager, wildlife technician or biologist are the primary functions of the conservation ranger's employment (Class I Deputy Conservation Ranger). However, regardless of their title, Conservation Rangers and Class I Deputy Conservation Rangers are conservation rangers of the state at large.
- (3) By O.C.G.A. § [27-1-17](#) the Board of Natural Resources is also authorized to appoint deputy conservation rangers, however, that authority is delegated by the Board by this rule to the Commissioner of Natural Resources except to the extent set forth in this rule. Deputy conservation rangers appointed by the Commissioner as Class I Deputy Conservation Rangers pursuant to O.C.G.A. § [27-1-16](#) and this delegation are assigned all of the qualifications, powers and duties of conservation rangers of the state at large, shall take the same oath, and shall adhere to all of the laws, rules, policies and guidelines which govern the Department's law enforcement unit. The badge of a Class I Deputy

Conservation Ranger shall be inscribed with the State Seal, the name of the Department, and such other information as may be appropriate.

- (4) The Board of Natural Resources reserves the exclusive power to appoint deputy conservation rangers who are not currently employees of the Department. They will normally either be retired Department employees who were formally conservation rangers or persons, such as marshals of county magistrate courts, who assist the Department's law enforcement unit by enforcing certain aspects of the environmental and wildlife laws such as waste control and hunter safety. Deputy conservation rangers appointed by the Board of Natural Resources must have actual duties relating to the protection of natural resources and post the bond required by O.C.G.A. § [27-1-17\(c\)](#).
- (5) A deputy conservation ranger appointed by the Board of Natural Resources holds the title of Class II Deputy Conservation Ranger and by this rule is assigned by the Board of Natural Resources all of the powers and duties of a conservation ranger. Class II Deputy Conservation Rangers must be certified peace officers pursuant to the requirements of the Peace Officers Standards and Training Council. They shall take the same oath as a conservation ranger and shall adhere to all of the laws, rules, policies and guidelines which govern the Department's law enforcement unit. The badge of a Class II Deputy Conservation Ranger shall be inscribed with the State Seal, the name of the Department, and such other information as may be appropriate.
- (6) Class I and Class II Deputy Conservation Rangers are authorized by the Board of Natural Resources to arrest persons accused of violating any law or regulation which such officers are empowered to enforce by the issuance of a citation pursuant to O.C.G.A. § [27-1-19](#).
- (7) The appointments of all deputy conservation rangers holding that status on the effective date of this rule, regardless of whether their title is Class I Deputy Conservation Ranger or Class II Deputy Conservation Ranger and regardless of whether they were appointed initially by the Board of Natural Resources or by the Commissioner of Natural Resources are hereby ratified.

Cite as Ga. Comp. R. & Regs. R. 391-1-1-.03

Authority: O.C.G.A. Secs. [12-2-24](#), [27-1-4](#), [27-1-17](#), [50-13-3](#).

History. Original Rule entitled "Solid Waste Plans" adopted. F. Nov. 21, 1972; eff. Dec. 12, 1972, as specified by R. [391-1-1-.07](#).

Repealed: F. Sept. 6, 1973; eff. Sept. 26, 1973.

Amended: New Rule entitled "Method of Obtaining Information From, Making Submissions to or Requests of the Department" adopted. F. July 29, 1982; eff. August 18, 1982.

Amended: F. Jan. 30, 1990; eff. Feb. 19, 1990.

Amended: F. Aug. 27, 1993; eff. Sept. 16, 1993.

Amended: F. June 29, 1994; eff. July 19, 1994.

Repealed: New Rule entitled "Powers, Duties, Titles, Qualifications, Appointments and Other Matters Pertaining to the Department's Unit of Peace Officers" adopted. F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-1-.04. Method of Obtaining Information from, Making Submissions to or Requests of the Department.

- (1) General Information concerning the Department's operations may be obtained from 2 Martin Luther King, Jr. Drive, S.E., Suite 1252 East, Atlanta, Georgia 30334-9000.
- (2) More specific requests for information or submissions may be directed as follows:
 - (a) For licenses - fishing and hunting, 2065 U.S. Highway 278, S.E., Social Circle, Georgia 30025.
 - (b) For boat registration - 2065 U.S. Highway 278, S.E., Social Circle, Georgia 30025.
 - (c) For coastal information - One Conservation Way, Suite 300, Brunswick, Georgia 31520-8687.
 - (d) For environmental information - 2 Martin Luther King, Jr. Drive, S.E., Suite 1152 East, Atlanta, Georgia 30334-9000.
 - (e) For state parks and historic sites information - 2600 Highway 155, S.W., Stockbridge, Georgia 30281.
 - (f) For archaeological information - 2610 Highway 155, S.W., Stockbridge, Georgia 30281.
- (3) To request that the name and address of a person or organization be placed on a Division's mailing list maintained for advance notice of its rule-making proceedings pursuant to O.C.G.A. Section [50-13-4](#), a written request shall be mailed to the Director of that Division. The written request shall contain a complete and accurate mailing address of the person or organization to which advance notice is to be mailed. The written request may specify that the person or organization is to receive advanced notice of only the proposed rules or proposed amendments to rules of a specific program or branch of a Division, such as proposed rules or amendments to rules proposed by the Land Protection Branch of the Environmental Protection Division or the Hunting and Fishing Regulations proposed annually by the Wildlife Resources Division.

Cite as Ga. Comp. R. & Regs. R. 391-1-1-.04

Authority: O.C.G.A. §§ [50-13-3](#), [50-13-4](#), [50-13-9](#).

History. Original Rule entitled "Collection and Transportation" adopted. F. Nov. 21, 1972; eff. Dec. 12, 1972, as specified by R. [391-1-1-.07](#).

Repealed: F. Sept. 6, 1973; eff. Sept. 26, 1973.

Amended: New Rule entitled "Procedure to Petition for the Adoption of Rules" adopted. F. Jan. 30, 1990; eff. Feb. 19, 1990.

Repealed: New Rule entitled "Method of Obtaining Information from, Making Submissions to or Requests of the Department" adopted. F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Aug. 30, 2007; eff. Sept. 19, 2007.

Amended: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-1-1-.05. Procedure to Petition for Adoption of Rules.

- (1) Any interested person desiring to petition the Board of Natural Resources requesting the promulgation, amendment or repeal of a rule shall submit three copies of the petition, in writing, to the Commissioner, Department of Natural Resources, 2 Martin Luther King, Jr. Drive, S.E., Suite 1252 East, Atlanta, Georgia 30334-9000. No special form of petition shall be required but the petition shall state fully the rule involved, the reason for the desired change, any parties who it is known will be affected by the change, and any additional facts known to the petitioner which might influence the decision of the Board to initiate or not initiate rulemaking.
- (2) The Board shall act upon the petition as prescribed in O.C.G.A. Section [50-13-9](#).

Cite as Ga. Comp. R. & Regs. R. 391-1-1-.05

Authority: O.C.G.A. Secs. [50-13-9](#), [50-13-11](#).

History. Original Rule entitled "Disposal Operations" adopted. F. Nov. 21, 1972; eff. Dec. 12, 1972, as specified by R. [391-1-1-.07](#).

Repealed: F. Sept. 6, 1973; eff. Sept. 26, 1973.

Amended: New Rule entitled "Procedure for Declaratory Rulings" adopted. F. Jan. 30, 1990; eff. Feb. 19, 1990.

Repealed: New Rule entitled "Procedure to Petition for Adoption of Rules" adopted. F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Aug. 30, 2007; eff. Sept. 19, 2007.

Rule 391-1-1-.06. Procedure for Declaratory Rulings.

- (1) Any person wishing to file a petition for a declaratory ruling as to the applicability of a statute or rule or order shall submit three copies of the petition, in writing, to the Commissioner, Department of Natural Resources, 2 Martin Luther King, Jr. Drive, S.E., Suite 1252 East, Atlanta, Georgia 30334-9000.
- (2) The petition shall state all the facts, including the names of those parties involved in the fact situation, and shall include a statement of the legal issue sought to be resolved. A declaratory ruling will not be issued on a hypothetical fact situation, and any ruling requested must affect a specific fact situation and specific parties, including the person or persons requesting the ruling. If the parties involved in the fact situation include persons in addition to the person or persons requesting the ruling, the person or persons requesting the ruling shall serve a copy of the petition upon such additional persons by personal delivery or by mail. Service by mail shall be complete upon mailing by first class mail, with proper postage attached, to such person. Every submission shall be accompanied either by an acknowledgment of service from the person served, or his authorized agent for service, or by a certificate of service stating the date, place, and manner of service, and the name and address of the persons served. Any person, including the additional parties served, may seek to participate in a declaratory ruling proceeding in the manner and under the standards provided by O.C.G.A. Section [50-13-14](#).
- (3) The individual or entity within the Department of Natural Resources responsible for enforcing the statute or rule will be assigned the petition for a declaratory ruling and shall

issue a ruling thereon as promptly as possible. In doing so, the individual or entity may seek the opinion of the Attorney General.

- (4) A ruling disposing of a petition for a declaratory ruling shall have the same status as an administrative law judge decision or order in a contested case.

Cite as Ga. Comp. R. & Regs. R. 391-1-1-.06

Authority: O.C.G.A. Sec. [50-13-11](#).

History. Original Rule entitled "Enforcement" adopted. F. Nov. 21, 1972; eff. Dec. 12, 1972, as specified by R. [391-1-1-.07](#).

Repealed: F. Sept. 6, 1973; eff. Sept. 26, 1973.

Amended: New Rule entitled "Procedure for Declaratory Rulings" adopted. F. Aug. 28, 1998; eff. Sept. 16, 1998.

Amended: F. Aug. 30, 2007; eff. Sept. 19, 2007.

Rule 391-1-1-.07. Repeal of Asbestos Licsnsing Board Rules.

The Asbestos Licensing Board was abolished by Act No. 614 of the 1996 Session of the General Assembly (Ga. Laws 1996, Page 238) and certain functions of the Asbestos Licensing Board were transferred by said Act to the Board of Natural Resources. The Board of Natural Resources has enacted its own rules to carry out those transferred functions which rules are found in Chapter 391-3-14. The rules of the Asbestos Licensing Board published by the Secretary of State as Chapters 52-1 through 52-7 of the Official Rules of the State of Georgia are hereby repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-1-.07

Authority: O.C.G.A. Secs. [12-2-4](#), [12-2-24](#).

History. Original Rule entitled "Effective Date" adopted. F. Nov. 21, 1972; eff. Dec. 12, 1972, as specified by R. 391-1-1-.07.

Repealed: F. Sept. 6, 1973; eff. Sept. 26, 1973.

Amended: New Rule entitled "Repeal of Asbestos Licensing Board Rules" adopted. F. Aug. 27, 1998; eff. Sept. 16, 1998.

Subject 391-1-2. PROCEDURES FOR DISPOSITION OF CONTESTED CASES.

Rule 391-1-2-.01. Definitions.

As used in this Chapter, the term:

- (a) "Decision Maker" means the individual or entity within DNR that took or proposed the action to be reviewed under this Chapter. The term Decision Maker includes, without limitation, the CMPC, the Commissioner, the Director and the SAC.
- (b) "ALJ" means an Administration Law Judge appointed by the Board.

- (c) "APA" means the Georgia Administration Procedure Act (O.C.G.A. Title 50, Chapter 13).
- (d) "Board" means the Board of Natural Resources.
- (e) "Clerk" means the Administrative Hearing Clerk.
- (f) "CMPC" means the Coastal Marshlands Protection Committee.
- (g) "Commissioner" means the Commissioner of Natural Resources.
- (h) "CPA" means the Civil Practice Act (O.C.G.A. Title 9, Chapter 11).
- (i) "Director" means the Director of the Environmental Protection Division of DNR.
- (j) "DNR" means the Georgia Department of Natural Resources.
- (k) "SAC" means the Shore Assistance Committee.
- (l) "Attorney General" means the Attorney General of the State of Georgia.
- (m) "Person" means any individual, partnership, firm, corporation, association, or other entity.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.01

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Applicability and Scope of These Rules" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Definitions" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: Filed April 24, 1987; effective May 14, 1987.

Repealed: ER. 391-1-2-0.39-.01 of same title adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER., is adopted, as specified by the Agency.

Repealed: Permanent Rule adopted. F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.02. Applicability and Scope of These Rules.

- (1) The Rules in this Chapter govern all formal hearings in "contested cases," as that term is defined in the APA, which are conducted before an ALJ. An ALJ shall afford a liberal construction of these rules insofar as they are applied to cases wherein petitioners or respondents are unable to be represented by counsel.
- (2) An ALJ shall hear all contested cases arising under the following laws:
 - (a) The Game and Fish Code (O.C.G.A. Title 27).

- (b) The Coastal Marshlands Protection Act of 1970 (O.C.G.A. Title 12, Chapter 5, Article 4, Part 4).
 - (c) The Shore Assistance Act of 1979 (O.C.G.A. Title 12, Chapter 5, Article 4, Part 2).
 - (d) The Oil and Gas and Deep Drilling Act of 1975 (O.C.G.A. Title 12, Chapter 4, Article 2, Part 2).
 - (e) The Georgia Surface Mining Act of 1968 (O.C.G.A. Title 12, Chapter 4, Article 2, Part 3).
 - (f) The Solid Waste Management Act (O.C.G.A. Title 12, Chapter 8 Article 2).
 - (g) The Georgia Air Quality Act of 1978 (O.C.G.A. Title 12, Chapter 9)
 - (h) The Georgia Hazardous Waste Management Act (O.C.G.A. Title 12, Chapter 8, Article 3).
 - (i) The Georgia Water Quality Control Act (O.C.G.A. Title 12, Chapter 5, Article 2).
 - (j) The Ground Water Use Act of 1972 (O.C.G.A. Title 12, Chapter 5, Article 3, Part 2).
 - (k) The Georgia Safe Drinking Water Act of 1977 (O.C.G.A. Title 12, Chapter 5, Article 3, Part 5).
 - (l) The Georgia Safe Dams Act of 1978 (O.C.G.A. Title 12, Chapter 5, Article 5, Part 3).
 - (m) The Erosion and Sedimentation Act of 1975 (O.C.G.A. Title 12, Chapter 7).
 - (n) The Metropolitan River Protection Act (O.C.G.A. Title 12, Chapter 5, Article 5, Part 6).
 - (o) The Georgia Asbestos Safety Act (O.C.G.A. Title 12, Chapter 12).
 - (p) All other laws providing for the Review by an ALJ of any decision, order or action.
- (3) Procedural questions arising at any stage of the proceeding which are not addressed in the APA, any other applicable law or these Rules shall be resolved at the discretion of the ALJ, as justice requires. The ALJ may consult and utilize the CPA and the Uniform Rules for the Superior Courts in the exercise of this discretion.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.02

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Filing and Submission of Documents" adopted. F. July 29, 1982; eff. August 18, 1982.

Repealed: New Rule entitled "Applicability and Scope of These Rules" adopted. F. Mar. 12, 1985; eff. Apr. 1, 1985.

Amended: F. Apr. 24, 1987; eff. May 14, 1987.

Amended: F. Jan. 30, 1990; eff. Feb. 19, 1990.

Amended: ER. 391-1-2-0.39-.02 adopted. F. June 25, 1998; eff. June 24, 1998, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.03. Petitions for Hearing; Time for Filing of Same.

Petitions for hearing in contested cases shall be in writing and shall be filed in the manner and within the time required by applicable law or Rule.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.03

Authority: O.C.G.A. Secs. [50-13-3](#), [50-13-22](#).

History. Original Rule entitled "Computation of Time" adopted. F. July 29, 1982; eff. August 18, 1982.

Repealed: New Rule entitled "Filing and Submission of Documents" adopted. F. Mar. 12, 1985; eff. Apr. 1, 1985.

Amended: F. Apr. 24, 1987; eff. May 14, 1987.

Amended: ER. 391-1-2-0.39-.03 entitled "Petitions for Hearing; Time for Filing of Same" adopted. F. June 25, 1998; eff. June 24, 1998, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Aug. 30, 2007; eff. Sept. 19, 2007.

Rule 391-1-2-.04. Filing of Petitions for Hearing.

- (1) An original and three copies of all petitions for hearing in contested cases shall be filed on 8 1/2 by 11 inch paper with the Decision Maker. Submissions shall be deemed filed on the date on which they are received by the Decision Maker, c/o Commissioner of Natural Resources, 2 Martin Luther King, Jr. Drive, S.E., Suite 1252 East, Atlanta, Georgia 30334-9000, or when mailed by first class mail, with proper postage attached, and properly addressed directly to the Decision Maker, whichever date comes first. The petitioner shall simultaneously serve a copy of such petition by certified mail or personal service upon the Attorney General, and, if applicable, upon the persons or entity to whom the permit or license was issued.
- (2) The office hours of the Decision Maker shall be 8:00 a.m. to 4:30 p.m., Monday through Friday, except State legal holidays.
- (3) All submissions shall meet the applicable requirements of the OSAH Rules, Chapter 616-1-2, and of Rule [391-1-2-.06](#) below.
- (4) Failure to comply with this Rule or any other requirement of this Chapter relating to form or content of submissions to be filed may result in the non-complying portions of the submission being excluded from consideration. If the Decision Maker or the Attorney General determines that a submission fails to meet any requirement of this Chapter, the

Decision Maker may return the submission by mail together with a reference to the applicable Rule(s). A party whose submission has been returned shall have 10 days from the date the submission is mailed back by the Decision Maker within which to conform the submission to the applicable Rule(s) and refile it with the Decision Maker.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.04

Authority: O.C.G.A. Secs. [50-13-3](#), [50-13-22](#).

History. Original Rule entitled "Extension of Time" adopted. F. July 29, 1982; eff. August 18, 1982.

Repealed: New Rule entitled "Computation of Time" adopted. F. Mar. 12, 1985; eff. Apr. 1, 1985.

Amended: ER. 391-1-2-0.39-.04 entitled "Filing of Petitions for Hearing" adopted. F. June 25, 1998; eff. June 24, 1998, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Aug. 30, 2007; eff. Sept. 19, 2007.

Rule 391-1-2-.05. Content of Petitions for Hearing.

- (1) A petition for hearing on the grant or denial of a permit or license shall contain:
 - (a) A copy of the license or permit of which review is sought.
 - (b) A statement of the legal authority and jurisdiction under which a hearing is requested;
 - (c) A short and plain statement of the factual matters asserted;
 - (d) A statement of each specific section (including subsection and paragraph if applicable) of the laws or rules involved in any questions of law;
 - (e) The name and current mailing address of the petitioner's counsel;
 - (f) A short and plain statement of the nature of the petitioner's interest in the matter;
 - (g) In cases contesting the issuance of a license or permit, those suggested permit conditions or limitations which the petitioner believes required to implement the provisions of the law under which the permit or license was issued; and
 - (h) In cases contesting conditions, limitations or requirements placed on the issuance of a license or permit, specific reference to the conditions, limitations or requirements contested, as well as suggested revised or alternative permit conditions, limitations or requirements which the petitioner believes required to implement the provisions of the law under which the permit or license was issued.
- (2) A petition for a hearing on an order requiring or imposing administrative enforcement relief or the revocation, suspension, amendment, modification or non-renewal of a permit or license shall contain:

- (a) A copy of the notice or order for which review is sought;
 - (b) A statement of the legal authority and jurisdiction under which a hearing is requested; and
 - (c) A reply to the allegations set forth in the order which reply shall address all the factual allegations set forth in the order.
- (3) For hearings on the revocation of the privilege of operating a vessel pursuant to O.C.G.A. § [52-7-12.5\(e\)](#), the following information must be included:
- (a) The petitioner's full name, current address, driver's license or Social Security number, date of birth and telephone number at which the petitioner can be reached between the hours of 8:00 a.m. and 4:30 p.m.;
 - (b) The name and address of all interested parties who may testify;
 - (c) A clear and concise statement of the facts upon which the contested case arises;
 - (d) A statement setting forth the relief sought; and
 - (e) If represented by counsel, the name, address, and phone number of that counsel.
- (4) A petition for a hearing on any action not covered in Paragraphs (1) through (2) above shall contain the information required to be included in petitions for hearing by subparagraphs (a) through (f) of paragraph (1) above.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.05

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Requests for Hearing" adopted. F. July 29, 1982; eff. August 18, 1982.

Repealed: New Rule entitled "Changes of Time" adopted. F. Mar. 12, 1985; eff. Apr. 1, 1985.

Amended: ER. 391-1-2-0.39-.05 entitled "Content of Petitions for Hearing" adopted. F. June 25, 1998; eff. June 24, 1998, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.06. Referral of Petitions for Hearing to Office of State Administrative Hearings.

Upon receipt of a timely petition for hearing, the Decision Maker shall forward the original and two copies of the petition to the Attorney General along with a request that an OSAH Form 1 be prepared and transmitted along with the petition for hearing to OSAH. Referral of a petition for hearing to OSAH is not a determination that the petition satisfied Rule [391-1-2-.04\(4\)](#) above or that the petitioner is entitled to a hearing. Rather, referral of a petition for hearing to OSAH shall constitute a request that such issues be decided by the ALJ and a hearing conducted pursuant to state law, if appropriate.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.06

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Responsive Pleadings" adopted. F. July 29, 1982; eff. August 18, 1982.

Repealed: New Rule entitled "Petitions for Hearing and Responsive Pleadings" adopted. F. Mar. 12, 1985; eff. Apr. 1, 1985.

Amended: F. Apr. 24, 1987; eff. May 14, 1987.

Amended: F. Jan. 30, 1990; eff. Feb. 19, 1990.

Amended: ER. 391-1-2-0.39-.06 entitled "Referral of Petitions for Hearing to Office of State Administrative Hearings" adopted. F. June 25, 1998; eff. June 24, 1998, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.07. Stay Pending Final Action.

- (1) Except as otherwise provided by law or regulation concerning a specific type of order or action taken by a Decision Maker, or by paragraphs (2) and (3) of this rule, any order or action of a Decision Maker shall be stayed upon the filing of a petition for review of the order or action pursuant to Rule [391-1-2-.03](#).
- (2) When the filing of the petition is with the Director and by a person to whom the order or action is not directed and when the order or action involves the grant of a permit, permit amendment or variance, the filing shall stay such order or action of the Director only until such time as the hearing has been held and for ten days after the administrative law judge renders his or her decision on the matter. The hearing shall be held and the decision of the administrative law judge shall be rendered not later than 90 days after the date of the filing of the petition. Such period may be extended for a time certain by order of the administrative law judge upon consent of all parties or by order of the administrative law judge for good cause shown for a period not to exceed an additional 60 days.
- (3) The following actions shall not stay the order or action of a Decision Maker.
 - (a) The filing of a petition with the Director by any person to whom such order or action is not directed in any case involving the grant of a permit, permit amendment, or variance by the Director regarding water withdrawal for farm uses under Code Section [12-5-31](#) or Code Section [12-5-105](#).
 - (b) The filing of a petition for hearing contesting any order issued or action taken by the Director pursuant to the Georgia Hazardous Site Response Act, O.C.G.A. § [12-8-90](#), *et seq.* The filing shall not stay any further order or action by the Director, or any obligation imposed by the Georgia Hazardous Site Response Act, O.C.G.A. § [12-8-90](#), *et seq.*, or the rules and regulations promulgated pursuant thereto, Department of Natural Resources Rules Chapter 391-3-19, except as provided in O.C.G.A. § [12-8-97\(f\)](#).

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.07

Authority: O.C.G.A. Secs. [12-9-40](#) *et seq.*, [50-13-22](#).

History. Original Rule entitled "Amendments to Pleadings" adopted. F. July 29, 1982; eff. August 18, 1982.

Repealed: New Rule entitled "Burdens of Persuasion and Going Forward" adopted. F. Mar. 12, 1985; eff. Apr. 1,

1985.

Amended: ER. 391-1-2-0.39-.07 entitled "Stay Pending Final Action" adopted. F. June 25, 1998; eff. June 24, 1998, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Aug. 27, 1998; eff. Sept. 16, 1998.

Repealed: New Rule of same title adopted. F. Dec. 21, 2005; eff. Jan. 10, 2006.

Rule 391-1-2-.08. Final Decision.

A proposed decision by an ALJ shall not be subject to further review by the Department of Natural Resources or the Board and shall become final without expiration of the 30-day review period provided for in the APA.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.08

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Notice of Hearing" adopted. F. July 29, 1982; eff. August 18, 1982.

Repealed: New Rule entitled "Amendments to Pleadings" adopted. F. Mar. 12, 1985; eff. Apr. 1, 1985.

Amended: F. Jan. 30, 1990; eff. Feb. 19, 1990.

Amended: ER. 391-1-2-0.39-.08 entitled "Final Decision" adopted. F. June 25, 1998; eff. June 24, 1998, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.09. Criteria for Review and for Determining Civil Penalties.

In rendering a decision imposing civil penalties, the ALJ shall consider all factors which are relevant including the factors listed below to the extent applicable and not inconsistent with statutory or more specific regulatory provisions.

- (a) The amount of civil penalty necessary to ensure immediate and continued compliance and the extent to which the violator may have profited by failing or delaying to comply;
- (b) The character and degree of impact of the violation or failure on the natural resources of the state, especially any rare or unique natural phenomena;
- (c) The nature of the violator's conduct which resulted in the violation in terms and inadvertence, negligence, recklessness, or knowing intent;
- (d) The conduct of the violator to take promptly, or in failing or refusing to take promptly, all feasible steps or procedures necessary or appropriate to comply or to correct the violation or failure;
- (e) Any prior violations of, or failures by, such person to comply with statutes, rules, regulations, orders, or permits administered, adopted, or issued by a Department of Natural Resources Decision Maker;
- (f) The character and degree of injury to or interference with the reasonable use of property which is caused or threatened to be caused by such violation or failure; and

- (g) The character and degree of injury to or interference with public health and safety which is caused or threatened to be caused by such violation or failure.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.09

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Stay Pending Final Action of Board" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Notice of Hearing" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: Filed April 24, 1987; effective May 14, 1987.

Repealed: ER. 391-1-2-0.39-.09 entitled "Criteria for Review and for Determining Civil Penalties" adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: Permanent Rule adopted. F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.10

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "*Ex Parte* Communication" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Stay Pending Final Action" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: F. Jan. 30, 1990; eff. Feb. 19, 1990.

Amended: ER. 391-1-2-0.39-.10 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.11

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Filing and Service" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and new Rule entitled "Ex Parte Communications" adopted. Filed March 13, 1985; effective April 1, 1985.

Amended: ER. 391-1-2-0.39-.011 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER., is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.12

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Consolation and Severance" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Service" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: ER. 391-1-2-.039 -.12 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this

ER., is adopted, as specified by the Agency.
Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.13

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Substitution of Parties; Intervention" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Consolidation and Severance" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: ER. 391-1-2-0.39-.13 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER., is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.14

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Prehearing Conferences" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Substitution of Parties; Intervention" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: ER. 391-1-2-0.39-.14 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER., is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.15

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Summary Determination" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Prehearing Conferences" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: Filed April 24, 1987; effective May 14, 1987.

Amended: F. Jan. 30, 1990; eff. Feb. 19, 1990.

Amended: ER. 391-1-2-0.39-.15 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER., is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.16

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Motions" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Summary Determination" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: Filed April 24, 1987; effective May 14, 1987.

Amended: F. Jan. 30, 1990; eff. Feb. 19, 1990.

Amended: ER. 391-1-2-0.39-.16 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.17

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Withdrawal of Request for Hearing or Settlement" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Motions" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: F. Jan. 30, 1990; eff. Feb. 19, 1990.

Amended: ER. 391-1-2-0.39-.17 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.18

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Evidence; Official Notice" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Withdrawal of Request for Hearing or Settlement" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: ER. 391-1-2-0.39-.18 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.19

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Subpoenas" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Evidence; Official Notice" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: Filed April 24, 1987; effective May 14, 1987.

Amended: F. Jan. 30, 1990; eff. Feb. 19, 1990.

Amended: ER. 391-1-2-0.39-.19 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.20

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Depositions and Interrogatories" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Subpoenas" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: Filed April 24, 1987; effective May 14, 1987.

Amended: ER. 391-1-2-0.39-.20 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.21

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Hearing Procedure" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Depositions and Written Questions to Secure Testimony" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: F. Jan. 30, 1990; eff. Feb. 19, 1990.

Amended: ER. 391-1-2-0.39-.21 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.22

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Record of Hearings" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Nature of Proceedings" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: Filed April 24, 1987; May 14, 1987.

Amended: ER. 391-1-2-0.39-.22 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.23

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Proposed Findings of Fact, Conclusions of Law and Brief" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Hearing Procedure" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: F. Jan. 30 1990; eff. Feb. 19, 1990.

Amended: ER. 391-1-2-0.39-.23 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.24

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Initial Decision" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Record of Hearings" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: Filed April 24, 1987; effective May 14, 1987.

Amended: F. Jan. 30, 1989; eff. Feb. 19, 1990.

Amended: ER. 391-1-2-0.39-.24 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.25. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.25

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Certification of Hearing Record to Board: Closure" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Proposed Findings of Fact, Conclusions of Law and Briefs" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: ER. 391-1-2-0.39-.25 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.26. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.26

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Interlocutory Appeal" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule entitled "Newly Discovered Evidence" adopted. Filed March 12, 1985; effective April 1, 1985.

Amended: ER. 391-1-2-0.39-.26 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.27. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.27

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Closure of Hearing Record" was filed on March 12, 1985; effective April 1, 1985.

Amended: ER. 391-1-2-0.39-.27 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.28. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.28

Authority: O.C.G.A. § Sec. [50-13-22](#).

History. Original Rule entitled "Final Decision" was filed on March 12, 1985; effective April 1, 1985.

Amended: ER. 391-1-2-0.39-.28 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.29. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.29

Authority: O.C.G.A. § Sec. [50-13-22](#).

History. Original Rule entitled "Motions for Reconsideration or Rehearing; Stay of Final Decision" was filed on March 12, 1985; effective April 1, 1985.

Amended: ER. 391-1-2-0.39-.29 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.30. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.30

Authority: O.C.G.A. § Sec. [50-13-22](#).

History. Original Rule entitled "Remands" was filed on March 12, 1985; effective April 1, 1985.

Amended: ER. 391-1-2-0.39-.30 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.31. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.31

Authority: O.C.G.A. § Sec. [50-13-22](#).

History. Original Rule entitled "Standing" was filed on March 12, 1985; effective April 1, 1985.

Amended: Filed April 24, 1987; effective May 14, 1987.

Amended: ER. 391-1-2-0.39-.31 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this

ER, is adopted, as specified by the Agency.
Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.32. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.32

Authority: O.C.G.A. Sec. § [50-13-22](#).

History. Original Rule entitled "Default" was filed on March 12, 1985; effective April 1, 1985.

Amended: ER. 391-1-2-0.39-.32 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.33. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.33

Authority: O.C.G.A. § Sec. [50-13-22](#).

History. Original Rule entitled "Emergency and Expedited Proceedings" was filed on March 12, 1985; effective April 1, 1985.

Amended: ER. 391-1-2-0.39-.33 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.34. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.34

Authority: O.C.G.A. § Sec. [50-13-22](#).

History. Original Rule entitled "Recusal of ALJ" was filed on March 12, 1985; effective April 1, 1985.

Amended: ER. 391-1-2-0.39-.34 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.35. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.35

Authority: O.C.G.A. § Sec. [50-13-22](#).

History. Original Rule entitled "Certification of Record for Review" was filed on March 12, 1985; effective April 1, 1985.

Amended: Rule repealed and a new Rule entitled "Judicial Review" adopted. Filed April 24, 1987; effective May 14, 1987.

Amended: ER. 391-1-2-0.39-.35 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.36. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.36

Authority: O.C.G.A. § Sec. [50-13-22](#).

History. Original Rule entitled "Appearance by Attorneys; Signing of Pleadings" was filed on April 24, 1987; effective May 14, 1987.

Amended: ER. 391-1-2-0.39-.36 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Rule 391-1-2-.37. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-2-.37

Authority: O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Criteria for Administrative Enforcement Relief and License or Permit Grant, Denial, Revocation, Suspension, Amendment, Modification or Non-Renewal and for Determining Civil Penalties" was f. Jan. 30, 1990; eff. Feb. 19, 1990.

Amended: ER. 391-1-2-0.39-.37 adopted. F. Jun. 25, 1998; eff. Jun. 24, 1998, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, is adopted, as specified by the Agency.

Repealed: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Subject 391-1-3. PUBLIC PARTICIPATION IN ENFORCEMENT OF ENVIRONMENTAL STATUTES.

Rule 391-1-3-.01. Public Participation In Enforcement of Environmental Statutes.

- (1) The Environmental Protection Division shall issue notices of proposed or final administrative orders and proposed or final administrative consent orders as required in applicable statutes and rules of this State.
- (2) At the completion of the negotiation process required by O.C.G.A. § [12-2-2\(c\)\(6\)](#) and before executing and issuing any administrative consent order which falls in any of the categories in (a) below, the Environmental Protection Division shall provide notice and opportunity to the public to comment on and provide information regarding the proposed issuance of such orders. This chapter shall not apply to or delay emergency actions as determined by the director of the Environmental Protection Division, nor actions which will immediately address ongoing harmful releases into the environment, nor actions relating to Georgia's Underground Storage Tank Trust Fund disbursements on behalf of that fund's participants.
 - (a) The following categories of administrative consent orders are subject to (2) above:

1. orders for which the director of the Environmental Protection Division believes a release of a regulated substance into the environment may have endangered or may be endangering human health. A regulated substance is one having a human health-based standard adopted by the Board of Natural Resources. The Director may consider such factors as the toxicity of the released substance, the amount and duration of the release and the potential for human exposure to the release.
 2. orders with compliance schedules exceeding one year or orders extending an existing compliance schedule.
 3. a second order issued to the same facility for reasons of noncompliance under the same statute in a twelve month period.
 4. orders for which the person entering into the proposed order requests in writing that notice be issued to the public.
- (b) A thirty-day comment period shall be provided. The notices shall include, at a minimum, the name and location of the facility; the nature of the violation or cause of the order, and information on how to obtain a copy of the proposed order.
- (c) The Environmental Protection Division shall consider all information received during the comment period prior to acting upon the proposed administrative consent order. Such information may consist of, but not be limited to, letters, documents, photos, and videos.
- (3) The Environmental Protection Division shall prepare notices (typically weekly, but at least monthly) which list fully executed administrative orders and fully executed administrative consent orders issued by the director. The notices shall include pertinent information such as the order number, the name and location of the facility, the nature of the violation or cause of the order, the date of issuance and the monetary settlement.
- (4) The notices specified in (1), (2) and (3) above shall consist of posting on the Environmental Protection Division's Internet Web Site and, for orders pertaining to facilities located in counties with populations of less than 10,000 persons, written notice provided to local newspapers and radio stations. Notices shall be mailed to persons requesting such for an annual fee of fifty (\$50) dollars.

Cite as Ga. Comp. R. & Regs. R. 391-1-3-.01

Authority: Ga. L. 1972, pp. 1015, 1051, as amended; Ga. L. 1965, pp. 283, 294, as amended.

History. Original Rule entitled "Administrative Review Committee" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed. Filed March 12, 1985; effective April 1, 1985.

Amended: New Rule entitled "Public Participation in Enforcement of Environmental Statutes" adopted F. May 22, 1998; eff. June 11, 1998.

Rule 391-1-3-.02. Petitions for Hearing: Time for Filing of Same.

- (1) Within 30 days of the mailing of an issued grant or denial of a license, permit, or variance executed by the Environmental Protection Division, or an administrative order or fully executed administrative consent order executed and issued by the Environmental Protection Division, to the person to whom the grant or denial of such license, permit, or variance, or the issuance of such order is directed, any person aggrieved or adversely affected thereby as defined by O.C.G.A. [12-2-2\(c\)\(3\)\(A\)](#) may file a written petition for a hearing with the Environmental Protection Division.
- (2) Within 30 days of the posting, notification to news media, or mailing pursuant to Rule [391-1-3-.01\(4\)](#), of any notice which lists Environmental Protection Division fully executed administrative orders or administrative consent orders pursuant to Rule [391-1-3-.01\(3\)](#), any person other than the person to whom an order is directed, who is aggrieved or adversely affected as defined by O.C.G.A. [12-2-2\(c\)\(3\)\(A\)](#) by an order on the list may file a written petition for a hearing with the director.

Cite as Ga. Comp. R. & Regs. R. 391-1-3-.02

Authority: Ga. L. 1972, pp. 1015, 1051, as amended; Ga. L. 1964, pp. 383, 353, as amended; Ga. L. 1965, pp. 283, 294, as amended. O.C.G.A. Sec. [50-13-22](#).

History. Original Rule entitled "Extension of Time" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed. Filed March 12, 1985; effective April 1, 1985.

Amended: New Rule entitled "Petitions for Hearing: Time for filing of Same" adopted. F. May 22, 1998; eff. June 11, 1998.

Rule 391-1-3-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-3-.03

Authority: Ga. L. 1972, pp. 1015, 1051, as amended; Ga. L. 1964, pp. 383, 353, as amended; Ga. L. 1965, pp. 283, 294, as amended.

History. Original Rule entitled "Ex Parte Communication" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed. Filed March 12, 1985; effective April 1, 1985.

Rule 391-1-3-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-3-.04

Authority: Ga. L. 1972, pp. 1015, 1051, as amended; Ga. L. 1964, pp. 383, 353, as amended; Ga. L. 1964, pp. 283, 294, as amended.

History. Original Rule entitled "Petition for Review of an Initial Decision" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed. Filed March 12, 1985; effective April 1, 1985.

Rule 391-1-3-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-3-.05

Authority: Ga. L. 1972, pp. 1015, 1051, as amended; Ga. L. 1964, pp. 383, 353, as amended; Ga. L. 1965, pp. 283, 294, as amended.

History. Original Rule entitled "Briefs" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed. Filed March 12, 1985; effective April 1, 1985.

Rule 391-1-3-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-3-.06

Authority: Ga. L. 1972, pp. 1015, 1051, as amended; Ga. L. 1964, pp. 383, 353, as amended. Ga. L. 1964, pp. 283, 294, as amended.

History. Original Rule entitled "The Record on Review" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed. Filed March 12, 1985; effective April 1, 1985.

Rule 391-1-3-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-3-.07

Authority: Ga. L. 1972, pp. 1015, 1051, as amended; Ga. L. 1964, pp. 383, 353, as amended; Ga. L. 1964, pp. 283, 294, as amended.

History. Original Rule entitled "Issues of Law" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed. Filed March 12, 1985; effective April 1, 1985.

Rule 391-1-3-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-3-.08

Authority: Ga. L. 1972, pp. 1015, 1051, as amended; Ga. L. 1964, pp. 383, 353, as amended; Ga. L. 1964, pp. 283, 294, as amended.

History. Original Rule entitled "Newly Discovered Evidence" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed. Filed March 12, 1985; effective April 1, 1985.

Rule 391-1-3-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-3-.09

Authority: Ga. L. 1972, pp. 1015, 1051, as amended; Ga. L. 1964, pp. 383, 353, as amended; Ga. L. 1964, pp. 283, 294, as amended.

History. Original Rule entitled "Oral Arguments" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed. Filed March 12, 1985; effective April 1, 1985.

Rule 391-1-3-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-3-.10

Authority: Ga. L. 1972, pp. 1015, 1051, as amended; Ga. L. 1964, pp. 383, 353, as amended; Ga. L. 1964, pp. 283, 294, as amended.

History. Original Rule entitled "Committee Review Process" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed. Filed March 12, 1985; effective April 1, 1985.

Rule 391-1-3-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-3-.11

Authority: Ga. L. 1972, pp. 1015, 1051, as amended; Ga. L. 1964, pp. 383, 353, as amended; Ga. L. 1964, pp. 283, 294, as amended.

History. Original Rule entitled "Final Decision" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed. Filed March 12, 1985; effective April 1, 1985.

Rule 391-1-3-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-3-.12

Authority: Ga. L. 1972, pp. 1015, 1051, as amended; Ga. L. 1964, pp. 383, 353, as amended; Ga. L. 1964, pp. 283, 294, as amended.

History. Original Rule entitled "Rehearings" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed. Filed March 12, 1985; effective April 1, 1985.

Rule 391-1-3-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-1-3-.13

Authority: Ga. L. 1972, pp. 1015, 1051, as amended; Ga. L. 1964, pp. 383, 353, as amended; Ga. L. 1964, pp. 283, 294, as amended.

History. Original Rule entitled "Final Agency Action for Purpose of Judicial Review" was filed on July 29, 1982; effective August 18, 1982.

Amended: Rule repealed. Filed March 12, 1985; effective April 1, 1985.

Subject 391-1-4. [Repealed].

Rule 391-1-4-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.01

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Applicability and Scope of These Rules" adopted. F. Aug. 15, 2000; eff. Sept. 4, 2000.

Amended: F. Nov. 21, 2001; eff. Dec. 11, 2001.

Repealed: New Rule of same title adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.02. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.02

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Definitions" adopted. F. Aug. 15, 2000; eff. Sept. 4, 2000.

Amended: F. Nov. 21, 2001; eff. Dec. 11, 2001.

Repealed: New Rule of same title adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.03. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.03

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Program Purpose" adopted. F. Aug. 15, 2000; eff. Sept. 4, 2000.

Amended: F. Nov. 21, 2001; eff. Dec. 11, 2001.

Repealed: New Rule of same title adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.04. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.04

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Calculation of Protected Greenspace" adopted. F. Aug. 15, 2000; eff. Sept. 4, 2000.

Amended: F. Nov. 21, 2001; eff. Dec. 11, 2001.

Repealed: New Rule entitled "Calculation and Allowable Uses of Protected Greenspace" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.05. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.05

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Duties of the Georgia Greenspace Commission" adopted. F. Aug. 15, 2000; eff. Sept. 4, 2000.

Amended: F. Nov. 21, 2001; eff. Dec. 11, 2001.

Repealed: New Rule of same title adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.06. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.06

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Operation of the Georgia Greenspace Fund" adopted. F. Aug. 15, 2000; eff. Sept. 4, 2000.

Amended: F. Nov. 21, 2001; eff. Dec. 11, 2001.

Repealed: New Rule of same title adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.07. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.07

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Establishment and Operation of Community Greenspace Trust Funds" adopted. F. Aug. 15, 2000; eff. Sept. 4, 2000.

Amended: F. Nov. 21, 2001; eff. Dec. 11, 2001.

Repealed: New Rule of same title adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.08. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.08

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Determination and Notification of a Local Government's Eligibility to Apply for Grants from Appropriated Funds" adopted. F. Aug. 15, 2000; eff. Sept. 4, 2000.

Amended: F. Nov. 21, 2001; eff. Dec. 11, 2001.

Repealed: New Rule of same title adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.09. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.09

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Determination and Publication of Annual Amounts of Awards to Be Granted from Appropriated Funds" adopted. F. Aug. 15, 2000; eff. Sept. 4, 2000.

Amended: F. Nov. 21, 2001; eff. Dec. 11, 2001.

Repealed: New Rule of same title adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.10. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.10

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Development, Submittal and Approval of a Community Program Upon a County's First Becoming Eligible to Participate, or Following a Break in Participation" adopted. F. Aug. 15, 2000; eff. Sept. 4, 2000.

Amended: F. Nov. 21, 2001; eff. Dec. 11, 2001.

Repealed: New Rule of same title adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.11. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.11

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Continuation of a Previously Approved Community Program" adopted. F. Aug. 15, 2000; eff. Sept. 4, 2000.

Amended: F. Nov. 21, 2001; eff. Dec. 11, 2001.

Repealed: New Rule of same title adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.12. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.12

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Biennial Progress Report and Disbursement of Appropriated Funds" adopted. F. Aug. 15, 2000; eff. Sept. 4, 2000.

Amended: F. Nov. 21, 2001; eff. Dec. 11, 2001.

Repealed: New Rule of same title adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.13. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.13

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Disbursement of Appropriated Funds Remaining at the End of Fiscal Year 2001" adopted. F. Aug. 15, 2000; eff. Sept. 4, 2000.

Amended: Rule retitled "Disbursement of Appropriated Funds Remaining at the End of a Fiscal Year". F. Nov. 21, 2001; eff. Dec. 11, 2001.

Repealed: New Rule of same title adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.14. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.14

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Determination of Amounts of Awards from Non-Appropriated Funds" adopted. F. Aug. 15, 2000; eff. Sept. 4, 2000.

Amended: F. Nov. 21, 2001; eff. Dec. 11, 2001.

Repealed: New Rule entitled "Audits and Investigations" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.15. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.15

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Audits and Investigations" adopted. F. Aug. 15, 2000; eff. Sept. 4, 2000.

Amended: F. Nov. 21, 2001; eff. Dec. 11, 2001.

Repealed: New Rule entitled "State Matching Contributions on Certain Rivers" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.16. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.16

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "State Matching Contributions on Certain Rivers" adopted. F. Aug. 15, 2000; eff. Sept. 4, 2000.

Amended: F. Nov. 21, 2001; eff. Dec. 11, 2001.

Repealed: New Rule entitled "State's Acceptance and Administration of Property Acquired by Local Governments" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.17. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.17

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "State's Acceptance and Administration of Property Acquired by Local Governments" adopted. F. Aug. 15, 2000; eff. Sept. 4, 2000.

Amended: F. Nov. 21, 2001; eff. Dec. 11, 2001.

Repealed: New Rule entitled "State's Annual Report of Progress" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.18 through 391-1-4-.29. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.18 through 391-1-4-.29

Authority: O.C.G.A. § [12-2-24](#).

History. Rule 391-1-4-.18 through 391-1-4-.29 previously Reserved.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.30. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.30

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Applicability and Scope of These Rules" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.31. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.31

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Definitions" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.32. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.32

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Program Purpose" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.
Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.33. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.33

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Duties of the Georgia Greenspace Commission" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.34. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.34

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Operation of the Supplemental Fund for Matching Grants" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.35. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.35

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Establishment and Operation of Community Greenspace Trust Funds" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.36. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.36

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Determination and Notification of a Local Government's Eligibility to Apply for Grants from Appropriated Funds" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.37. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.37

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Determination of Annual Amount of Grant Funds Available to Be Granted Under the Supplemental Grants for Matching Funds Program" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.38. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.38

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Solicitation of Grant Applications" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.39. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.39

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Determination of Amounts of Awards to Be Granted Under the Supplemental Grants for Matching Funds Program" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.40 through 391-1-4-.49. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.40 through 391-1-4-.49

Authority: O.C.G.A. § [12-2-24](#).

History. Rule 391-1-4-.40 through 391-1-4-.49 previously Reserved.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.50. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.50

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Applicability and Scope of These Rules" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.51. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.51

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Definitions" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.52. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.52

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Program Purpose" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.53. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.53

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Duties of the Georgia Greenspace Commission" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021

Rule 391-1-4-.54. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.54

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Operation of the Discretionary Grant Program" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.55. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.55

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Determination of Amount of Funds Available to Be Granted" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.56. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.56

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Determination and Notification of a Local Government's Eligibility to Apply for a Discretionary Grant" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.57. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.57

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Submittal of a Discretionary Grant Application" adopted. F. Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.58. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.58

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Establishment and Operation of Community Greenspace Trust Funds" adopted. F.

Dec. 4, 2002; eff. Dec. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-4-.59 through 391-1-4-.69. Repealed (Previously Reserved).

Cite as Ga. Comp. R. & Regs. R. 391-1-4-.59 through 391-1-4-.69

Authority: O.C.G.A. § [12-2-24](#).

History. Rule 391-1-4-.59 through 391-1-4-.69 previously Reserved.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Subject 391-1-5. [Repealed].

Rule 391-1-5-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-5-.01

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Historic Preservation" adopted. F. Sept. 30, 1977; eff. Oct. 20, 1977.

Repealed: F. Dec. 22, 1980; eff. Jan. 11, 1981.

Submitted: Original grant description entitled "Name of Grant Program" received Mar. 6, 2001.

Submitted: Jan. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-5-.02. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-5-.02

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Recreation Planning" adopted. F. Sept. 30, 1977; eff. Oct. 20, 1977.

Repealed: F. Dec. 22, 1980; eff. Jan. 11, 1981.

Submitted: Original grant description entitled "Citation to Statutory Authority" received Mar. 6, 2001.

Submitted: Jan. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-5-.03. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-5-.03

Authority: O.C.G.A. § [12-2-24](#).

History. Original grant description entitled "General Scope and Purpose of the Grant Program" submitted Mar. 6, 2001.

Submitted: Jan. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-5-.04. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-5-.04

Authority: O.C.G.A. § [12-2-24](#).

History. Original grant description entitled "Terms and Conditions" submitted Mar. 6, 2001.
Submitted: Jan. 24, 2002
Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-5-.05. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-5-.05

Authority: O.C.G.A. § [12-2-24](#).

History. Original grant description entitled "Eligible Recipients of the Grant" submitted Mar. 6, 2001.

Submitted: Jan. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-5-.06. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-5-.06

Authority: O.C.G.A. § [12-2-24](#).

History. Original grant description entitled "Criteria for the Award of the Grant" submitted Mar. 6, 2001.

Submitted: Jan. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-1-5-.07. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-1-5-.07

Authority: O.C.G.A. § [12-2-24](#).

History. Original grant description entitled "Directions and Deadlines for Applying for Such Grant" submitted Mar. 6, 2001.

Submitted: Jan. 24, 2002.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Subject 391-1-6. GEORGIA CONSERVATION TAX CREDIT PROGRAM.

Rule 391-1-6-.01. Purpose and Scope.

- (1) To provide for state income tax credits with respect to qualified donations of real property for conservation purposes and to provide for authority of the Department of Natural Resources to provide conditions, limitations, and exclusions for the Georgia Conservation Tax Credit Program.
- (2) The Department of Natural Resources shall be the certifying agency by:
 - (a) determining that property donated under this program is a Qualified Donation of Conservation Land; and

- (b) providing an official certification form to the donor of Conservation Land that qualifies the donor for a state income tax credit.

Cite as Ga. Comp. R. & Regs. R. 391-1-6-.01

Authority: O.C.G.A. Secs. [48-7-29.10](#), [48-7-29.12](#).

History. Original Rule entitled "Purpose and Scope" adopted. F. Aug. 25, 2006; eff. Sept. 14, 2006.

Amended: F. May 1, 2009; eff. May 21, 2009.

Rule 391-1-6-.02. The Name of the Program.

The program shall be referred to as the Georgia Conservation Tax Credit Program (GCTCP).

Cite as Ga. Comp. R. & Regs. R. 391-1-6-.02

Authority: O.C.G.A. Secs. [48-7-29.10](#), [48-7-29.12](#).

History. Original Rule entitled "The Name of the Program" adopted. F. Aug. 25, 2006; eff. Sept. 14, 2006.

Amended: F. May 1, 2009; eff. May 21, 2009.

Rule 391-1-6-.03. Definitions.

- (1) "Applicant" means a Georgia taxpayer, either individual, partnership, corporation, professional association, limited liability company, or other entity, who makes or contemplates making a Qualified Donation to a Qualified Organization.
- (2) "Certification" means final determination by the Department that an Applicant has made a Qualified Donation of Conservation Land.
- (3) "Conservation Easement" means a non-possessory interest of a holder in real property as defined in O.C.G.A. § [48-7-29.12\(a\)\(1\)](#).
- (4) "Conservation Land" means Permanently Protected land and water, or interests therein, that is in its undeveloped, natural state and that serves at least two conservation purposes or that has been developed only to the extent consistent with, or is restored to be consistent with at least two Conservation Purposes.
- (5) "Conservation Purpose" is defined in O.C.G.A. § [48-7-29.12\(a\)\(2\)](#). For purposes of the GCTCP and as used in this chapter, the following phrases contained in the definition shall have the following meaning:
 - (a) "Water quality protection for wetlands, rivers, streams, or lakes" means protection of water quality through the conservation of land containing a substantial amount of 100-year floodplain or containing streams, rivers, springs, marshlands, or natural wetlands. Any wetland or natural lake must have a vegetated buffer with a width of at least 100 feet as measured from its edge for that part of the edge within

the applicant's property, which ensures at least 75 percent tree canopy evenly distributed after harvest must be maintained. Buffer requirements for rivers and streams are addressed in Section (10)(d)(iv) of this Rule.

- (b) "Protection of wildlife habitat consistent with state wildlife conservation policies" means protection of wildlife habitat through the conservation of high priority plants, animals, and habitats as defined by Georgia's Comprehensive Wildlife Conservation Strategy dated August 31, 2005, a copy of which can be obtained on the web at www.georgiawildlife.com or from the Wildlife Resources Division of the Department of Natural Resources 2070 U.S. Hwy. 278, SE, Social Circle, GA 30025;
 - (c) "Protection of outdoor recreation consistent with state outdoor recreation policies" means protection of land which is accessible for substantial and regular use by the general public at little or no cost and which provides low-infrastructure natural-resource based outdoor recreation as described in Georgia's current Statewide Comprehensive Outdoor Recreation Plan, a copy of which can be obtained on the web at www.gastateparks.org or from the Georgia State Parks & Historic Sites Division of the Department of Natural Resources at 2 Martin Luther King, Jr. Dr., Suite 1352 East, Atlanta, GA 30334;
 - (d) "Protection of prime agricultural or forestry lands" means protection of prime agricultural and forestry land managed according to current Best Management Practices as defined by the Georgia Soil and Water Conservation Commission and/or the Georgia Forestry Commission. Such properties must consist of a minimum of ten (10) contiguous acres and be used for production of timber products, crops, or livestock;
 - (e) "Protection of cultural sites, heritage corridors, or archeological and historic resources" means protection of land with significant archaeological and/or historic sites, listed in or eligible for the Georgia Register of Historic Places either individually, or as a contributing building or land area within a historic district.
- (6) "Permanent Protection" and "Permanently Protected" mean the protection of land and water resources as defined below:
- (a) Owned by the Federal Government or State of Georgia, or owned by a County, a Municipality, or a consolidated government of this State, and designated and managed for Conservation Purposes. Properties owned by a County, a Municipality, or a consolidated government of the State are also subject to the conditions of Sections 6 (c) and 11 of this Rule but properties owned by the State of Georgia or the Federal Government are not subject to Sections 6(c) and 11;
 - (b) Owned by a Qualified Organization other than the Federal Government, the State of Georgia, a County, a Municipality, or a consolidated government of this State with the following supporting documents:

- (i) A letter from the State, Federal Government, a County, a Municipality, or a consolidated government of this State, stating intent to acquire the tract from the Qualified Organization at a later date and to designate and manage the land in accordance with 6 (a); and
 - (ii) A Resolution from the board of the Qualified Organization stating that the Qualified Donation is being acquired, with the intent to transfer the Qualified Donation to the State, Federal Government, a County, a Municipality, or a consolidated government of this State, for designation and management in accordance with 6 (a), and that the Qualified Organization will manage the Qualified Donation for Conservation Purposes until the Qualified Donation is transferred to the State, Federal Government, a County, a Municipality, or a consolidated government of this State; and
 - (iii) A letter from the landowner stating they are making the Qualified Donation, to the Qualified Organization with the intent that the Qualified Donation will be transferred to the State, Federal Government, a County, a Municipality, or a consolidated government of this State, for designation and management in accordance with 6 (a); or
- (c) Owned by any Individual, entity, or a Qualified Organization other than the State of Georgia or Federal Government, and subject to:
 - (i) A permanent conservation easement where the Department is assured that the language of the conservation easement will protect the conservation values of the land; or
 - (ii) A permanent restrictive covenant as provided in subsection c of Code Section [44-5-60](#);
- (7) "Department" means the Department of Natural Resources.
- (8) "Pre-Certification" means preliminary determination by the Department that an Applicant's proposed Qualified Donation meets the criteria for Conservation Land.
- (9) "Donation" includes a conveyance by full donation, by a discounted sale below Fair Market Value, or by an interest in property which qualifies as a permanent conservation easement
- (10) "Qualified Donation" shall have the meaning set forth in O.C.G.A. § [48-7-29.12\(a\)\(6\)](#). The following types of properties and easements do not have a Conservation Purpose and are specifically not eligible as qualified donations:

- (a) Any real property which is used for or associated with the playing of golf, or other high-infrastructure recreational facility;
- (b) Any real property which is otherwise required to be dedicated open space pursuant to local governmental regulations or ordinances or to increase building density levels; and
- (c) Except as otherwise provided in O.C.G.A. § [48-7-29.12\(d\)\(2\)](#), only one qualified donation may be made on a property that was part of a larger parcel under the same ownership in the prior 5 years.
- (d) Any real property that does not meet the following additional requirements, where applicable, as outlined in O.C.G.A § [48-7-29.12\(c\)](#):
 - i. Subdivision is prohibited for a donated property of less than 500 acres and limited to one subdivision for a donated property of 500 acres or more;
 - ii. New construction on a donated property of structures, roads, impoundments, ditches, dumping, or any other activity that would harm the protected conservation values of such donation is prohibited on such property;
 - iii. New construction on a donated property within 150 feet of any perennial or intermittent stream is prohibited;
 - iv. A buffer of at least 100 feet on each side of any perennial river or stream on the donated property which ensures at least 75 percent tree canopy evenly distributed after harvest must be maintained, and a buffer of at least 50 feet on each side of any intermittent streams on the donated property which ensures at least 75 percent tree canopy evenly distributed after harvest must be maintained. Where the river or stream is also the property boundary, only the side of the river or stream within the property requires the buffer. As used in the preceding sentence, "buffer" means a vegetated buffer;
 - v. Timber and agricultural activities undertaken on the donated property are prohibited unless in accordance with best management practices published by the State Forestry Commission or the Soil and Water Conservation Commission, as the case may be;
 - vi. New construction on the donated property causing more than 1 percent of such property's total surface area to be covered by impervious surfaces is prohibited;
 - vii. Mining on the donated property is prohibited;

- viii. Planting on the donated property of non-native invasive species listed in Category 1, Category 1 Alert, or Category 2 of the "List of Non-Native Invasive Plants in Georgia" developed by the Georgia Exotic Pest Council is prohibited.
- (11) "Qualified Organization" means the federal government, state, a county, a municipality, or a consolidated government of this state with such donated property at least partially within its boundaries; or a bona fide charitable nonprofit organization qualified under the Internal Revenue Code. To be bona fide, a charitable nonprofit organization qualified under the Internal Revenue Code must:
- (a) Be authorized to do business in Georgia and, if required, be currently registered with the Georgia Secretary of State;
 - (b) Be an organization operated primarily or substantially to conserve one or more of the conservation purposes specified in Section 391-1-6-.03(5) (a-e), as evidenced in the organization's mission and articles of corporation and other materials;
 - (c) Have received tax-exempt status as a charity under section 501c(3) of the Internal Revenue Code of 1986 as stated in a Determination Letter provided by the Internal Revenue Service;
 - (d) Meet the requirements of section 1.170A-14(c) of the Treasury Regulations of 1986, and therefore have the power to acquire, hold, or maintain land or interests in land; and
 - (e) Have adopted the Land Trust Alliance's *Land Trust Standards and Practices* (2004), a copy of which can be obtained from www.lta.org, as guidelines for the organization's operations
 - (f) Be accredited by the Land Trust Accreditation Commission (www.landtrustaccreditation.org) beginning on January 1, 2014.

Cite as Ga. Comp. R. & Regs. R. 391-1-6-.03

Authority: O.C.G.A. Secs. [48-7-29.10](#), [48-7-29.12](#).

History. Original Rule entitled "Definitions" adopted. F. Aug. 25, 2006; eff. Sept. 14, 2006.

Amended: F. May 1, 2009; eff. May 21, 2009.

Amended: F. Nov. 6, 2012; eff. Nov. 26, 2012.

Rule 391-1-6-.04. Application for Pre-certification and Certification.

- (1) Application forms for Pre-Certification or Certification may be obtained from the Department. The Applicant shall submit the completed application to the Department

with all attachments necessary to provide sufficient information for review and evaluation.

- (2) The Department shall review all completed Pre-Certification applications and shall make a preliminary determination as to whether or not the proposed donation is a Qualified Donation of Conservation Land. The Applicant shall be notified of this determination by letter within 60 days of receipt of the application. The Department shall reject Pre-Certification applications that are incomplete, incorrect, or do not meet the definition of Conservation Land, including applications where the conservation easement does not provide for Permanent Protection as required in this chapter. If the Department rejected the Pre-Certification application because it was incomplete or incorrect, the Applicant may resubmit the Pre-certification application with revised or corrected information for consideration by the Department.
- (3) Application for Certification of a donation may be made only after:
 - (a) The donor submits a non-refundable application fee of \$5,000; provided however, that the nonrefundable application fee for property donated to the state shall be 1 percent of the total value of the donation, unless such donation is being made to qualify the state for a federal or state grant
 - (b) An appraisal is submitted to the Department and forwarded to the State Properties Commission, which includes:
 1. A certification page, as established by the Uniform Standards of Professional Appraisal Practice, signed by the appraiser; and
 2. An affidavit signed by the appraiser which includes a statement specifying:
 - i. the value of the unencumbered property, the total value of the qualified donation in gross, and an accompanying statement identifying the methods used to determine such values;
 - ii. whether a subdivision analysis was used in the appraisal;
 - iii. whether the landowner or related persons own any other property, the value of which is increased as a result of the donation; and
 - iv. that the appraiser is certified pursuant to Chapter 39 A of Title 43.
 - (c) The property transaction has been completed and recorded by deed or other method to assure Permanent Protection.
- (4) Upon meeting the conditions of Section 3 of this Rule, the Department will proceed with the certification process and shall make a determination as to whether or not the donation is a Qualified Donation of Conservation Land. The Applicant will be notified of this determination, including the reason for rejection, if applicable, by letter within 90 days,

subject to the Department's receipt of the State Properties Commission's (SPC) determination of an approved appraisal. If the Department does not receive SPC's determination of an approved appraisal within the 90 days, then the Department shall issue the determination within 10 days of receiving SPC's approved appraisal. The Department shall reject Certification applications that are incomplete, incorrect, or are not Qualified Donations of Conservation Land, including applications where the conservation easement does not provide for Permanent Protection as required in this chapter. If the Department rejected the Certification application because it was incomplete or incorrect, the Applicant may resubmit the application with revised or corrected information for consideration by the Department.

- (5) A final determination by the Department on a Certification application shall be subject to review and appeal under Chapter 13 of Title 50, the Georgia Administrative Procedure Act. To contest the Department's final determination, an applicant must file a petition for a hearing within thirty (30) calendar days after issuance of notice of the Department's final determination. A petition for hearing must be in writing and must comply with all applicable requirements set forth in Rules [391-1-2-.03](#), [391-1-2-.04](#) and [391-1-2-.05](#). The date upon which a petition for hearing is deemed to be filed with the Department is determined in accordance with Rule [391-1-2-.04](#). The failure of an applicant to file a petition for hearing within thirty (30) calendar days after issuance of notice of the Department's final determination shall operate as a waiver of the applicant's right to contest the determination and the determination shall become the final decision of the Department in accordance with O.C.G.A. § [50-13-19](#).

Cite as Ga. Comp. R. & Regs. R. 391-1-6-.04

Authority: O.C.G.A. Secs. [48-7-29.10](#), [48-7-29.12](#).

History. Original Rule entitled "Application for Pre-Certification and Certification" adopted. F. Aug. 25, 2006; eff. Sept. 14, 2006.

Amended: F. May 1, 2009; eff. May 21, 2009.

Amended: F. Nov. 6, 2012; eff. Nov. 26, 2012.

Rule 391-1-6-.05. Monitoring and Reporting Requirements.

- (1) Holders of Conservation Easements certified under this program shall annually monitor the Conservation Easement to assure that the terms are maintained and shall prepare an annual monitoring report. The Department may request a copy of annual monitoring reports at any time. A Qualified Organization that fails to submit requested annual monitoring reports shall not be eligible to be a Qualified Organization until they are in compliance with this rule.
- (2) The Department shall annually submit to its Board a status report of the GCTCP.

Cite as Ga. Comp. R. & Regs. R. 391-1-6-.05

Authority: O.C.G.A. Secs. [48-7-29.10](#), [48-7-29.12](#).

History. Original Rule entitled "Monitoring and Reporting Requirements" adopted. F. Aug. 25, 2006; eff. Sept. 14,

2006.

Amended: F. May 1, 2009; eff. May 21, 2009.

Subject 391-1-7. REFUND OF FEES.

Rule 391-1-7-.01. Refund of Fees.

- (1) Persons with claims that they should be issued a monetary refund resulting from fees allegedly collected in error or overpayment or to which the Department is not otherwise entitled may submit such claims with the Department, by making, with the applicable Division of the Department, a Request for Refund on forms or in such manner as provided by the Department. No claim shall be considered unless such Request for Refund has been properly submitted within a maximum of two years after the date of the event giving rise to the claim and unless such claim does not exceed \$5,000.00.
- (2) The appropriate Division may request such supporting data, documentation, or information as it deems necessary for evaluation of a particular Request for Refund. The Division shall not take action on a Request for Refund until all supporting documents or information requested by the Division has been submitted by the requestor.
- (3) After reviewing and considering the information submitted by the requestor in support of a Request for Refund, the respective Division Director or his/her designee shall make a determination either to pay (in full or a portion thereof), or reject such claim and shall notify the requestor of the decision and the reasons for it.
- (4) If a determination is made to pay such claim or a portion thereof, the Division Director or his/her designee shall forward the decision to the Department's accounting section for issuance of the payment to the requestor, or shall otherwise pay such claim or a portion thereof using normal accounting methods and procedures approved by the Department.

Cite as Ga. Comp. R. & Regs. R. 391-1-7-.01

Authority: O.C.G.A. Titles 12, 27, and 52; O.C.G.A. §§ [12-2-24](#), [27-1-13](#), and [52-7-5](#).

History. Original Rule entitled "Refund of Fees" adopted. F. Jun. 30, 2011; eff. July 20, 2011.

Subject 391-1-8. PROCEDURES FOR CHANGE OF USE OR CONVEYANCE OF HERITAGE PRESERVES.

Rule 391-1-8-.01. Definitions.

As used in this Chapter, the term:

- (a) "Board" means the Board of Natural Resources.

- (b) "Change of use" means any use of all or part of a Heritage Preserve by a third party that is not part of the Department's management of the Heritage Preserve consistent with its dedicated uses and that either (i) lasts for more than sixty (60) days or (ii) will result in a permanent change to the topography of the Heritage Preserve or (iii) both.
- (c) "Costs of complying with this Chapter" includes but is not limited to travel expenses, room rentals, transcription expenses, Board member per diem and copying charges.
- (d) "Direct interest" means having a real property interest in the Heritage Preserve or having a managerial or operational interest in the Heritage Preserve pursuant to an agreement with the Department.
- (e) "Commissioner" means Commissioner of Natural Resources.
- (f) "Department" means the Georgia Department of Natural Resources.
- (g) "Heritage Preserve" means a parcel or parcels of land to which the state holds fee simple title or a lesser estate that is in the custody of the Department and that has been dedicated as a heritage area by the Governor.
- (h) "Local government" means a municipality or county of this state that desires to acquire fee simple title to a Heritage Preserve.
- (i) "State entity" means a state agency, department or authority with a direct interest in the use of a Heritage Preserve.
- (j) "Third party" means a state agency, department or authority or a private entity, such as a utility company, that does not have a direct interest in the Heritage Preserve.

Cite as Ga. Comp. R. & Regs. R. 391-1-8-.01

Authority: O.C.G.A. Secs. [12-3-74](#), [12-3-76](#).

History. Original Rule entitled "Definitions" adopted. F. Jun. 30, 2011; eff. July 20, 2011.

Rule 391-1-8-.02. Applicability and Scope of these Rules.

- (1) The Rules in this Chapter shall govern all requests to change the dedicated use or uses of all or part of a Heritage Preserve.
- (2) The Rules in this Chapter shall govern all requests by a local government to acquire fee simple title to a Heritage Preserve.

Cite as Ga. Comp. R. & Regs. R. 391-1-8-.02

Authority: O.C.G.A. Secs. [12-3-74](#), [12-3-76](#).

History. Original Rule entitled "Applicability and Scope of these Rules" adopted. F. Jun. 30, 2011; eff. July 20, 2011.

Note: Correction of non-substantive typographical error in **History**, "Original Rule entitled "Definitions" adopted."

corrected to "Original Rule entitled "Applicability and Scope of these Rules" adopted." Eff. Feb. 24, 2016

Rule 391-1-8-.03. Petitions to Request a Change of Use.

- (1) Petitions for a change of use must be in writing and must be submitted in the manner required by Rule [391-1-8-.04](#).
- (2) Only a state entity may submit a petition for a change of use. Any state entity petitioner other than the Department must consult with the Department prior to petitioning for a change of use.
- (3) No third party may petition for a change of use. The Department, in its sole discretion, may file a petition for a change of use on behalf of a third party. The third party must consult with and obtain the support of the Division with operational responsibility for the affected Heritage Preserve and the Department's real estate office prior to requesting the Department file a petition on its behalf.

Cite as Ga. Comp. R. & Regs. R. 391-1-8-.03

Authority: O.C.G.A. Secs. [12-3-74](#), [12-3-76](#).

History. Original Rule entitled "Petitions to Request a Change of Use" adopted. F. Jun. 30, 2011; eff. July 20, 2011.

Note: Correction of non-substantive typographical error in **History**, "Original Rule entitled "Definitions" adopted." corrected to "Original Rule entitled "Petitions to Request a Change of Use" adopted." Eff. Feb. 24, 2016.

Rule 391-1-8-.04. Filing Petitions to Request a Change of Use.

- (1) An original and three copies of all petitions for a change of use must be filed on 8 1/2 by 11 inch paper with the Board. A petition is filed on the date on which it is actually received by the Board.
- (2) A petition must be submitted to the Board, c/o Commissioner, Georgia Department of Natural Resources, 2 Martin Luther King, Jr. Drive, S.E., Suite 1252 East, Atlanta, Georgia 30334-9000 by mail or hand delivery.
- (3) The office hours of the Commissioner are 8:00 a.m. to 4:30 p.m., Monday through Friday, except State legal holidays.
- (4) All petitions must meet the requirements of Rule [391-1-8-.05](#) below.
- (5) A copy of the petition must also be submitted to the Chief of Real Estate, Georgia Department of Natural Resources, 2 Martin Luther King, Jr. Drive, S.E., Suite 1454 East, Atlanta, Georgia 30334-9000.

- (6) The Commissioner may return any petition failing to comply with this Chapter to the petitioner without submitting it to the Board for consideration with a brief statement of why it is being returned.
- (7) A petitioner may resubmit a petition at any time after it is returned as noncompliant by the Commissioner by filing a new petition that meets the requirements of this Chapter.

Cite as Ga. Comp. R. & Regs. R. 391-1-8-.04

Authority: O.C.G.A. Secs. [12-3-74](#), [12-3-76](#).

History. Original Rule entitled "Filing Petitions to Request a Change of Use" adopted. F. Jun. 30, 2011; eff. July 20, 2011.

Note: Correction of non-substantive typographical error in **History**, "Original Rule entitled "Definitions" adopted." corrected to "Original Rule entitled "Filing Petitions to Request a Change of Use" adopted." Eff. Feb. 24, 2016.

Rule 391-1-8-.05. Content of Petitions to Request a Change of Use.

A petition for a change of use shall contain:

- (a) A statement identifying the affected Heritage Preserve;
- (b) A preliminary plat or map that shows the location of the affected Heritage Preserve, including the county(ies) and land lot(s) or district(s) of property and the location of the change of use area within the Heritage Preserve;
- (c) A statement of the acreage that will be affected by the proposed change of use and how the impacted area currently functions within the Heritage Preserve;
- (d) A statement of the purpose of the change of use;
- (e) A statement describing in detail any mitigation that is proposed to offset the impact of the change of use on the Heritage Preserve;
- (f) A statement of why the proposed change of use is an imperative and unavoidable necessity for which no other solution exists;
- (g) The name and current mailing address of the petitioner and the name and telephone number of the petitioner's primary contact person;
- (h) A statement that the petitioner, or the third party working through the Department, will be responsible for all costs of complying with this Chapter; and
- (i) If the petitioner is not the Department, a written statement from the Department regarding its position on the merits of the petition.

Cite as Ga. Comp. R. & Regs. R. 391-1-8-.05

Authority: O.C.G.A. Secs. [12-3-74](#), [12-3-76](#).

History. Original Rule entitled "Content of Petitions to Request a Change of Use" adopted. F. Jun. 30, 2011; eff. July 20, 2011.

Note: Correction of non-substantive typographical error in **History**, "Original Rule entitled "Definitions" adopted." corrected to "Original Rule entitled "Content of Petitions to Request a Change of Use" adopted." Eff. Feb. 24, 2016.

Rule 391-1-8-.06. Processing of Change of Use Petitions.

- (1) Upon receipt of a petition for a change of use, the Commissioner will deliver a copy of the petition to the Board at its next regularly scheduled meeting.
- (2) The Department will schedule public hearings in the county or counties in which the affected portion of the Heritage Preserve is located within ninety (90) days of the filing of the petition.
- (3) Each public hearing will be conducted as follows:
 - (a) The date, time and location of the public hearing will be posted on the Department's web site and at the regular meeting place of the Board at least thirty (30) days prior to the public hearing;
 - (b) The date, time and location of the public hearing will be given to the legal organ in which notices of sheriff's sales are published in the county in which the public hearing is to be held;
 - (c) At least one Board member will be physically present at the public hearing;
 - (d) A Board member shall conduct the public hearing with assistance from the Department's staff and will establish reasonable rules for its conduct;
 - (e) If technologically possible, Board members may attend the public hearing by telephone conference call;
 - (f) A transcript of the public hearing will be made;
 - (g) Any member of the public attending the public hearing may submit a written or oral statement; and
 - (h) Any member of the public unable to attend the public hearing may submit a written statement for the Board's consideration to the Board c/o Commissioner at the address in Rule [391-1-8-.04\(2\)](#) on or before the date of the public hearing.
- (4) The Department shall provide all Board members with a copy of all written statements and the transcript(s).
- (5) The Board Chair shall place consideration of the petition on the agenda of a regularly scheduled Board meeting in a timely manner.

- (6) After due consideration of all testimony from the public hearing, any written comments, the Department's position and any additional public comments provided at the Board meeting, the Board shall make a finding as to whether the proposed change of use is an imperative and unavoidable necessity for which no other solution exists. The Board shall submit a recommendation to the General Assembly for its consideration by sending a resolution to the Speaker of the House and the President of the Senate with a copy to the Governor either supporting or objecting to the proposed change of use. The Board resolution may partially support or object to the petition and may include any additional recommendations the Board finds appropriate.

Cite as Ga. Comp. R. & Regs. R. 391-1-8-.06

Authority: O.C.G.A. Secs. [12-3-74](#), [12-3-76](#).

History. Original Rule entitled "Processing of Change of Use Petitions" adopted. F. Jun. 30, 2011; eff. July 20, 2011.

Note: Correction of non-substantive typographical error in **History**, "Original Rule entitled "Definitions" adopted." corrected to "Original Rule entitled "Processing of Change of Use Petitions" adopted." Eff. Feb. 24, 2016.

Rule 391-1-8-.07. Conveyance of Heritage Preserves to Local Governments.

- (1) A local government that desires to acquire fee simple title to a Heritage Preserve shall:
- (a) Consult with the Division within the Department with operational responsibility for the Heritage Preserve; and
 - (b) If the Division with operational responsibility for the Heritage Preserve supports the conveyance of fee simple title of the Heritage Preserve to the local government, the local government will work with the Division and the Department's real estate office to draft a perpetual conservation easement consistent with the best and most important uses established in the document dedicating the Heritage Preserve and any other conservation values or restrictions identified by the Department as applicable to the property; and
 - (c) The local government will work with the State Properties Commission to determine the good and valuable consideration to the State for the conveyance.
- (2) Once the local government and the Department agree upon the form of the conservation easement, the Department shall submit a written request to the Board to approve the conveyance of the Heritage Preserve to the local government by removing the heritage preserve dedication from the property and conveying the property to the local government subject to the grant of a perpetual conservation easement to the State of Georgia.
- (a) With the exception of historic homes located on three acres or less of real property and designated by the Secretary of the Interior as National Historic Landmarks, the written request from the Department to the Board shall include the following information:

1. A statement identifying the Heritage Preserve and setting forth the reasons the Department supports the removal of the heritage preserve and the subsequent conveyance of the property to the local government;
 2. An adopted resolution by the local governing body approving the proposed conveyance;
 3. An adopted resolution by the local governing body acknowledging that it is prohibited from assigning any interest it may acquire in the property to a private individual or entity;
 4. An adopted resolution by the local governing body agreeing that it will not enter into an operational agreement with a third party that conveys a real property interest;
 5. A statement from the local government explaining its intended uses for the property; and
 6. A copy of the draft conservation easement.
- (b) For historic homes located on three acres or less of real property and designated by the Secretary of the Interior as National Historic Landmarks, the written request from the Department to the Board shall include the following information:
1. A statement identifying the Heritage Preserve and setting forth the reasons the Department supports the removal of the heritage preserve and the subsequent conveyance of the property to the local government;
 2. An adopted resolution by the local governing body approving the proposed conveyance;
 3. A statement from the local government explaining its intended uses for the property; and
 4. A copy of the draft conservation easement.
- (3) Upon receipt of the Department's written request to convey a Heritage Preserve to a local government, the Board will hold a public hearing at a regularly scheduled Board meeting. The public hearing will be conducted consistent with the Board's routine meeting procedures for receiving public comments.
- (4) If the Board determines that the removal of the heritage preserve dedication from the property and its conveyance to the local government subject to a conservation easement is in the best interest of the State, the Board shall adopt a resolution removing the heritage preserve dedication effective the date the Governor signs the quitclaim deed conveying

the property to the local government. The Board shall then follow its regular procedures relating to the disposition of real property and the acquisition of a conservation easement.

- (5) If the Board determines that the removal of the heritage preserve dedication from the property is not in the best interest of the State, the Board shall not remove the heritage preserve dedication and the Heritage Preserve shall not be conveyed to the local government.
- (6) If the General Assembly and the State Properties Commission approve the conveyance of the property to the local government, the Department will file with the Secretary of State and the office of the clerk of the superior court of the county or counties in which the property is located a notice of the removal of the heritage preserve dedication simultaneously with the recording of the conservation easement in the real property records of the county or counties in which the property is located.
- (7) The local government shall pay all costs associated with the disposition of real property that the Department routinely requires the grantee to pay and all costs associated with the acceptance of a conservation easement that the Department routinely requires the grantor to pay.
- (8) The Department and the local government may independently negotiate the terms and conditions of a transfer of all or part of the personal property located at the Heritage Preserve from the Department to the local government.

Cite as Ga. Comp. R. & Regs. R. 391-1-8-.07

Authority: O.C.G.A. §§ [12-3-74](#), [12-3-76](#).

History. Original Rule entitled "Conveyance of Heritage Preserves to Local Governments" adopted. F. Jun. 30, 2011; eff. July 20, 2011.

Note: Correction of non-substantive typographical error in **History**, "Original Rule entitled "Definitions" adopted." corrected to "Original Rule entitled "Conveyance of Heritage Preserves to Local Governments" adopted." Eff. Feb. 24, 2016.

Amended: F. Feb. 4, 2016; eff. Feb. 24, 2016.

Subject 391-1-9. NONDISCRIMINATION IN THE PROVISION OF PUBLIC SERVICES.

Rule 391-1-9-.01. Notice of Nondiscrimination.

The Georgia Department of Natural Resources ("the Department") does not discriminate in the provision of public services on the basis of race, color, national origin, age, disability, or sex.

Cite as Ga. Comp. R. & Regs. R. 391-1-9-.01

Authority: O.C.G.A. § [12-2-4](#).

History. Original Rule entitled "Notice of Nondiscrimination" adopted. F. Oct. 26, 2021; eff. Nov. 15, 2021.

Rule 391-1-9-.02. Accommodating Persons with Limited English Proficiency.

- (1) Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English have Limited English Proficiency ("LEP"). The Department will take reasonable steps to ensure that persons with LEP have meaningful access to participate in the Department's services, activities, programs, and other benefits. All interpreters, translators, and other aids needed to comply with this rule will be provided without cost to the person being served.
 - (a) **Four-factor analysis to determine accommodations for LEP persons.** The Divisions within the Department provide services to diverse members of the public. Thus, LEP persons encountered may vary depending on the region of the State served or the individuals served by a specific program. For these reasons, the Divisions will consider the following four factors when determining the services necessary for LEP persons under this policy.
 - (i) **Number or proportion of LEP persons.** This requires assessing the number and proportion of LEP persons eligible to be served or likely to be encountered by a Division or program.
 - (ii) **Frequency of contact with the Division.** This necessitates assessing how frequently LEP persons are encountered by a Division or program.
 - (iii) **Nature and importance of the program.** This factor prioritizes vital programs and information and involves assessment of the relative importance of the program to the Division, to the state as a whole, or to the affected LEP community.
 - (iv) **Resources available.** This entails assessing the resources available to the Division or program and the costs to implement accommodations for LEP persons.
 - (b) **Implementation of procedures.** When Divisions have completed the four-factor analysis, each Division shall develop an accessibility and outreach policy that addresses the written and oral language assistance services that will be provided. Accessibility and outreach policies shall include:
 - (i) identifying the language needs of LEP individuals;
 - (ii) identifying ways in which language assistance will be provided;
 - (iii) training staff on policies and procedures;
 - (iv) providing notice of written and oral language assistance to LEP individuals;
 - (v) monitoring and updating LEP policies and procedures; and

(vi) providing notice of the grievance procedure to the public.

(2) Grievance procedure regarding the Department's provision of services, activities, programs, or benefits to LEP persons.

- (a) This grievance procedure may be used by anyone who wishes to file a complaint alleging discrimination in the Department's provision of services, activities, programs, or benefits to LEP persons.
- (b) The complaint shall be in writing and contain information about the alleged discrimination such as name, address, and phone number of the complainant and the location, date, and description of the grievance. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available upon request.
- (c) The complaint should be submitted by the complainant and/or his designee as soon as possible, but no later than sixty (60) calendar days after the alleged violation.
- (d) Complaints should be submitted online at:

<https://gadnr.org/limited-english-proficiency-complainant-form> or by mail to:

Georgia Department of Natural Resources

LEP Coordinator

2 Martin Luther King, Jr., Drive, SE

Suite 1252 East

Atlanta, Georgia 30334

- (e) Within 15 calendar days after receipt of the complaint, the LEP Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions.
- (f) Within 15 calendar days of the meeting, the LEP Coordinator will respond in writing. The response will explain the position of the Department and offer options for a substantive resolution of the complaint.
- (g) All written complaints received by the Department's LEP Coordinator and/or his/her designee and responses will be retained by the LEP Coordinator for at least three years.

Cite as Ga. Comp. R. & Regs. R. 391-1-9-.02

Authority: O.C.G.A. § [12-2-4](#).

History. Original Rule entitled "Accommodating Persons with Limited English Proficiency" adopted. F. Oct. 26, 2021; eff. Nov. 15, 2021.

Rule 391-1-9-.03. Americans with Disabilities Act ("ADA").

The Department will make all reasonable accommodations to ensure that people with disabilities have a meaningful opportunity to enjoy its programs, services, and activities.

(1) **Definitions.**

- (a) **Service animal:** any dog that is individually trained to do work or perform tasks for the benefit of people with disabilities. Examples of work or tasks include, but are not limited to, guiding people who are blind or have low vision, alerting people who are deaf or hard of hearing, pulling a wheelchair, alerting or protecting a person during a seizure, reminding a person with mental illness to take prescribed medications, calming a person with post-traumatic stress disorder during an anxiety attack, or performing other duties.
- (b) **Miniature horse:** a horse generally ranging in height from 24 to 34 inches measured to the shoulders and generally weighing 70 to 100 pounds that have been individually trained to do work or perform tasks for people with disabilities. Miniature horses are considered service animals.
- (c) **Support or therapy animal:** an animal that individuals with disabilities utilize for emotional support, well-being, or comfort. Because they are not individually trained to perform work or tasks, support or therapy animals are not service animals.
- (d) **Individual with a disability:** is a person who has a physical or mental impairment that limits one or more major life activities, or has a record of such impairment.
- (e) **Accommodation:** any modification or adjustment in policies, practices, procedures, or environment to enable a qualified individual with a disability to enjoy opportunities and access to the Department's rights, privileges, benefits, and services.
- (f) **Wheelchair:** means a manually-operated or power-driven mobility device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.
- (g) **Other power-driven mobility device ("OPDMD"):** any mobility device powered by batteries, fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars; electronic

personal assistance mobility devices, such as the Segway PT; or any mobility device designed to operate in areas without defined pedestrian routes, but is not a wheelchair within the meaning of this section.

- (h) **Auxiliary aids and services:** devices or services that enable effective communication for people with disabilities.

(2) **Effective Communication for People Who Have Speech, Hearing, or Vision Impairments.** It is the policy of the Department to ensure effective communication with individuals with disabilities in our programs, services, and activities.

- (a) The Department will provide, free of charge, appropriate auxiliary aids and services when necessary to ensure effective communication with individuals with disabilities. Auxiliary aids and services provided may include:
 - (i) For people who are blind, have vision loss, or are deaf-blind, this includes providing a qualified reader; information in large print, Braille, or electronic for use with a computer screen-reading program; or an audio recording of printed information. A "qualified reader" is someone who is able to read effectively, accurately and impartially, using any necessary specialized vocabulary.
 - (ii) For people who are deaf, have hearing loss, or are deaf-blind, this includes providing a qualified notetaker, a qualified sign language interpreter, oral interpreter, cued-speech interpreter, or tactile interpreter; real-time captioning; written materials; or a printed script of a stock speech. A "qualified interpreter" is someone who is able to interpret effectively, accurately, and impartially, both receptively (i.e., understanding what the person with the disability is saying) and expressively (i.e., having the skill needed to convey information back to that person) using any necessary specialized vocabulary.
 - (iii) For people who have speech disabilities, this may include providing a qualified speech-to-speech transliterator. A "qualified transliterator" is someone trained to recognize unclear speech and repeat it clearly.
- (b) The Department shall not require an individual to bring someone to interpret for him/her. The Department may rely on a companion to interpret in only two situations:
 - (i) In an emergency involving an imminent threat to the safety or welfare of an individual or the public, an adult or minor child accompanying a person who uses sign language may be relied upon to interpret or facilitate communication only when a qualified interpreter is not available.

- (ii) In situations not involving an imminent threat, an adult accompanying someone who uses sign language may be relied upon to interpret or facilitate communication when a) the individual requests this, b) the accompanying adult agrees, and c) reliance on the accompanying adult is appropriate under the circumstances. This exception does not apply to minor children.
 - (iii) Under exception (ii), the Department may not rely on an accompanying adult to interpret when there is reason to doubt the person's impartiality or effectiveness.
- (c) **Requests for auxiliary aids and services.** Requests for an auxiliary aid or service for effective communication in receiving a service or participating in a program provided by the Department should be made as soon as possible, by submitting the appropriate request form. Requests should be made at least two weeks (10 business days) in advance of a scheduled event to allow time for scheduling. Request forms are available on the Department's website under Accessibility, as well as, at each Department location. All requests for auxiliary aids and services will be addressed promptly and in accordance with ADA requirements. The individual requesting the auxiliary aid or service will be notified as soon as possible if the Department is unable to meet the request and an effective alternative will be offered. Alternate formats or assistance may be requested by mail, or phone to:

Georgia Department of Natural Resources

ADA Coordinator

2 Martin Luther King, Jr., Drive, S.E.

Atlanta, Georgia 30334

Phone: (404) 656-2783

- (3) **Service Animal Policy.** Service animals shall not be excluded from the Department's facilities or activities.
 - (a) It is Department policy to permit service animals anywhere in or on property owned, leased, or managed by the Department ("Department Property") where the public is normally allowed to go. Further, it is Department policy to permit miniature horses used as service animals in or on Department property where reasonable based on whether the horse is housebroken, is under the owner's control, can be accommodated based on type, size, and weight, and will not compromise legitimate safety requirements. Service animals should be harnessed,

leashed, or tethered unless such devices interfere with the service animal's work, or if the visitor's disability prevents the use of these devices. In that case, the visitor must maintain control of the animal through voice, signal, or other effective controls. The Department's policy includes an expectation that service animal owners will take responsibility for meeting legal requirements, ensure that animals are under their control, and adhere to cleanup rules.

- (b) **When support or therapy animal permitted.** The Department's service animal policy does not extend to support or therapy animals. Support or therapy animals may be permitted on Department properties where pets are not normally allowed on a case-by-case basis. However, it is the Department's policy to require that support or therapy animal owners obtain permission before bringing a support or therapy animal onto Department property, the requesting individual must submit a request and appropriate supporting documentation. Requests for a support or therapy animal will be evaluated by the appropriate office.

- (c) **Permitted staff inquiries.** When it is not obvious what service an animal provides, it is Department policy to allow staff to ask two questions:

First, is the service animal required because of a disability? Second, what work or task has the service animal been trained to perform? Department staff cannot ask about the person's disability, require medical documentation, require a special identification card, training documentation for the service animal, or ask that the service animal demonstrate its ability to perform the work or task.

- (d) **Allergies and fear of dogs.** Under Department policy, allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- (e) **Removal of service animal.** The Department prohibits removal of a service animal unless the service animal is out of control and the handler does not take effective action to control it or the service animal is not housebroken. When there is a legitimate reason to ask that a service animal be removed, the Department requires staff to offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- (f) **Food service areas.** The Department requires establishments that sell or prepare food to allow service animals in public areas on Department Property even if state or local health codes prohibit animals on premises.

- (g) **Integrated service.** The Department forbids isolating people with disabilities who use service animals from other patrons or treating them less favorably than other patrons.
 - (h) **Fees and surcharges.** The Department prohibits charging fees or surcharges to guests with service animals that are not being charged to other patrons without animals. In addition, if a deposit or fee is required to be paid by patrons with pets, the charge must be waived for service animals.
 - (i) **Damage.** If guests are normally charged for damage that they cause, the Department allows guests with a disability to be charged for damage caused by himself or his service animal.
 - (j) **Care and supervision.** The Department does not require staff to provide care or food for a service animal.
- (4) **Wheelchairs and other power-driven mobility devices.** Wheelchairs and OPDMDs shall not be excluded from Department facilities or activities. The Department will permit individuals with mobility disabilities to use wheelchairs and manually powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use. The Department will make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices ("OPDMDs") by individuals with mobility disabilities, in any areas open to pedestrian use.
- (a) **The Department and its individual Divisions have determined that certain classes of OPDMDs cannot be operated in accordance with legitimate safety requirements in certain areas. Thus, use of OPDMDs in and on Department property is restricted as follows:**
 - (i) Gasoline OPDMDs are not permitted inside buildings and/or enclosed spaces.
 - (ii) OPDMDs will not be allowed on delicate natural areas where pedestrian or vehicular traffic is restricted.
 - (iii) OPDMDs will not be allowed on public roads within the parks unless equipped for road use.
 - (iv) OPDMDs, in combination with the operator, which exceed 800 pounds total weight, are prohibited on nature trails (concrete and boardwalk portions), observation platforms, overlooks, boat docks, piers, and similar structures.
 - (v) OPDMDs may not be operated at speeds that exceed 5 miles per hour.

- (vi) To operate OPDMDs on Wildlife Management Areas, a permit is required.
 - (vii) On Wildlife management areas, OPDMDs are to be used on labelled "Handicap Access Roads" only.
 - (viii) Department staff may advise a person using an OPDMD that a particular area does not permit use of such device if the area has been included in the exceptions of this rule.
- (b) **The Department and its individual Divisions have determined that OPDMDs and wheelchair users in and on Department property must observe the following requirements:**
- (i) Users are required to operate the device at the speed of pedestrian traffic.
 - (ii) Users are required to operate the device on established pedestrian pathways to the same extent that pedestrians are required to stay on established pathways regardless of whether the device may be capable of off-path travel.
 - (iii) Users may not operate the device in specific locations excluded by this rule.
- (c) **General OPDMD and wheelchair considerations:**
- (i) The Department will not provide storage of any mobility device when it is not being used.
 - (ii) Users must follow established instructions for going through security screening machines if the device contains technology that could be harmed by the machine.
 - (iii) The Department does not represent that the trails and access ways found on the natural areas are designed, maintained, managed, or safe for use by any particular person or mobility device. Certain risks are inherent in the use of any trail or access way, and the Department assumes no liability for injury to any person or for damage to any mobility device, whether caused by the operator, another visitor to a nature area's trail or facility, or any other circumstance.
- (d) **Permitted staff inquiries:**
- (i) Department staff shall not ask an individual using a wheelchair or other OPDMD questions about the nature and extent of the individual's disability.

- (ii) Department staff may ask a person using a OPDMD to provide credible assurance that the mobility device is required because of the person's disability.
 - (I) Department staff must accept the presentation of a valid, State-issued, disability parking placard or card, or other State-issued proof of disability as credible assurance that the use of the OPDMD is for the individual's mobility disability.
 - (II) Department staff must accept as credible assurance a verbal representation, not contradicted by observable fact, that the OPDMD is being used for a mobility disability.
 - (e) **Provision of personal mobility devices.** Nothing in this policy should be construed to require the Department to provide personal mobility devices (such as wheelchairs or motorized scooters) to individuals with disabilities.
- (5) **Grievance procedure regarding the Department's provision of services, activities, programs, or benefits to individuals with disabilities.**
- (a) This grievance procedure may be used by anyone who wishes to file a complaint alleging discrimination in the Department's provision of services, activities, programs, or benefits to individuals with disabilities.
 - (b) The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.
 - (c) The complaint should be submitted by the complainant and/or his designee as soon as possible but no later than sixty (60) calendar days after the alleged violation. Complaints may be submitted online through the complaint form that is available on the Department's website under Accessibility or by mail to:

Georgia Department of Natural Resources

ADA Coordinator

2 Martin Luther King, Jr., Drive, SE

Suite 1252 East

Atlanta, Georgia 30334

- (d) Within 15 calendar days after receipt of the complaint, the Department's ADA Coordinator or her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the Department's ADA Coordinator or her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of DNR and offer options for substantive resolution of the complaint.
- (e) If the response by the Department's ADA coordinator or her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the State of Georgia ADA Coordinator or her designee.
- (f) Within 15 calendar days after receipt of the appeal, the State of Georgia ADA Coordinator or her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the State of Georgia ADA Coordinator, or her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- (g) All written complaints received by the Department's ADA Coordinator or her designee, appeals to the State of Georgia ADA Coordinator, or her designee, and responses from these two offices will be retained by the Georgia Department of Natural Resources ADA Coordinator for at least three years.

Cite as Ga. Comp. R. & Regs. R. 391-1-9-.03

Authority: O.C.G.A. § [12-2-4](#).

History. Original Rule entitled "Americans with Disabilities Act ("ADA")" adopted. F. Oct. 26, 2021; eff. Nov. 15, 2021.

Subject 391-1-10. SOCIAL MEDIA.

Rule 391-1-10-.01. Moderation of Comments on the Department's Social Media Accounts.

- (1) The Georgia Department of Natural Resources ("the Department") uses various third-party social media websites for outreach. The Department encourages the public to interact and communicate about the content posted on the Department's social media accounts. The Department does not endorse the opinions or views expressed by any public comment.
- (2) The Department does not discriminate against any views. However, the deletion of comments on social media posts may be necessary in certain circumstances described

here. The Department may remove comments not related to the topic of the social media post. Additionally, the Department may delete comments that contain profanity.

- (3) A comment will not be edited or modified to remove unacceptable content. If a portion of the comment violates this rule, then the entire comment will be deleted.
- (4) The Department adheres to the terms and conditions of the various social media websites that it uses. The Department may be required to report to the social media websites public comments that violate their terms and conditions. The Department is not responsible for any such public comments that are deleted by social media websites.

Cite as Ga. Comp. R. & Regs. R. 391-1-10-.01

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Moderation of Comments on the Department's Social Media Accounts" adopted. F. Oct. 26, 2021; eff. Nov. 15, 2021.

Chapter 391-2. COASTAL RESOURCES.

Subject 391-2-1. REPEALED.

Rule 391-2-1-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-2-1-.01

Authority: O.C.G.A. Title 12.

History. Original Rule entitled "Statutory Authority and Purpose" adopted. F. Jun. 26, 1992; eff. July 16, 1992.

Repealed: F. May 1, 2013; eff. May 21, 2013.

Rule 391-2-1-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-2-1-.02

Authority: O.C.G.A. Title 12.

History. Original Rule entitled "Definition" adopted. F. Jun. 26, 1992; eff. July 16, 1992.

Repealed: F. May 1, 2013; eff. May 21, 2013.

Rule 391-2-1-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-2-1-.03

Authority: O.C.G.A. Title 12.

History. Original Rule entitled "Permit" adopted. F. Jun. 26, 1992; eff. July 6, 1992.

Repealed: F. May 1, 2013; eff. May 21, 2013.

Rule 391-2-1-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-2-1-.04

Authority: O.C.G.A. Title 12.

History. Original Rule entitled "Application for a Permit" adopted. F. Jun. 26, 1992; eff. July 16, 1992.

Repealed: F. May 1, 2013; eff. May 21, 2013.

Rule 391-2-1-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-2-1-.05

Authority: O.C.G.A. Title 12; Secs. [52-1-10\(a\)](#), [52-1-39\(a\)](#).

History. Original Rule entitled "Minimum Standards" adopted. F. Jun. 26, 1992; eff. July 16, 1992.

Amended: F. Sept. 1, 1992; eff. Sept. 21, 1992.

Repealed: F. May 1, 2013; eff. May 21, 2013.

Rule 391-2-1-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-2-1-.06

Authority: O.C.G.A. Title 12.

History. Original Rule entitled "Sale or Exchanges of River Houses" adopted. F. Jun. 26, 1992; eff. July 16, 1992.

Repealed: F. May 1, 2013; eff. May 21, 2013.

Rule 391-2-1-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-2-1-.07

Authority: O.C.G.A. Title 12.

History. Original Rule entitled "Revocation of Permit" adopted. F. Jun. 26, 1992; eff. July 16, 1992.

Repealed: F. May 1, 2013; eff. May 21, 2013.

Rule 391-2-1-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-2-1-.08

Authority: O.C.G.A. Title 12.

History. Original Rule entitled "Authority to Tie Up to Adjacent Land" adopted. F. Jun. 26, 1992; eff. July 16, 1992.

Repealed: F. May 1, 2013; eff. May 21, 2013.

Subject 391-2-2. SHORE PROTECTION.

Rule 391-2-2-.01. Committee Meetings.

The meetings of the Shore Protection Committee, as established by O.C.G.A. [12-5-235](#), shall be held in a location in one of Georgia's coastal counties.

Cite as Ga. Comp. R. & Regs. R. 391-2-2-.01

Authority: Ga. L. 1979, Act No. C72; O.C.G.A. Title 12.

History. Original Rule entitled "General" was filed on July 11, 1979; effective July 31, 1979.

Repealed: New Rule entitled "Committee Meetings" adopted. F. Jun. 26, 1992; eff. July 16, 1992.

Rule 391-2-2-.02. Hurricane-Resistant Construction Standards.

Structures for which a permit is required pursuant to the Shore Protection Act shall meet, as required by O.C.G.A. [12-5-239\(c\)\(1\)\(C\)](#), the construction provisions of the South Florida Building Code with respect to hurricane resistant construction standards or local or state building codes if the local or state building codes meet or exceed the provisions of the South Florida Building Code with respect to hurricane resistant construction standards.

Cite as Ga. Comp. R. & Regs. R. 391-2-2-.02

Authority: Ga. L. 1979, Act No. 672; O.C.G.A. Title 12.

History. Original Rule entitled "Jurisdiction" was filed on July 11, 1979; effective July 31, 1979.

Repealed: New Rule entitled "Hurricane-Resistant Construction Standards" adopted. F. Jun. 26, 1992; eff. July 16, 1992.

Rule 391-2-2-.03. Beach Driving Authorizations.

- (1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to establish criteria under which the Shore Protection Committee may issue authorizations to drive motor vehicles on Georgia dynamic dune field and beaches consistent with the purposes of the Shore Protection Act.
- (2) **Definitions used in this rule.**
 - (a) "Wet Sand Beach" means the area below the high tide line that is covered with water when the tide is high during an average high tide. The wet sand beach does not include the area where the dry sand is covered with water during a spring or otherwise exceptionally high tide.
 - (b) "Own or have an interest in real property" means to hold fee simple title, to have a life estate or other retained right, or to have a bona fide leasehold interest (other than a usufruct) for a term of one year or more, individually or as a partner or tenant in common, in and to a parcel of land. Own or have an interest in real property shall not include holding a rental agreement, license, or other right to use real property which does not constitute an interest in real property; in addition, such term does not include holding an easement over or across a tract of land. After the effective date of this section of this rule, such term shall not include newly-created undivided interests smaller than one-fifth except if created by inheritance or devise.
- (3) **Authorizations.**

- (a) Authorizations to operate motor vehicles on, over, or across the dynamic dune field or beaches, as provided by O.C.G.A. [12-5-248](#), shall be in accordance with the following criteria.
1. Authorizations may be issued only to those persons who have demonstrated to the satisfaction of the Shore Protection Committee that they meet one or more of the following criteria which justify driving on the beach when the Committee has determined that the proposed driving on the beach is not inconsistent with the public interest:
 - (i) are engaged in bona fide educational activities or scientific research as such activities are defined in O.C.G.A. Section [27-1-2\(24\)](#) and [\(62\)](#), or other bona fide educational activities or scientific research, and that require beach driving;
 - (ii) are a legal resident or full-time resident on the island for which the authorization is requested;
 - (iii) are involved in beach maintenance or security which makes driving a vehicle necessary;
 - (iv) own or have an interest in real property on the island in question, or are the spouses, parents, children, grandchildren, and other lineal descendants (and their spouses) of such individuals.
 2. Authorizations will be valid for five (5) years from the date of issuance.
 3. Authorizations are non-transferable.
 4. Authorizations will be barrier island specific.
 5. Authorizations are issued to persons only, except as provided in paragraph 11 of this section, which covers General Authorizations provisions of the rules.
 6. Authorizations will be issued only to persons with valid driver's licenses from the State of Georgia or other state, nation, or territory, and authorizations must be in possession of the person to whom the authorization was issued when that person is engaged in beach driving.
 7. Beach driving during the period May 1 to October 31 shall be restricted to daylight hours (1/2 hour before sunrise to 1/2 hour after sunset), except that authorizations allowing beach driving at night during such time period only for the purposes of scientific research, predator control, educational activities, or law enforcement may be issued to persons engaged in such activities.

8. Driving shall be permitted only on the wet sand beach, except and to the extent necessary to drive around a slough or other impassable area on the beach. Access to the wet sand beach shall be from access points as set forth in Appendix A, or from other Department-approved access routes from the upland.
9. Drivers shall minimize any disturbance of shorebirds, turtles or other wildlife and shall avoid disturbance altogether if possible.
10. Drivers receiving authorizations will be required to limit their speed to a maximum of 25 mph from August 1 through March 31 and 20 mph from April 1 through July 31, except in the case of an emergency. Nothing in these rules shall supersede any lower speed limit established on any barrier island.
11. General Authorizations: The Shore Protection Committee may grant a general beach driving authorization to a governmental entity or island manager which will cover all those persons who possess a valid driver's license and are under their employ or supervision and who are engaged in bona fide research, beach cleanup, law enforcement, animal control, resource management or beach maintenance activities during the time they are engaged in these activities. In this instance, individual authorizations will not be required provided the government entity or island manager submits to the Shore Protection Committee, and revises from time to time as appropriate, a list of the names of those individuals who will be covered by a general authorization.
12. Applications: Applications for beach driving authorization shall be made on forms provided by the Shore Protection Committee whose address is One Conservation Way, Brunswick, GA 31520-8687.
13. Revocation of Authorization: The Shore Protection Committee may revoke any authorization issued for failure to comply with these rules and regulations or any other rules and regulations promulgated under O.C.G.A. Title 12 Conservation and Natural Resources or Title 27 Game and Fish.
14. Authorizations to drive on a beach shall not be required during a medical, life-saving, or other emergency.
15. Nothing in these rules shall supersede any ordinances which further restrict driving on the beach.
16. Any person who is aggrieved or adversely affected by any order or action of the Shore Protection Committee may appeal as provided in O.C.G.A. [12-5-244](#).

APPENDIX A

EXISTING BEACH ACCESS SITES FOR MOTOR VEHICLES ON ALL BARRIER ISLANDS

Tybee Island - 8 sites:

1. 32.026074, - 80.85440
2. 32.020677, - 80.841897
3. 32.009207, - 80.840885
4. 32.007381, - 80.841133
5. 31.988713, - 80.847710
6. 31.987458, - 80.848989
7. 31.989780, - 80.852916
8. 31.993685, - 80.853925

Wassaw Island - 8 sites:

1. 31.988687, - 80.847676
2. 31.009243, - 80.840786
3. 31.885429, - 80.961886
4. 31.871877, - 80.978499
5. 31.868440, - 80.982223
6. 31.865409, - 80.985146
7. 31.860399, - 80.989749
8. 31.862197, - 81.002351

Ossabaw Island - 3 sites:

1. 31.792999, - 81.053320
2. 31.785600, - 81.059209

3. 31.726108, -81.127790

St. Catherines Island - 2 sites:

1. 31.574974, - 81.159849

2. 31.596356, - 81.14977

Blackbeard Island - 2 sites:

1. 31.536435, - 81.202928

2. 31.480794, - 81.202232

Sapelo Island - 2 sites:

1. 31.431524, - 81.238369

2. 31.405821, - 81.257556

Little St. Simons Island - 4 sites:

1. 31.260636, - 81.273294

2. 31.249341, - 81.277909

3. 31.240672, - 81.285103

4. 31.228378, - 81.314572

Sea Island - 3 sites:

1. 31.204002, - 81.322251

2. 31.192733, - 81.335061

3. 31.176346, - 81.349613

St. Simons Island - 2 sites:

1. 31.144313, - 81.370264

2. 31.140149, - 81.377192

Jekyll Island - 2 sites:

1. 31.04519, - 81.409302

2. 31.025582, - 81.417810

Little Cumberland Island - 2 sites:

1. 30.960949, - 81.404948

2. 30.964806, - 81.423060

Cumberland Island - 8 sites:

1. 30.910029, - 81.403749

2. 30.886412, - 81.413119

3. 30.810618, - 81.445867

4. 30.786812, - 81.455557

5. 30.777787, - 81.457786

6. 30.771379, - 81.45869

7. 30.745572, - 81.458547

8. 30.725289, - 81.451715

Cite as Ga. Comp. R. & Regs. R. 391-2-2-.03

Authority: Ga. L. 1979, p. 1636, *et seq.* O.C.G.A. Title 12.

History. Original Rule entitled "Definitions" was filed on July 11, 1979; effective July 31, 1979.

Amended: Filed January 28, 1980; effective February 17, 1980.

Repealed: F. Jun. 26, 1992; eff. July 16, 1992.

Amended: New Rule entitled "Beach Driving Authorizations" adopted. F. Dec. 2, 1998; eff. Dec. 22, 1998.

Amended: F. Dec. 7, 2015; eff. Dec. 27, 2015.

Rule 391-2-2-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-2-2-.04

Authority: Ga. L. 1979, p. 1636, *et seq.* O.C.G.A. Title 12.

History. Original Rule entitled "Requirement for a Permit" was filed on July 11, 1979; effective July 31, 1979.

Amended: Filed January 28, 1980; effective February 17, 1980.

Repealed: F. Jun. 26, 1992; eff. July 16, 1992.

Rule 391-2-2-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-2-2-.05

Authority: Ga. L. 1979, p. 1636, et. seq. O.C.G.A. Title 12.

History. Original Rule entitled "Issuance of Permits by the Committee" was filed on July 11, 1979; effective July 31, 1979.

Amended: Filed January 28, 1980; effective February 17, 1980.

Repealed: F. Jun. 26, 1992; eff. July 16, 1992.

Rule 391-2-2-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-2-2-.06

Authority: Ga. L. 1979, Act No. 672. O.C.G.A. Title 12.

History. Original Rule entitled "Issuance of Permits by a Local Unit of Government" was filed on July 11, 1979; effective July 31, 1979.

Repealed: F. Jun. 26, 1992; eff. July 16, 1992.

Rule 391-2-2-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-2-2-.07

Authority: Ga. L. 1979, Act No. 672. O.C.G.A. Title 12.

History. Original Rule entitled "Guidelines for Permit Evaluations" was filed on July 11, 1979; effective July 31, 1979.

Repealed: F. Jun. 26, 1992; eff. July 16, 1992.

Rule 391-2-2-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-2-2-.08

Authority: Ga. L. 1979, Act No. 672. O.C.G.A. Title 12.

History. Original Rule entitled "Hurricane-Resistant Construction Standards" was filed on July 11, 1979; effective July 31, 1979.

Repealed: F. Jun. 26, 1992; eff. July 16, 1992.

Rule 391-2-2-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-2-2-.09

Authority: Ga. L. 1979, Act No. 672. O.C.G.A. Title 12.

History. Original Rule entitled "Appeal and Enforcement Procedures" was filed on July 11, 1979; effective July 31, 1979.

Repealed: F. Jun. 26, 1992; eff. July 16, 1992.

Rule 391-2-2-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-2-2-.10

Authority: Ga. L. 1979, Act No. 672. O.C.G.A. Title 12.

History. Original Rule entitled "Organization Rules of the Shore Assistance Committee" was filed on July 11, 1979; effective July 31, 1979.

Repealed: F. Jun. 26, 1992; eff. July 16, 1992.

Rule 391-2-2-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-2-2-.11

Authority: Ga. L. 1979, p. 1636, *et seq.* O.C.G.A. Title 12.

History. Original Rule entitled "Approval of Shore Assistance Programs of Local Governments" was filed on July 11, 1979; effective July 31, 1979.

Amended: Filed January 28, 1980; effective February 17, 1980.

Repealed: F. Jun. 26, 1992; eff. July 16, 1992.

Subject 391-2-3. COASTAL MARSHLANDS PROTECTION.

Rule 391-2-3-.01. Committee Meetings.

The meetings of the Coastal Marshlands Protection Committee, as established by O.C.G.A. [12-5-283](#), shall be held in a location in one of Georgia's coastal counties.

Cite as Ga. Comp. R. & Regs. R. 391-2-3-.01

Authority: O.C.G.A. Title 12.

History. Original Rule entitled "General" adopted as R. [391-4-12-.01](#). F. Jan. 15, 1975; eff. Feb. 4, 1975.

Repealed: New Rule of same title renumbered as R. 391-2-3-.01. F. Dec. 28, 1979; eff. Jan. 17, 1980.

Repealed: New Rule entitled "Committee Meetings" adopted. F. June 26, 1992; eff. July 16, 1992.

Rule 391-2-3-.02. Regulation of Upland Component of a Project.

(1) Findings and Purpose.

(a) Findings. In promulgating this Rule, the Board declares the following:

1. Georgia's coastal marshlands have long been recognized by the General Assembly and the Board as a vital natural resource system, a vital area of the state, and essential to maintain the health, safety, and welfare of all the citizens of the State.
2. The Coastal Marshlands Protection Act (CMPA) provides a grant of authority to the Board of Natural Resources and Coastal Marshlands Protection Committee to regulate certain activities that affect or have the potential to affect the coastal marshlands of the state, to ensure the values and functions of the coastal marshlands are not impaired and to protect the public interest.
3. Stormwater management measures, impervious surface coverage standards, and marshlands buffer design and maintenance measures as applied to

projects which are subject to permitting under the Coastal Marshlands Protection Act are warranted so as to protect this vital area and to protect the public interest.

- (b) Purpose. The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations for permitting under and enforcement of the Coastal Marshlands Protection Act. This Chapter establishes procedures and criteria to be applied by the Coastal Marshlands Protection Committee when reviewing applications for a permit to remove, fill, dredge, drain, or otherwise alter any marshlands or construct or locate any structure on or over marshlands within the estuarine area of the state.

(2) Definitions used in this Rule.

- (a) "Applicant" means any person who files a permit application under the Coastal Marshlands Protection Act.
- (b) "Coastal marshlands" or "marshlands" means any marshland intertidal area, mud flat, tidal water bottom, or salt marsh in the State of Georgia within the estuarine area of the state, whether or not the tidewaters reach the littoral areas through natural or artificial watercourses. "Vegetated marshlands" shall include those areas upon which grow one, but not necessarily all, of the following: salt marsh grass (*Spartina alterniflora*), black needlerush (*Juncus roemerianus*), saltmeadow cordgrass (*Spartina patens*), big cordgrass (*Spartina cynosuroides*), saltgrass (*Distichlis spicata*), coast dropseed (*Sporobolus virginicus*), bigelow glasswort (*Salicornia bigelovii*), woody glasswort (*Salicornia virginica*), saltwort (*Batis maritima*), sea lavender (*Limonium nashii*), sea oxeye (*Borrchia frutescens*), silverling (*Baccharis halimifolia*), false willow (*Baccharis angustifolia*), and high-tide bush (*Iva frutescens*). The occurrence and extent of salt marsh peat at the undisturbed surface shall be deemed to be conclusive evidence of the extent of a salt marsh or a part thereof.
- (c) "Committee" means the Coastal Marshlands Protection Committee.
- (d) "Effective impervious cover" is the percentage derived when total impervious area is adjusted to reflect the fact that a site design results in the actual impervious surface characteristics of a site with a lower total impervious area, supported by scientific and engineering studies and findings.
- (e) "Estuarine area" means all tidally influenced waters, marshes, and marshlands lying within a tide-elevation range from 5.6 feet above mean tide level and below.
- (f) "Greenspace" means vegetative upland or wetland that remains in its natural state or has been developed only to the extent consistent with natural ecological systems protection.

- (g) "Impervious surface" means any surface such as pavement, roofs, roadways or other surface material through which water does not permeate.
- (h) "Marshlands buffer" means a zone or strip of land of a specified width along the riparian border of the project that serves as a protective setback.
- (i) "Marshlands component of the project" means the part of the project in an estuarine area or any structure on or over an estuarine area, including but not limited to marinas, community docks, bridges, piers, and bulkheads, requiring a permit under the Coastal Marshlands Protection Act pursuant to O.C.G.A. Section [12-5-286](#).
- (j) "Nonstructural Stormwater Management Practice" means any naturally occurring or planted vegetation or other pervious component of a stormwater management plan that provides for, or enhances, stormwater quality and/or reduces stormwater quantity or provides other stormwater management benefits.
- (k) "Person" means any individual, partnership, corporation, municipal corporation, county, association, or public or private authority, and shall include the State of Georgia, its political subdivisions, and all its departments, boards, bureaus, commissions, or other agencies, unless otherwise specifically exempted by the Coastal Marshlands Protection Act.
- (l) "Project" means the proposed construction or maintenance activity identified in an application for a marshlands permit within the contemplation of the Coastal Marshlands Protection Act. A project may consist of two components: a marshlands component and an upland component, as defined herein.
- (m) "Stormwater Treatment" means a process of remediation, reduction and/or elimination of the undesirable characteristics of runoff including, but not limited to, peak runoff rate, velocity, volume, and quantity of solids and pollutants.
- (n) "Total Impervious Area" means all impervious surface in a specified area as calculated as a percent of the total area.
- (o) "Untreated Stormwater" means runoff that is discharged without previously being managed by one or a combination of techniques that remediate, reduce and/or eliminate undesirable characteristics of the runoff.
- (p) "Upland" means lands that are neither coastal marshlands nor wetlands.
- (q) "Upland component of the project" is all those service areas, amenities, and recreational areas located inland of the Coastal Marshlands Protection Act jurisdiction line, that serve or augment the functioning of the marshlands component of the project, such as, but not limited to, dry stack boat storage; dockmaster shop; fuel storage and delivery facilities to serve the marshlands

component of the project; and restrooms intended for users of the marshlands component of the project. This term may extend to and cover such facilities adjacent to or in proximity to the marshlands component of the project that are intended to serve exclusively or primarily the users of the marshlands component of the project if the Committee finds in its sole discretion that such facility is likely to alter the marshlands.

- (r) "Wetlands" means areas that are inundated or saturated by surface or ground water often and long enough to support and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, marshes, bogs, and floodplains.
- (3) **Procedure for Determining Project Boundaries.** The applicant shall delineate the boundaries of the proposed project. Such boundaries shall be subject to review and validation by the staff of the Department of Natural Resources to ensure that the entire project is delineated. Such boundaries shall be included in the application proposed for consideration by the Committee. In this regard, the applicant shall submit documentation identifying all areas that are planned to be used in connection with the project which is delineated, to allow the Coastal Marshlands Protection Committee to verify the extent of the project.
- (4) **Marshlands Buffers for Upland Component of the Project.**
- (a) There is established a 50-foot marshlands buffer applicable to the upland component of the project as measured horizontally inland from the coastal marshland-upland interface, which is the Coastal Marshlands Protection Act jurisdiction line, so as to ensure the project does not result in the filling or other alteration of the coastal marshlands.
 - (b) The applicant for a permit under the Coastal Marshlands Protection Act and these rules shall certify adherence to soil and erosion control responsibilities, which, for purposes of the Coastal Marshlands Protection Act shall include recognition of and compliance with the following requirements unless in conflict with a criterion or exception established by the Environmental Protection Division of the Department of Natural Resources.
 - 1. Except as provided in subparagraph 2. of this paragraph and paragraphs (d) and (g) below, no land-disturbing activities within the project boundaries shall be conducted within the 50-foot marshlands buffer, and such marshlands buffer shall remain in its natural, undisturbed state of vegetation, so as to naturally treat stormwater during both construction and post construction phases of the upland component of the project.
 - 2. Land disturbance and construction of structures within the 50-foot marshlands buffer in the upland component of the project shall be limited to the following:

- (i) Construction and maintenance of temporary structures necessary for construction of the marshlands component of the project;
 - (ii) Construction and maintenance of permanent structures that are required for the functionality of and/or provide permanent access to the marshlands component of the project; and
 - (iii) Planting and grading with vegetated materials within the marshlands buffer to enhance stormwater management, such as erosion and sediment control measures, and to allow pedestrian access for passive recreation.
- (c) After such land disturbing activities associated with (b)2.(i) above are completed, and except as allowed for in (b)2.(ii) and (iii) above, the marshlands buffer must be restored to and maintained in a natural vegetated state or in a vegetated state at least as protective or better than pre-construction conditions, subject to hand trimming and thinning as authorized in the permit.
- (d) Already existing impervious surfaces and structures within the marshlands buffer area may remain and be maintained, provided the replacement, modification or upgrade does not increase any encroachment upon the required marshlands buffer in effect at the time of the replacement, modification or upgrade.
- (e) Marshlands buffers shall be designed, installed and/or maintained sufficiently such that stormwater discharge to coastal marshlands from the marshlands buffer is managed according to the policy, criteria, and information including technical specifications and standards in the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, 1st Edition, April 2009.
- (f) Nothing in this Rule shall be construed to limit the power or authority of the Director of the Environmental Protection Division.
- (g) The Coastal Marshlands Protection Committee, in its sole discretion, is authorized to grant a permit that includes an exception to the 50-foot marshlands buffer if the Committee finds that three conditions are met:
 - 1. Application of the marshlands buffer requirement will create a substantial hardship on the applicant; and
 - 2. The purpose, function and treatment capabilities of the marshlands buffer can be or has been achieved by alternative means, such that the stormwater discharge to coastal marshlands from the marshlands buffer is managed according to the policy, criteria, and information including technical specifications and standards in the Coastal Stormwater Supplement to the

Georgia Stormwater Management Manual, 1st Edition, April 2009, and is protective of water quality; and

3. Consistent with the purpose and reasonable use of the proposed project, the smallest practicable encroachment into the marshlands buffer is being utilized;
4. For purposes of this part, substantial hardship means a significant, site-specific and demonstrable condition exists that precludes the project from being constructed. The Coastal Marshlands Protection Committee shall consider the following factors in their evaluation of whether a substantial hardship exists:
 - (i) If the applicant complies with the required marshlands buffer width, the property cannot practicably be used for the proposed project. Merely proving that the exception would permit a greater profit from the property shall not be considered adequate justification for an exception; and
 - (ii) The substantial hardship results from application of the marshlands buffer width to the property separately or in conjunction with other factors such as unrelated deed restrictions, other state, federal or local government restrictions or ordinances; and
 - (iii) The substantial hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography; and
 - (iv) The applicant or predecessor in title did not, by deed, covenant, or other voluntary act after March 26, 2007, create a situation where the application of the marshlands buffer would create a substantial hardship on the applicant.

(5) Stormwater Management Standards for the Upland Component of the Project.

- (a) There shall be no discharge of untreated stormwater from developed or disturbed areas, whether surface or piped, to coastal marshlands from the upland component of the project. The Committee is authorized to waive this requirement if the Committee finds that the site or project characteristics prohibit treatment, there is no practicable alternative, and it has minimal adverse impact.
- (b) In addition to the requirements of Section (5)(a) above, discharged stormwater from the upland component of the project shall be managed according to the policy, criteria, and information including technical specifications and standards in the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, 1st Edition, April 2009.

- (c) As a component of the stormwater treatment system, greenspace shall be retained and interconnected where practicable and appropriate.
 - (d) The use of non-structural stormwater management and stormwater better site design practices, such as those listed in the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, 1st Edition, April 2009, shall be utilized to the maximum extent practicable.
- (6) **Impervious Surface.** Pervious surfaces shall be used to the maximum extent practicable, and total impervious area shall be minimized with the goal of achieving no more than 15% effective impervious cover where practicable taking into account existing structures that are part of the project and the available land area that is part of the upland component of the project.
- (7) **Required Information.** The Coastal Marshlands Protection Committee shall establish an application checklist to assist applicants. A copy of the application checklist may be obtained by contacting the Committee at its administrative headquarters: Coastal Resources Division, One Conservation Way, Suite 300, Brunswick, Georgia 31520, 912-264-7218.

Cite as Ga. Comp. R. & Regs. R. 391-2-3-.02

Authority: O.C.G.A. Title 12, O.C.G.A. Sec. [12-5-285](#).

History. Original Rule entitled "Permit Procedures" adopted as R. [391-4-12-.02](#). F. Jan. 15, 1975; eff. Feb. 4, 1975.

Repealed: New Rule of same title renumbered as R. 391-2-3-.02. F. Dec. 28, 1979; eff. Jan. 17, 1980.

Repealed: F. June 26, 1992; eff. July 16, 1992.

Amended: New Rule entitled "Regulations of Upland Component of a Project" adopted. F. Mar. 6, 2007; eff. Mar. 26, 2007.

Amended: F. July 25, 2007; eff. August 14, 2007.

Amended: F. May 5, 2011; eff. May 25, 2011

Rule 391-2-3-.03. Regulation of Marinas, Community Docks and Commercial Docks.

- (1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations for permitting under and enforcement of the Coastal Marshlands Protection Act. This Chapter establishes standards and procedures to be applied by the Coastal Marshlands Protection Committee when reviewing applications for a permit to construct or modify a marina, commercial dock, or community dock on or over marshlands within the estuarine area of the state.
- (2) **Definitions used in this Rule.**
- (a) "303(d) listed stream" means a stream, stream segment, or other surface waterbody identified on a list submitted biannually to the U.S. Environmental Protection Agency by the Georgia Environmental Protection Division, known as

the 303(d) list. Inclusion on the 303(d) list denotes the waterbody segment as impaired because it does not meet one or more designated uses (i.e. Fishing, Recreation, etc.) and for which one or more total maximum daily loads needs to be developed.

- (b) "Approved Disposal System" means an on-site wastewater disposal system suitable for domestic or other sewage approved by the Georgia Environmental Protection Division and/or local sanitation regulatory authority, as applicable.
- (c) "Commercial Dock" means a dock providing 500 linear feet or less of docking space for vessels inclusive of commercial vessels.
- (d) "Committee" means Coastal Marshlands Protection Committee.
- (e) "Community dock" means a dock providing 500 linear feet or less of docking space which is a subdivision or community recreational amenity providing water access for residents, and which may or may not entail a fee. A dock meeting this definition but providing more than 500 feet of docking space is treated as a marina, as defined in these rules.
- (f) "Department" means the Georgia Department of Natural Resources.
- (g) "Effective shading" means the amount of shading realized by utilizing alternative walkway decking material or alternative walkway design when compared to shading associated with traditional planking construction.
- (h) "Fixed dock" means a dock, constructed on pilings, that is fixed in elevation, i.e., that does not float on the water.
- (i) "Fixed terminal platform" means the platform constructed on pilings at the terminal, waterward end of a dock.
- (j) "Floating dock" means a dock that floats on the water to which watercraft are tied for mooring.
- (k) "Heritage preserve marshlands" means those marshlands that have been dedicated as a heritage preserve by the Governor pursuant to O.C.G.A. [12-3-75](#).
- (l) "Impaired water" means a stream, stream segment, or other surface waterbody that does not meet water quality standards and that is identified in the most recent 303(d) list as an "Impaired Water. "
- (m) "Improvements" means additions to or enhancements of raw land or structures that normally increase its usefulness and/or value, which are constructed in accordance with applicable legal requirements at the time of such construction and are intended to remain attached to or associated with the project.

- (n) "Manatee Basics for Boaters" means a 3' by 4' manatee educational display sign referenced in certain leases or permits, which contains standardized content pre-approved by the Wildlife Resources Division Wildlife Conservation Section.
- (o) "Manatee Travel Corridor" means channel(s) or waterway(s) that manatees are known to frequent and/or travel through, as determined by telemetry studies, aerial surveys and the Wildlife Resources Division's Wildlife Conservation Section's public sightings database.
- (p) "Marina" means any dock facility which has any one or more of the following:
 - 1. Includes fueling, maintenance or repair services (regardless of dock length);
 - 2. Is greater than 500 linear feet of dock space; or
 - 3. Has dry storage for boats in an upland storage yard or vertical rack system.
- (q) "Minor alteration" means any change in the marshlands which taken singularly or in combination with other changes, involves less than 0.10 acres.
- (r) "Model Ordinance within the Guide for Molluscan Shellfish Control in the National Shellfish Sanitation Program" means the requirements which are minimally necessary for the sanitary control of molluscan shellfish, as established by the National Shellfish Sanitation Program, a voluntary and cooperative program established in 1925 and comprised of federal, state and municipal authorities and representatives of the shellfish industry.
- (s) "Modification" means a structural change to a community dock, commercial dock, or marina facility, whether existing but not permitted, existing and permitted, or permitted and yet to be constructed.
- (t) "Project" means the proposed construction or maintenance activity identified in an application for a marshlands permit within the contemplation of the Coastal Marshlands Protection Act. A project may consist of two components: a marshlands component and an upland component, as defined in Rule [391-2-3-.02\(1\)](#).
- (u) "Tier One Community Crab Dock" means a community dock consisting of a single fixed walkway and an "L" or "T" shaped fixed terminal platform, supported on pilings, lacking floats, and from which water dependent activities such as fishing may be conducted.
- (v) "Tier Two Community Dock" means a community dock consisting of a single fixed walkway and terminal fixed platform, supported on pilings, connecting ramp(s), and floating dock(s), and from which water dependent activities such as boating and fishing may be conducted.

- (w) "Tier Three Community Dock" means a community dock consisting of a single fixed walkway and terminal fixed platform, supported on pilings, connecting ramp(s), and floating dock(s), and which does not qualify under a Tier One Community Crab Dock or a Tier Two Community Dock, and from which water dependent activities such as boating and fishing may be conducted.

(3) Tier One Community Crab Dock.

- (a) To qualify for the permitting procedures as set out in paragraph (c) below, a proposed Tier One Community Crab Dock project must comply with the following standards or conditions:
1. There shall be no improvements on the upland component of the project, other than for pedestrian access to the marsh component and driveways and parking area landward of the 50' marshlands buffer, all of which must be pervious.
 2. The community dock must be for water-dependent activities that access a channel with defined banks and not ponded areas or mudflats.
 3. The community dock must terminate at the first channel that is 10 feet wide grass to grass.
 4. If the community dock walkway spans a tributary that can be bridged (a tributary less than 10 feet wide), it must have a minimum clearance of six feet above the mean high water line to the bottom of the walkway bridge. Piling spacing must provide for safe navigation in the channel.
 5. A single "L" or "T" shaped fixed terminal platform up to 180 square feet is allowed.
 6. The width of the fixed terminal platform may not exceed 6 feet.
 7. The fixed terminal platform may not extend more than one-third of the width of the creek at mean high water.
 8. The fixed terminal platform may not be enclosed but may be covered and screened with wainscoting not higher than three feet.
 9. The fixed terminal platform may be roofed; provided, however, the roof may not exceed a maximum height of 12 feet above the fixed terminal platform decking at the lowest deck height.
 10. A second deck, attic, or ceiling storage is not allowed on any roofed section of the fixed terminal platform.

11. The community dock walkway may not exceed 4 feet in width and may not exceed 500 feet maximum length. The walkway is measured from the delineated marshlands jurisdiction line as determined or verified by the Department, channelward to the fixed terminal platform.
 12. The community dock walkway decking shall be of same material for its entire length, and standardized materials must be used when grating is used.
 13. The community dock walkway must be constructed at a height above all vegetation, but not more than six feet above grade.
 14. No floating dock or docks are allowed as part of the marshland component of the project.
 15. No hoists or lift davits are allowed as part of the marshland component of the project.
 16. No boats are allowed except for kayaks and canoes.
 17. The community dock may not have fish cleaning stations, restrooms, retail or commercial activity.
 18. Lighting if used must be shielded and on a timer.
 19. No dredging is allowed in association with the community dock project.
 20. The community dock may not be located in heritage preserve marshlands.
 21. The applicant must operate and maintain the dock in a manner that will not unreasonably obstruct navigation to and from neighboring properties.
- (b) Professional drawings of the project are required to be submitted as a part of the application. The drawings must be stamped by a Registered Land Surveyor, Professional Engineer, or Architect licensed to do business in Georgia.
- (c) Upon receipt of a substantially complete project application and application fee, an abbreviated review and processing period shall apply.
1. Staff to the Committee shall have 21 days to review the project permit application.
 2. The Committee shall provide Public Notice of the application for 15 days.
 3. Upon a determination that the project application is complete (including staff review and public notice) and the project meets all requirements of the

Coastal Marshlands Protection Act and these rules, the Commissioner may issue a Coastal Marshlands Protection Act permit unless a Committee member requests the application be brought to a Coastal Marshlands Protection Committee meeting for broader consideration.

4. Provided the project application is not called to a Coastal Marshlands Protection Committee meeting, total processing time of a Tier One Community Crab Dock shall not exceed 45 days following a preliminary determination by staff of completeness.
- (d) No construction or alteration of a Tier One Community Crab Dock may commence until the expiration of 30 days following the date on which the application is approved; provided, however, that if a timely appeal is filed, no construction or alteration may commence until all administrative and judicial proceedings are terminated.
 - (e) The applicant/permittee must demonstrate the capacity to establish sufficient power and authority to enforce the conditions of the permit.
 - (f) Any modification to a Tier One Community Crab Dock is subject to review pursuant to the appropriate Tier criteria.
 - (g) If a proposed project does not qualify as a Tier One Community Crab Dock the application will be processed using the review and processing protocol for a Tier Two Community Dock, Tier Three Community Dock and Commercial Dock, or Marinas, using the lowest tier review and processing protocol for which the proposed project meets the standards. An application for multiple dock structures automatically defaults to the review and processing protocol for a Tier Three Community Dock and Commercial Dock.
 - (h) Permittee must provide a post-construction survey that locates the Tier One Community Crab Dock as indicated in the application materials. Such survey shall comply with the Georgia Plat Act, O.C.G.A. Sec. [15-6-67](#) et seq.
- (4) **Tier Two Community Dock.**
- (a) To qualify for the permitting procedures as set out in subparagraph (c) below, a proposed Tier Two Community Dock project must comply with the following standards or conditions:
 1. The upland component of the project is limited to pedestrian access and pervious parking landward of the 50' marshland buffer.
 2. There shall be no commercial activity at the community dock.

3. The community dock shall provide mooring space on a first come, first served basis and is open to all in the community served by the dock.
4. The community dock does not require a water bottoms lease, i.e., the dock has 500 linear feet or less of mooring space.
5. The community dock walkway shall not exceed 6 feet in width, 750 feet in length, and 3,000 square feet of effective shading impact. The walkway is measured from the delineated marshlands jurisdiction line as determined or verified by the Department, channelward to the fixed terminal platform.
6. The community dock walkway decking shall be of same material for its entire length, and standardized materials must be used when grating is used.
7. The community dock walkway must be constructed at a height above all vegetation, but not more than six feet above grade.
8. The community dock must be for water-dependent activities that access the first channel with defined banks and not ponded areas or mudflats.
9. The creek on which the community dock is located must be a minimum of 25 feet in width mean low water to mean low water.
10. A community dock located in a creek 25 feet to 39 feet width mean low water to mean low water may occupy a maximum of one-fourth of the creek width mean low water to mean low water.
11. A community dock located in a creek 40 feet wide or greater mean low water to mean low water may occupy a maximum of one-third of the creek width mean low water to mean low water.
12. If the community dock walkways spans a tributary that can be bridged (a tributary less than 10 feet wide, grass to grass), it must have a minimum clearance of six feet above the mean high water line to the bottom of the walkway bridge. Piling spacing must provide for safe navigation in the channel.
13. The community dock may have a single fixed terminal platform at the end of the walkway, which is limited to a maximum of 400 square feet, including screened and/or roofed sections.
14. The fixed terminal platform or floating docks shall not be constructed over vegetation.

15. The fixed terminal platform may not be enclosed but may be covered and screened with wainscoting not higher than three feet.
16. The fixed terminal platform may be roofed; provided, however, the roof may not exceed a maximum height of 12 feet above the fixed terminal platform decking at the lowest deck height.
17. A second deck, attic, or ceiling storage is not allowed on any roofed section of the fixed terminal platform.
18. The community dock may have floating docks, which shall be limited in size to that which is reasonable for the documented, intended use, not to exceed 800 sq. feet maximum floating dock structure. Documentation of need must be submitted to justify the size of the proposed floating dock.
19. Floating docks may not rest on the water bottom at low tide and must be supported on pilings or by cradle at least two feet above the mud.
20. No fish cleaning station, fueling, restrooms, pump-out, or retail activities are allowed.
21. No dredging is allowed in association with the community dock project.
22. Lighting if used must be shielded and on a timer.
23. The community dock may not be located in heritage preserve marshlands.
24. The community dock or its operation shall not cause or create a measurable adverse water quality impact to the waterbody in which it is built, as measured by dissolved oxygen, fecal bacteria, or nutrient enrichment. At a minimum, the community dock must not be in a body of water listed on Georgia EPD's most recent 303(d) list as an "Impaired Water."
25. If the Department determines through its own water quality sampling or other resource analyses that there are environmental impacts of concern associated with the project, the Department may require the applicant/permittee at the applicant/permittee's expense, to have water, substrate, and/or tissue samples collected and analyzed for metals, petroleum hydrocarbons, or other constituents.
 - (i) Sample collection and analyses must be according to methods approved by the Department.

- (ii) All results from such sampling results must be provided to the Department as obtained and may be used by the Department to further restrict the dock to reduce water quality impacts.
- 26. The permittee must operate and maintain the dock in a manner that will not unreasonably obstruct navigation to and from neighboring properties.
- 27. The applicant/permittee must post temporary manatee awareness signage during construction of the facility and permanent posting and maintenance of the informational display signage, "Manatee Basics for Boaters" post-construction.
- (b) Professional drawings of the project are required to be submitted as a part of the application. The drawings must be stamped by a Registered Land Surveyor, Professional Engineer, or Architect licensed to do business in Georgia.
- (c) Upon receipt of a substantially complete Tier Two Community Dock project application and application fee, an abbreviated review and processing period shall apply.
 - 1. Staff to the Coastal Marshlands Protection Committee shall have 60 days to review the project permit application.
 - 2. The Committee shall provide Public Notice of the application for 15 days, which period shall be concurrent with the staff review.
 - 3. Staff to the Coastal Marshlands Protection Committee shall have 15 days to review the public comment received.
 - 4. If the Tier Two Community Dock project is a minor alteration, Committee members shall have 10 days to request broader consideration of the project at a meeting of the Coastal Marshlands Protection Committee.
 - (i) Upon a determination that the project application is complete (including staff review and public notice) and the project meets all requirements of the Coastal Marshlands Protection Act and these rules, the Commissioner may issue a Coastal Marshlands Protection Act permit for a Tier Two Community Dock which is a minor alteration unless a Coastal Marshlands Protection Committee member requests that the project be heard at a Coastal Marshlands Protection Committee meeting for broader consideration.
 - (ii) If no Committee member requests the application receive broader consideration at a Coastal Marshlands Protection Committee

meeting, the application shall be processed to the Commissioner of Natural Resources for his review and action within 15 days.

- (iii) Provided the project application is not called to a Coastal Marshlands Protection Committee meeting, total processing time of a Tier Two Community Dock shall not exceed 115 days following a preliminary determination by staff of completeness.
5. Upon determination that a Tier Two Community Dock project application that is not a minor alteration is complete (including staff review and public notice), the project application shall be placed on the meeting agenda of the Coastal Marshlands Protection Committee.
 6. If a second public notice is issued, an additional 15 days would be added to the processing time.
- (d) No construction or alteration of a Tier Two Community Dock may commence until the expiration of 30 days following the date on which the application is approved; provided, however, that if a timely appeal is filed, no construction or alteration may commence until all administrative and judicial proceedings are terminated.
 - (e) The "Minor Alteration" acreage provision of the Coastal Marshlands Protection Act shall not take into consideration any reduction in acreage calculation for the effective shading impact reduction attributable to alternative walkway decking material or alternative walkway design.
 - (f) The applicant/permittee must demonstrate the capacity to establish sufficient power and authority to enforce the conditions of the permit.
 - (g) Any modification to a Tier Two Community Dock is subject to review pursuant to the appropriate Tier criteria.
 - (h) If a proposed project does not qualify as a Tier Two Community Dock the application will be processed using the review and processing protocol for a Tier Three Community Dock and Commercial Dock, or Marinas, using the lowest tier review and processing protocol for which the proposed project meets the standards. An application for multiple dock structures automatically defaults to the review and processing protocol for a Tier Three Community Dock and Commercial Dock.
 - (i) Permittee must provide a post-construction survey that locates the Tier Two Community Dock as indicated in the application materials. Such survey shall comply with the Georgia Plat Act, O.C.G.A. Sec. [15-6-67](#) et seq.

(5) Tier Three Community Dock or Commercial Dock.

- (a) To qualify for the permitting procedures as set out in subparagraph (d) below, a proposed Tier Three Community Dock or Commercial Dock project must comply with the following standards or conditions:
1. The community dock walkway or commercial dock walkway shall not exceed 6 feet in width, 1,000 feet in length, and not exceed 3,000 square feet of effective shading impact. The walkway is measured from the delineated marshlands jurisdiction line as determined or verified by the Department, channelward to the fixed terminal platform.
 2. The Coastal Marshlands Protection Committee may provide for an exception to the limitations on maximum walkway length and square footage. Documentation of need must be submitted to justify an exception, which shall be granted or denied in the sole discretion of the Committee.
 3. The community dock or commercial dock walkway decking shall be of same material for its entire length, and standardized materials must be used when grating is used.
 4. The community dock or commercial dock walkway must be constructed at a height above all vegetation, but not more than six feet above grade.
 5. If the community or commercial dock walkway spans a tributary that can be bridged (a tributary less than 10 feet wide, grass to grass), it must have a minimum clearance of six feet above the mean high water line to the bottom of the walkway bridge.
 6. The fixed terminal platform may not be enclosed but may be covered and screened with wainscoting not higher than three feet.
 7. A second story or deck is not allowed on any roofed section of the fixed terminal platform.
 8. Floating docks may not rest on the waterbottom at low tide and must be supported on pilings or by cradle at least two feet above the mud.
 9. No dredging is allowed in association with the initial community or commercial dock project.
 10. The applicant must operate and maintain the dock in a manner that will not unreasonably obstruct navigation to and from neighboring properties.
 11. The community dock or its operation shall not cause or create a measurable adverse water quality impact to the waterbody in which it is built, as measured by dissolved oxygen, fecal bacteria, or nutrient enrichment.

12. If the Department determines through its own water quality sampling or other resource analyses that there are environmental impacts of concern associated with the project, the Department may require the applicant/permittee at applicant/permittee's expense, to have water, substrate, and/or tissue samples collected and analyzed for metals, petroleum hydrocarbons, or other constituents.
 - (i) Sample collection and analyses must be according to methods approved by the Department.
 - (ii) All results from such sampling results must be provided to the Department as obtained and may be used by the Department to further restrict the dock to reduce water quality impacts.
13. The applicant/permittee must post temporary manatee awareness signage during construction of the facility and permanent posting and maintenance of the informational display signage, "Manatee Basics for Boaters" post-construction.
 - (b) Professional drawings of the project are required to be submitted as a part of the application. The drawings must be stamped by a Registered Land Surveyor, Professional Engineer, or Architect licensed to do business in Georgia.
 - (c) A needs assessment must be submitted to justify the size of the proposed community dock or commercial dock. The Coastal Marshlands Protection Committee may opt for phased build out based on demonstrated need. If the permit requires a phased build out based on demonstrated need, the permit may be extended for an additional five years upon a showing that all due efforts and diligence have been made toward completion of the phases authorized to date based on demonstrated need.
 - (d) Upon receipt of a substantially complete Tier Three Community Dock or Commercial Dock project application and application fee, the application shall be reviewed and processed subject to a higher degree of examination and scrutiny and longer review times than a Tier One Community Crab Dock or a Tier Two Community Dock.
 1. The Coastal Marshlands Protection Committee shall provide Public Notice of the application for 30 days.
 2. An application is complete when it contains substantially all of the written information, documents, forms, fees, and materials required by the Coastal Marshlands Protection Act, and such additional information as is required by the Committee to properly evaluate the application.

3. The Coastal Marshlands Protection Committee shall act upon an application for a permit within 90 days after the application is complete; provided, however, that this provision may be waived upon the written request of the applicant.
- (e) No construction or alteration of a Tier Three Community Dock or Commercial Dock may commence until the expiration of 30 days following the date on which the application is approved; provided, however, that if a timely appeal is filed, no construction or alteration may commence until all administrative and judicial proceedings are terminated.
- (f) The "Minor Alteration" acreage provision of the Coastal Marshlands Protection Act shall not take into consideration any reduction in acreage calculation for the effective shading impact reduction attributable to alternative walkway decking material or alternative walkway design.
- (g) The applicant/permittee must demonstrate the capacity to establish sufficient power and authority to enforce the conditions of the permit.
- (h) Permittee must provide a post-construction survey that locates the Tier Three Community Dock or Commercial Dock as indicated in the application materials. Such survey shall comply with the Georgia Plat Act, O.C.G.A. Secs. [15-6-67](#) et seq.

(6) Marinas.

- (a) The Coastal Marshlands Protection Committee may issue a permit for a marina in accordance with the requirements of the Coastal Marshlands Protection Act. Unless otherwise determined by the Committee in accordance with subparagraph (h) below, a marina must comply with the following standards or conditions:
 1. The marina launch pier shall not exceed 1,000 feet in length. The marina launch pier is measured from the delineated marshlands jurisdiction line as determined or verified by the Department, channelward to the boat launching area.
 2. The marina pedestrian walkway shall not exceed 1,000 feet in length and shall not exceed 3,000 square feet of effective shading impact. The walkway is measured from the delineated marshlands jurisdiction line as determined or verified by the Department, channelward to the fixed terminal platform.
 3. The Coastal Marshlands Protection Committee may provide for an exception to the limitations on maximum marina launch pier length, and to the limitations on marina pedestrian walkway length and square footage.

Documentation of need must be submitted to justify an exception, which shall be granted or denied in the sole discretion of the Committee.

4. The marina may not be sited within 1,000 feet of waters classified as approved for shellfish harvesting by the Coastal Resources Division, or located where its presence or operation would cause a closing of waters classified for shellfish harvest based on the Model Ordinance within the Guide for Molluscan Shellfish Control in the National Shellfish Sanitation Program.
5. A marina to be located on open water must be sited at the first navigable creek that has a defined channel, adequate width and depth for the intended use, and established history of navigational access or use.
6. Any marina component proposed to be constructed on or over coastal marshlands must be for water dependent activities. No restaurants or structures for non-water dependent uses may be constructed on or over coastal marshlands.
7. Floating docks may not rest on the waterbottom at low tide and must be supported on pilings or by cradle at least two feet above the mud.
8. A marina proposed to be located in a manatee travel corridor or on a waterway where manatees may be found must have protective measures to minimize manatee/boat interactions to include:
 - (i) An education plan for boaters using the marina;
 - (ii) Regular monthly maintenance of dock facilities' hoses, faucets, or any apparatus or equipment capable of producing a stream of fresh water in close proximity to the access of the facility;
 - (iii) A contingency plan for emergency repair of freshwater sources;
 - (iv) Temporary manatee awareness signage during construction of the facility and permanent posting and maintenance of the informational display sign, "Manatee Basics for Boaters" post-construction; and
 - (v) Speed zones may be required if the marina is in a manatee travel corridor.
9. No dredging of tidal waterbottoms or vegetated coastal marshlands is allowed in association with the initial marina project.

10. If the marina could require maintenance dredging in the future, a permanent, dedicated spoil site with the capacity for the initial dredge volume and anticipated maintenance needs must be identified at the time of application.
11. Dry boat storage is encouraged as a supplement or alternative to in-water mooring, to the extent feasible.
12. The marina should provide onshore restrooms, shower, and laundry facilities in the upland component of the project. The applicant/permittee must take specific measures (such as, but not limited to, signs or dock regulations) to encourage boaters to use the washrooms, laundromat, and restrooms onshore, if any.
13. A marina must have an approved disposal system for disposal of wastewater generated by boats and upland facilities at the marina.
14. A marina must install, for collection of solid wastes, trashcans, dumpsters, or other suitable containers in compliance with The Act to Prevent Pollution from Ships (33 USCA 1901 and 33 CFR 158). Adequate separate containers for toxic substances shall be available.
15. A marina shall not allow any person to operate a marine toilet at a marina at any time so as to cause or permit to pass or to be discharged into the waters adjacent to the marina any untreated sewage or other waste matter or contaminant of any kind.
 - (i) A marina must have a working pump-out facility and dockside wastewater collection system for sanitary wastes from vessels, adequate for the capacity of the marina (number and size of vessels) and require their use by boats using the marina, unless specific exceptions are allowed by the Coastal Marshlands Protection Committee.
 - (ii) Pump-out facility maintenance logs must be kept.
 - (iii) The marina must prominently display signage showing the location of the nearest pump-out facility.
16. The Coastal Marshlands Protection Committee may permit marina fueling facilities which conform to U.S. Environmental Protection Agency and GADNR Environmental Protection Division laws and regulations, and which meet the following requirements:

- (i) Fuel storage tanks and fuel lines between tank, dock, and vessels shall be equipped with emergency shut-off valves.
 - (ii) Dispensing nozzles shall be the automatic closing type without a hold-open latch.
 - (iii) A marina must have adequate booms available either on-site or under contract to contain any oil spill.
 - (iv) The marina shall have a current "Operations Manual" containing the following:
 - (I) Description of how the applicant meets the conditions of this permit,
 - (II) The geographic location of the dock,
 - (III) A physical description of the facility showing mooring areas, fuel storage and dispensing areas, and locations of safety equipment,
 - (IV) A description and the location of each emergency shut-off system,
 - (V) The names and telephone numbers of the facility, U.S. Coast Guard Marine Safety Office, Environmental Protection Division Emergency Response Center, and other personnel who may be called by employees of the facility in an emergency, including fire and police, and
 - (VI) The names and telephone numbers of available hazardous spill clean-up contractors nearest the dock.
17. All components of a marina must be designed, installed, operated and maintained in a manner that will not unreasonably obstruct navigation to and from neighboring properties.
18. The marina or its operation shall not cause or create a measurable adverse water quality impact to the waterbody in which it is built, as measured by dissolved oxygen, fecal bacteria, or nutrient enrichment.
19. If the Department determines through its own water quality sampling or other resource analyses that there are environmental impacts of concern associated with the marina project, the marina may be required to have at applicant's/permittee's expense, water, substrate, and/or tissue samples

collected and analyzed for metals, petroleum hydrocarbons, or other constituents.

- (i) Sample collection and analyses must be according to methods approved by the Department.
 - (ii) All results from such sampling must be provided to the Department as obtained and may be used by the Department to further restrict the dock to reduce water quality impacts.
- (b) Professional drawings of the marina project are required to be submitted as a part of the application. The drawings must be stamped by a Registered Land Surveyor, Professional Engineer, or Architect licensed to do business in Georgia.
- (c) A needs assessment must be submitted to justify the size of the proposed marina. The Coastal Marshlands Protection Committee may opt for phased build out based on demonstrated need. If the permit requires a phased build out based on demonstrated need, the permit may be extended for an additional five years upon a showing that all due efforts and diligence have been made toward completion of the phases authorized to date based on demonstrated need.
- (d) Upon receipt of a substantially complete marina project application and application fee, the application shall be reviewed and processed subject to a higher degree of examination and scrutiny and longer review times than a Tier One Community Crab Dock or a Tier Two Community Dock.
 - 1. The Coastal Marshlands Protection Committee shall provide Public Notice of the application for 30 days.
 - 2. An application is complete when it contains substantially all of the written information, documents, forms, fees, and materials required by the Coastal Marshlands Protection Act, and such additional information as is required by the Committee to properly evaluate the application.
 - 3. The Coastal Marshlands Protection Committee shall act upon an application for a permit within 90 days after the application is complete; provided, however, that this provision may be waived upon the written request of the applicant.
- (e) No construction or alteration of a marina may commence until the expiration of 30 days following the date on which the application is approved; provided, however, that if a timely appeal is filed, no construction or alteration may commence until all administrative and judicial proceedings are terminated.

- (f) The applicant/permittee must demonstrate the capacity to establish sufficient power and authority to enforce the conditions of the permit.
- (g) Permittee must provide a post-construction survey that locates the marina as indicated in the application materials. Such survey shall comply with the Georgia Plat Act, O.C.G.A. Secs. [15-6-67](#) et seq.
- (h) Nothing in these rules shall be construed to preclude the Committee from developing or issuing permits suitable to the circumstances of a particular application.

(7) Community Dock, Commercial Dock, or Marina Modification.

- (a) A permit modification may be issued by the Committee in accordance with subparagraph (c) below for a community dock, commercial dock, or marina modification that complies with all the following standards or conditions:
 - 1. The project modification entails no improvements to the upland component of the project; and
 - 2. The project is a modification or addition to an existing dock facility permitted by the Coastal Marshlands Protection Committee for water-dependent activities; and
 - 3. The project modification involves less than 0.1 acre of new impacts to coastal marshlands; and
 - 4. The project modification will not affect a change in use of the originally permitted community dock or marina; and
 - 5. The project modification does not necessitate the issuance of an initial marina lease for the facility undergoing modification; and
 - 6. No fueling is allowed in association with the community dock, commercial dock, or marina modification; and
 - 7. No fish cleaning station may be located on or over coastal marshlands in association with the community dock, commercial dock, or marina modification; and
 - 8. No dredging is allowed in association with the community dock, commercial dock, or marina modification.
- (b) Professional drawings of the project are required to be submitted as a part of the application. The drawings must be stamped by a Registered Land Surveyor, Professional Engineer, or Architect licensed to do business in Georgia.

- (c) Upon receipt of a substantially complete Community Dock, Commercial Dock, or Marina Modification project application and application fee that meets the standards of subparagraph (a), above, an abbreviated review and processing period shall apply.
 - 1. Staff to the Committee shall have 21 days to review the project permit application.
 - 2. The Committee shall provide Public Notice of the application for 15 days.
 - 3. Upon a determination that the project application is complete (including staff review and public notice), the Commissioner may issue a Coastal Marshlands Protection Act permit unless a Committee member requests the application be brought to a Coastal Marshlands Protection Committee meeting for broader consideration.
 - 4. Provided the project application is not called to a Coastal Marshlands Protection Committee meeting, total processing time of a community dock modification, commercial dock modification, or marina modification meeting the standards of subparagraph (a), above, shall not exceed 45 days following a preliminary determination by staff of completeness.
- (d) No construction or alteration of a community dock or marina modification may commence until the expiration of 30 days following the date on which the application is approved; provided, however, that if a timely appeal is filed, no construction or alteration may commence until all administrative and judicial proceedings are terminated.
- (e) The applicant/permittee must demonstrate the capacity to establish sufficient power and authority to enforce the conditions of the permit.
- (f) Any modification not meeting the standards of subparagraph (a) above, shall be reviewed and processed subject to a higher degree of examination and scrutiny applying the standards and review times of the tier that would apply if it were a new project.
- (g) Permittee must provide a post-construction survey that locates the Community Dock, Commercial Dock, or Marina Modification indicated in the application materials. Such survey shall comply with the Georgia Plat Act, O.C.G.A. Secs. [15-6-67](#) et. seq.

Cite as Ga. Comp. R. & Regs. R. 391-2-3-.03

Authority: O.C.G.A. § [12-5-285](#).

History. Original Rule entitled "Guidelines for Permit Evaluations" adopted as R. [391-4-12-.03](#). F. Jan. 15, 1975; eff. Feb. 4, 1975.

Repealed: New Rule of same title renumbered as R. 391-2-3-.03. F. Dec. 28, 1979; eff. Jan. 17, 1980.

Repealed: F. June 26, 1992; eff. July 16, 1992.

Amended: New Rule entitled "Regulation of Marinas, Community Docks and Commercial Docks" adopted. F. Nov. 17, 2009; eff. Dec. 7, 2009.

Amended: F. Jun. 27, 2012; eff. July 17, 2012.

Amended: F. June 8, 2021; eff. June 28, 2021.

Note: Correction of typographical error, incorrectly formatted version of Rule was inadvertently filed (i.e., June 8, 2021; effective June 28, 2021). The correct Rule, as originally promulgated and adopted, was updated on the Rules and Regulations website Sep. 30, 2021; the original filed and effective dates were retained, as specified by the Agency. Effective Sep. 30, 2021.

Rule 391-2-3-.04. Annual Leave Rate Adjustment.

- (1) **Purpose.** The purpose of this rule is to establish the procedure pursuant to which the Coastal Marshlands Protection Committee will adjust the annual rental fee per acre for leasing state owned marshland and waterbottoms.
- (2) **Procedures for Adjusting Marina Lease Rate.**
 - (a) The annual rental fee per acre for leasing state owned marshland and waterbottoms for 2009 is one thousand dollars (\$1,000.00).
 - (b) Beginning in 2010 and using the 2009 annual rental fee per acre as a base, the Coastal Marshlands Protection Committee shall annually adjust the amount of the annual rental fee per acre for leasing state owned marshland and waterbottoms by the rate of change (inflation or deflation) in the Consumer Price Index - All Urban Consumers Less Food and Energy as reported by the Bureau of Labor Statistics of the United States Department of Labor for the most recent calendar year.
 - (c) The Coastal Marshlands Protection Committee shall determine the adjustment to the annual rental fee per acre for state owned marshland and waterbottoms on or before May 1 of each calendar year.

Cite as Ga. Comp. R. & Regs. R. 391-2-3-.04

Authority: O.C.G.A. Title 12, O.C.G.A. Sec. [12-5-287](#).

History. Original Rule entitled "Appeal and Enforcement Procedures" adopted as R. [391-4-12-.04](#), F. Jan. 15, 1975; eff. Feb. 4, 1975.

Repealed: New Rule of same title renumbered as R. 391-2-3-.04. F. Dec. 28, 1979; eff. Jan. 17, 1980.

Repealed: F. June 26, 1992; eff. July 16, 1992.

Amended: New Rule entitled "Annual Lease Rate Adjustment" adopted. F. Jan. 29, 2010; eff. Feb. 18, 2010.

Rule 391-2-3-.05. Extension of Live-Aboard Privileges.

- (1) **Scope.** The Rules in this Chapter will guide the Commissioner in considering requests for extensions of time to occupy a live-aboard under O.C.G.A. § [12-5-288\(b\)\(8\)](#).
- (2) **Definitions used in this Rule.**

- (a) "Applicant" means any owner of a live-aboard who requests the Commissioner grant an extension of time beyond 90 days in any calendar year to permit persons to occupy a live-aboard.
- (b) "Approved Disposal System" means an on-site wastewater disposal system suitable for domestic or other sewage approved by the Georgia Environmental Protection Division and/or local sanitation regulatory authority, as applicable.
- (c) "Commissioner" means the Commissioner of Natural Resources of the State of Georgia or designee.
- (d) "CMPA" means the Coastal Marshlands Protection Act of 1970 as amended, O.C.G.A. § [12-5-280](#)*et seq.*
- (e) "Department" means the Department of Natural Resources of the State of Georgia.
- (f) "Discharge" means, and shall include, spilled, leaked, pumped, poured, emitted or dumped.
- (g) "Eligible marina" means any marina that meets the criteria set forth in Rule 391-2-3-.05(4).
- (h) "Live-aboard" means a floating vessel or other watercraft capable of safe, mechanically propelled navigation under average Georgia coastal wind and current conditions which is utilized as a human or animal abode and is located at a marina or a mooring area established by the department.
- (i) "Live-aboard operator" means the owner of a live-aboard or any person other than the owner who occupies, operates or has charge of the navigation or use of a live-aboard.
- (j) "Marina" means any dock facility that has one or more of the following:
 - 1. Includes fueling, maintenance or repair services (regardless of dock length);
 - 2. Is greater than 500 linear feet of dock space; or
 - 3. Has dry storage for boats in an upland storage yard or vertical rack system.
- (k) "Marina operator" means the owner of an eligible marina or any person who operates or has charge of an eligible marina.
- (l) "Sewage" means human or animal body wastes and the waste from toilets and other receptacles intended to receive or retain body wastes.

(3) **Extension Eligibility.**

- (a) No live-aboard may be occupied in Georgia coastal waters subject to the jurisdiction of the CMPA for more than 90 days during any calendar year unless the live-aboard owner has been granted an extension of time in writing by the Commissioner.
- (b) The applicant shall submit a written request for an extension to the Commissioner.
- (c) The Commissioner shall promptly consider any written request that meets the following requirements:
 - 1. The applicant submits the request on the application form provided by the Department to the Commissioner, c/o the Coastal Resources Division, One Conservation Way, Brunswick, Georgia 31520;
 - 2. The Coastal Resources Division receives the request at least 15 calendar days prior to the requested extension start date;
 - 3. The applicant certifies that the live-aboard has a secured mechanism to prevent discharge of treated and untreated sewage. Examples of secured mechanisms considered to be effective at preventing discharges include, but are not limited to, closing the seacock and padlocking, using a non-releasable wire tie, or removing the seacock handle (with the seacock closed).
 - 4. The applicant certifies that they will not discharge any sewage, treated or untreated, into Georgia coastal waters subject to the jurisdiction of the CMPA.
 - 5. The applicant certifies that the live-aboard is capable of being used as a means of transportation on the water and is capable of safe, mechanically-propelled, navigation under average Georgia coastal wind and current conditions.
 - 6. The applicant identifies the eligible marina at which the live-aboard operator will moor the live-aboard.
 - 7. The applicant provides written documentation of a slip rental agreement with an eligible marina.
 - 8. The applicant states the reasons for requesting the extension and the period of time for which the extension is requested.
 - 9. The Commissioner, in his or her sole discretion, may grant or deny any request for an extension of time to occupy a live-aboard.

10. The Commissioner, in his or her sole discretion, may consider requests for extensions that do not meet this Rule if the applicant shows extraordinary and extenuating circumstances.
11. An extension may be granted for a specific live-aboard and cannot be transferred to a different live-aboard.

(4) **Eligible Marina.** No marina may permit a live-aboard to moor at its dock facility for more than 90 days in any calendar year unless the marina meets the following criteria:

- (a) The marina has an approved disposal system with a minimum holding tank size as listed below or a direct connection to a municipal or private sewage treatment facility; provided; however, that nothing in this Rule shall preclude a marina from owning or contracting with a mobile sewage pump-out service so long as said service provides documentation of proper disposal of sewage compliant with local, state or federal ordinances, regulations, and laws.

Total # of Live-aboards Minimum Holding Tank Size

1. 1 to 20	300 gallons
2. 21 to 40	600 gallons
3. 41 to 60	900 gallons
4. 61 to 80	1,200 gallons
5. 81 to 100	1,500 gallons
6. More than 100	2,000 gallons

- (b) The marina is in good standing with its CMPA permit and its Department waterbottoms lease.
- (c) The marina requires proof that each live-aboard mooring at its dock facility that has been occupied in Georgia coastal waters subject to the jurisdiction of the CMPA for more than 90 days during any calendar year has been granted an extension by the Commissioner pursuant to O.C.G.A. § [12-5-288\(b\)\(8\)](#).

(5) **Record Keeping.**

- (a) Live-aboard operators granted an extension shall keep on the live-aboard records or receipts describing the location and date of sewage pump-out for the duration of the extension.
- (b) Each eligible marina shall keep at its office, in an organized and recoverable fashion, and for the duration of the extension:
 1. all records or receipts describing the date of each sewage pump-out inclusive of a live-aboard identifier; and

2. A copy of the document authorizing the extension for each live-aboard moored at its dock facility that has been occupied in Georgia coastal waters subject to the jurisdiction of the CMPA for more than 90 days in any calendar year.
- (c) A copy of the document authorizing the extension shall be kept onboard the live-aboard for the duration of the extension.
- (6) **Extension Term.** The Commissioner may grant extensions for up to one calendar year at a time, beginning January 1 and ending December 31. Extensions can be requested for additional years, subject to the same requirements.
- (7) **Live-aboard and Marina Inspection.** Live-aboard owners granted an extension and eligible marinas are subject to inspections by Department personnel to verify compliance with this rule.
- (8) **Amendment and Termination of Extensions.**
- (a) The live-aboard operator shall notify the Department using the Department provided form prior to re-locating the live-aboard to a new eligible marina.
 - (b) A marina operator shall notify the Department if any live-aboard with an extension moored at its dock facility terminates its agreement with the marina operator.
 - (c) An extension may be terminated if the Commissioner determines that the conditions of the extension have been violated by the live-aboard operator after 10 days notice to the live-aboard owner.
 - (d) Any live-aboard owner who believes that the Commissioner erroneously terminated an extension may file an appeal with the Commissioner within 10 days of the date of the decision. The appeal must be in writing and set forth in detail the reasons for the appeal. The appeal must be postmarked or delivered to the Commissioner at the Commissioner's official address on or before the 10th day; provided that if the 10th day falls on a Saturday, Sunday or state holiday, then the 10th day is deemed to be the first business day after said Saturday, Sunday or state holiday.

Cite as Ga. Comp. R. & Regs. R. 391-2-3-.05

Authority: O.C.G.A. Title 12.

History. Original Rule entitled "Coastal Marshlands Protection Committee: Organization Rules" adopted as R. [391-4-12-.05](#), F. Jan. 15, 1975; eff. Feb. 4, 1975.

Repealed: New Rule of same title renumbered as R. 391-2-3-.05. F. Dec. 28, 1979; eff. Jan. 17, 1980.

Repealed: F. June 26, 1992; eff. July 16, 1992.

Adopted: New Rule entitled "Extension of live-Aboard Privileges". F. Jun. 27, 2012; eff. July 17, 2012.

Subject 391-2-4. SALTWATER FISHING REGULATIONS.

Rule 391-2-4-.01. Eel Fishing.

- (1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on sound principles of wildlife research and management, establishing the commercial and recreational seasons, days, and places; methods of fishing and disposition; and size, creel, and possession limits for eel.
- (2) **Areas Open to Commercial Eel Fishing.** It shall be lawful to fish commercially for adult eels in the following areas:
 - (a) In any salt waters of this state except as specifically prohibited below;
 - (b) In the Savannah River from the saltwater demarcation line to a point one-half mile below the Stevens Creek Reservoir Dam;
 - (c) In the Ogeechee River from the saltwater demarcation line to the U.S. Highway 25 bridge at Millen;
 - (d) In the Altamaha River from the saltwater demarcation line to the confluence of the Oconee and Ocmulgee Rivers provided; however, it shall be unlawful to fish commercially for eel in the North Altamaha River, except on the ocean side (downstream) of the mouth of, but not including, Lewis Creek. Such fishing shall also be unlawful in the South Altamaha River, except on the ocean side (downstream) of the uppermost entrance of Hammersmith Creek;
 - (e) In the Oconee River from the confluence of the Oconee and Ocmulgee Rivers to a point one-half mile below Lake Sinclair Dam;
 - (f) In the Ocmulgee River from the confluence of the Oconee and Ocmulgee Rivers to a point one-half mile below Juliette Dam;
 - (g) In the Satilla River from the saltwater demarcation line to the U.S. Highway 84 bridge at Waycross;
 - (h) In the St. Marys River from the saltwater demarcation line to Georgia Highway 94 bridge near St. George;
- (3) **Seasons.** Fishing for eels shall be open year-round.
- (4) **Gear for Taking Eels.** It shall be lawful to fish commercially for adult eels as follows:
 - (a) With rectangular pots no larger than 24 inches x 24 inches x 15 inches or with cylindrical traps no larger than 15 inches nor smaller than 9 inches in diameter and no greater than 36 inches in length. Each gear type must have:

1. A mesh size no smaller than 1 inch x ½ inch, except for the throat or muzzle and the end opposite the throat or muzzle of cylindrical traps;
 2. A round opening, the size of which shall be limited by a steel ring 2 inches in diameter securely attached to the material of which the muzzle or throat is constructed; and
 3. Attached thereto a tag bearing the name, address and commercial fishing license number of the person using such pot or trap and non-green colored float bearing the corresponding commercial fishing license number in one inch letters of contrasting color.
- (5) **Possession of Fish Other than Eels.** All fish other than eels, caught in any trap set for eels shall be returned to the waters of the state immediately after and at the place the trap has been fished. Possession of any fish other than adult eels shall be prima-facie evidence of fishing illegally.
- (6) **Commercial Harvest Limits.** Commercial harvest of eels is limited to adult eels which shall mean eels at least nine inches in length. Except as otherwise provided, there shall be no commercial creel limit for the harvest of adult eels.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.01

Authority: O.C.G.A. Title 12, Secs. [27-1-4](#), [27-4-12](#), [27-4-71](#).

History. Original Rule entitled "Closing and Reopening of Certain Salt Waters to Fishing with Power-Drawn Nets" adopted as R. 391-4-8-.01. F. Aug. 26, 1977; eff. Sept. 15, 1977.

Repealed: R. renumbered to 391-2-4-.01 by Certification. F. Dec. 28, 1979; eff. Jan. 17, 1980.

Repealed: F. Apr. 17, 1981; eff. May 7, 1981.

Adopted: New Rule entitled "Eel Fishing." F. Dec. 18, 2012; eff. Jan. 7, 2013.

Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.

Rule 391-2-4-.02. Shad Fishing.

- (1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on sound principles of wildlife research and management, establishing the commercial and recreational seasons, days and places; methods of fishing and disposition; and size, creel, and possession limits for shad.
- (2) **Areas Open to Commercial Shad Fishing.**
 - (a) Nets shall be set or fished only in flowing water within the banks of the stream channels. Nets may not under any circumstances be set or fished in waters that are not flowing such as in sloughs or dead oxbow lakes.

- (b) Waters of the Savannah River system open to commercial shad fishing are the Savannah River downstream of the U.S. Highway 301 bridge, Collis Creek, Albercorn Creek, Front River, Middle River, Steamboat River, McCoy's Cut, Housetown Cut, Back River upstream from Corps of Engineers New Savannah Cut, New Savannah Cut, North Channel Savannah River downstream to a line running due south of the easternmost tip of Oyster Bed Island, South Channel Savannah River downstream to a line running from the southeast tip of Cockspur Island to the mouth of Lazaretto Creek, and Elba Island Cut between North and South Channels of the Savannah River.
 - (c) Reserved.
 - (d) Waters of the Altamaha River system open to commercial shad fishing are the Ohoopsee River upstream to the U.S. Highway 1 bridge; the Altamaha River downstream of the from U.S. Highway 1 bridge including Cobb Creek Oxbow, Beards Creek from its mouth upstream to the Long-Tatnall County line (Big Lake), Sturgeon Hole from the Altamaha River to the lower mouth of Harper Slough, Old Woman's Pocket, South Branch, General's Cut, South Altamaha River, Champney River, Butler River, One Mile Cut, Wood Cut, Darien River upstream to the confluence Darien Creek, and Cathead Creek, Buttermilk Sound upstream to the mouth of Hampton River, Hampton River, Altamaha sound to the sound/beach boundary (see [391-2-4-.03](#)), Rockdedundy River, Little Mud River, South River, Back River, North River upstream to Hird Island Creek, and Doboy Sound from the sound/beach boundary upstream to a line from range F1 R4 sec A across buoy R "178" to Sapelo Island. Old River and Mid Slough of the Penholoway River and Ellis Creek are closed to commercial shad fishing.
 - (e) Reserved.
 - (f) Reserved.
- (3) **Commercial Shad Fishing Seasons.** The commercial shad fishing season shall be open as provided in subparagraphs (a), (b) and (c) of this paragraph from 1 January to 31 March; however, the Commissioner of Natural Resources, in accordance with current, sound principles of wildlife research and management, may at his discretion open or close the season 30 days after 31 March on any or all areas open to commercial shad fishing.
- (a) The Altamaha River system downstream from the Seaboard Coastline Railroad bridge (at Altamaha Park) will be open to commercial shad fishing Monday through Friday each week. Upstream of this point will be open Tuesday through Saturday each week.
 - (b) The Savannah River system downstream from the I-95 bridge will be open to commercial shad fishing Tuesday through Friday each week. Upstream of the I-95 bridge it will be open Wednesday through Saturday each week.

(c) Reserved.

(4) Commercial Gear and Methods for Taking Shad.

- (a)
 - 1. Set nets and drift nets of at least four and one-half inch stretched mesh or trot lines (in accordance with O.C.G.A. [27-4-91](#)) may be used to commercially fish for shad, provided, however, that only drift nets may be used in the Savannah River system downstream of a line between the mouth of Knoxville Creek and McCoy's Cut at Deadman's Point; Altamaha Sound; and Doboy Sound.
 - 2. Nothing in this section shall preclude the commercial use of pole and line gear.
- (b)
 - 1. Set nets must be placed at least six hundred (600) feet apart and shall be limited to one hundred (100) feet in length. All set nets must have one end secured to the stream's bank and be buoyed at the outer (streamward) end so as to be clearly visible to boaters.
 - 2. Set and drift nets must be situated so as to follow one-half the stream width open and free for the passage of fish.
 - 3. Drift nets shall not be fished closer than three hundred (300) feet apart and shall be limited to a maximum of one thousand (1,000) feet in length in saltwaters.
- (c) This Rule applies only to American and hickory shad. Game fish other than American shad and hickory shad, and all species of catfish taken in shad nets must be released unharmed into the waters from which they were taken.
- (d) Notwithstanding any other provision to the contrary, there shall be no possession or creel limit on commercially harvested American shad or hickory shad

(5) Recreational Shad Fishing.

- (a) Recreational shad fishermen are restricted to two poles and lines. Fishermen using more than two poles and lines shall be considered to be fishing commercially.
- (b) Bow nets shall be considered recreational fishing gear and shall have a minimum legal size of 3 ½ inches stretched mesh.
- (c) The maximum recreational daily creel and possession limit shall be eight (8) for any one or a combination of American shad or hickory shad.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.02

Authority: O.C.G.A. Title 12, Secs. [27-1-4](#), [27-4-12](#), [27-4-71](#).

History. Original Rule entitled "Commercial Shad Fishing" adopted. F. Dec. 28, 1979; eff. Jan. 17, 1980.

Amended: F. Dec. 28, 1983; eff. Jan. 17, 1984.

Amended: F. Dec. 2, 1987; eff. Dec. 22, 1987.

Amended: F. June 19, 1989; eff. July 9, 1989.

Amended: F. Dec. 9, 1994; eff. Dec. 29, 1994.

Amended: F. Nov. 4, 2010; eff. Nov. 24, 2010.

Amended: New title "Shad Fishing." F. Dec. 18, 2012; eff. Jan. 7, 2013.

Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.

Rule 391-2-4-.03. Sound/Beach Boundaries.

- (1) **Purpose.** The purpose of these rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to regulate the places wildlife can be taken. (O.C.G.A. [27-4-12](#)).
- (2) **Designations of Sound/Beach Boundaries.** Sound/Beach boundaries consist of an imaginary line running through coordinates generally located on the southern tip of a barrier island to the northern tip of the next barrier island immediately south.
 - (a) Estelle Sound (Savannah River). The boundary is from the point located at 32° 02' 04.5" N. Lat./ 80° 51' 03.8" W. Long. at the easternmost end of the south jetty of the Savannah River Entrance to the point located at 32° 01' 48" N. Lat./ 80° 51' 09" W. Long. at the northern tip of Tybee Island.
 - (b) Wassaw Sound. The boundary is from the point located at 31° 56' 38" N. Lat./80° 55' 45" W. Long. on the southern tip of Little Tybee Island to the point located at 31° 54' 37.5" N. Lat./ 80° 56' 09.5" W. Long., directly in front of the large concrete bunker on the northern tip of Wassaw Island.
 - (c) Ossabaw Sound. The boundary is from the point located at 31° 51' 27" N. Lat./81° 00' 00" W. Long. on the southern tip of Wassaw Island to the point located at 31° 49' 02" N. Lat./81° 02' 17" W. Long. on the northern tip of Ossabaw Island.
 - (d) St. Catherines Sound. The boundary is from the point located at 31° 43' 17" N. Lat./81° 8' 13" W. Long. on the southern tip of Ossabaw Island to the point located at 31° 41' 55" N. Lat./81° 8' 23" W. Long. on the northern tip of St. Catherines Island.
 - (e) Sapelo Sound. The boundary is from the point located at 31° 33' 20" N. Lat./81°10' 35" W. Long on the southern tip of St. Catherines Island to the point located 31°31' 50" N. Lat./81° 11' 13" W. Long. on the northern tip of Black Beard Island.
 - (f) Doboy Sound and Altamaha Sound. The boundary is from the point located at 31° 22' 55" N. Lat./81° 16' 25" W. Long. on the southern tip of Sapelo Island to the

point located at 31° 21' 50.48" N. Lat./81° 17' 36.63" W. Long. on the northern tip of Wolf Is land then turning south to a point located at 31° 19' 34.12" N. Lat./81° 17' 18.20" W. Long. on the southern tip of Wolf Is land, finally turning southwest to a point located at 31° 17' 21" N. Lat./81° 17' 57" near the northeastern tip of Little St. Simons Island.

- (g) Reserved.
 - (h) Hampton River. The boundary is from the point located at 31° 13' 5" N. Lat./81° 18' 7" W. Long. on the southern tip of Little St. Simons Island to the point located at 31° 12' 48" N. Lat./81° 18' 38" W. Long. on the northeastern tip of Sea Island.
 - (i) St.03 Simons Sound. The boundary is from the point located at 31° 08' 01" N. Lat./81° 23' 37" W. Long. at the base of the lighthouse on the southern tip of St. Simons Island to the point located at 31° 7' 12" N. Lat./81° 24' 35" W. Long. on the northern tip of Jekyll Island.
 - (j) St. Andrew Sound. The boundary is from the point located at 31° 0' 55" N. Lat./81° 25' 48" W. Long. on the southern tip of Jekyll Island to the point located at 30° 58' 38" N. Lat./81° 24' 49" W. Long. on the northern tip of Little Cumberland Is land.
 - (k) Cumberland Sound. The boundary is from the point located at 30° 42' 52" N. Lat./81° 27' 10" W. Long. on the southern tip of Cumberland Island to the point located at 30° 42' 21" N. Lat./81° 27' 15" W. Long. at the northern most point of Fort Clinch.
- (3) All ocean facing inlets and creeks on the eastern side of barrier islands such as, but not limited to Tybee and Little Tybee Creek, McQueen's Inlet on St. Catherine's Island, Cabretta Inlet/Blackbeard Creek on Sapelo Island, Beacon Creek on Wolf Island, Gould's Inlet on St. Simons Island, and Christmas Creek on Cumberland Island, shall be considered sounds for the purposes of delineating sound/beach boundaries.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.03

Authority: O.C.G.A. Title 12, Sec. [27-1-4](#).

History. Original Rule entitled "Sound/Beach Boundaries" adopted. F. Aug. 15, 1980; eff. Sept. 4, 1980.

Amended: F. Oct. 23, 1986; eff. Nov. 12, 1986.

Amended: ER. 391-2-4-0.29-.03 adopted. F. and eff. May 24, 1995, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 24, 1995; eff. Sept. 13, 1995.

Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.

Rule 391-2-4-.04. Saltwater Finfishing.

- (1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on sound principles of

wildlife research and management, establishing the seasons, methods of fishing, and disposition; size, possession, and creel limits; and gear and landing specifications for certain finfish.

(2) **Definitions.**

- (a) "Billfish" means Blue Marlin (*Makaira nigricans*), White Marlin (*Tetrapturus albidus*) and Sailfish (*Istiophorus albicans*).
- (b) "Daily creel limit" means the lawful amount of a species of finfish that a person may take in one day or possess at any one-time, except at one's place of abode or at a commercial storage facility provided the Board has not prohibited sale of that species.
- (c) "Hammerhead Sharks" means a group of sharks inclusive of great hammerhead (*Sphyrna mokarran*), scalloped hammerhead (*Sphyrna lewini*) and smooth hammerhead (*Sphyrna zygaena*).
- (d) "Handline" means a mainline to which no more than two hooks are attached and which is retrieved by hand without the aid of mechanical devices.
- (e) "Landed" means to bring fish to shore in this state, regardless of the jurisdiction from which they were taken or harvested.
- (f) "Minimum size" means the species' specific size in length, specified as fork length, lower jaw fork length or total length, below which size it is unlawful to possess that finfish species.
- (g) "Maximum size" means the species' specific size in length, specified as fork length, lower jaw fork length or total length, above which size it is unlawful to possess that finfish species.
- (h) "Open Season" means that specified period of time during which one may take from any of the waters of this state certain finfish species.
- (i) "Prohibited Sharks" means a group of sharks inclusive of sand tiger (*Carcharias taurus*), sandbar shark (*Carcharhinus plumbeus*), silky shark (*Carcharhinus falciformis*), bigeye sandtiger (*Odontaspis noronhai*), whale shark (*Rhincodon typus*), basking shark (*Cetorhinus maximus*), white shark (*Carcharodon carcharias*), dusky shark (*Carcharhinus obscurus*), bignose shark (*Carcharhinus altimus*), Galapagos shark (*Carcharhinus galapagensis*), night shark (*Carcharhinus signatus*), reef shark (*Carcharhinus perezii*), narrowtooth shark (*Carcharhinus brachyurus*), Caribbean sharpnose shark (*Rhizoprionodon porosus*), smalltail shark (*Carcharhinus porosus*), Atlantic angel shark (*Squatina dumeril*), longfin mako (*Isurus paucus*), bigeye thresher (*Alopias superciliosus*), sharpnose sevengill shark (*Hepttranchias perlo*), bluntnose sixgill shark (*Hexanchus griseus*),

bigeye sixgill shark (*Hexanchus nakamurai*), and oceanic whitetip shark (*Carcharhinus longimanus*).

(j) "Sharks" means all species of sharks other than those comprising the small shark composite as defined in subparagraph 2(k), hammerhead sharks as defined in subparagraph 2(c), prohibited sharks as defined in subparagraph 2(i), and individual species regulated by this rule.

(k) "Small Shark Composite" means a group of sharks inclusive of Atlantic sharpnose shark (*Rhizoprionodon terraenovae*), bonnethead (*Sphyrna tiburo*), and spiny dogfish (*Squalus acanthias*).

(3) **Seasons, Daily Creel and Possession Limits, Minimum and Maximum Size Limits.**

The following species may be taken in accordance with the seasons, daily creel and possession limits, and minimum and maximum size limits set forth below, except as otherwise specifically provided herein:

SPECIES	SEASON	Daily Creel and Possession Limit	Minimum Size (inches)	Maximum Size (inches)
(a) Amberjack	All Year	1	28 FL	
(b) Atlantic croaker	All Year	25		
(c) Atlantic sturgeon	No Open Season has been established by the Board of Natural Resources.			
(d) Black drum	All Year	15	14 TL	
(e) Black sea bass	All Year	15	12 TL	
(f) Reserved				
(g) Bluefish	All Year	15	12 TL	
(h) Cobia	March 1 - October 31	1 per person not to exceed 6 per boat	36 FL	
(i) Dolphin	All Year	10 per person not to exceed 54 per boat.	20 FL	
1. Headboats with a valid certificate of inspection are allowed 10 dolphin per paying passenger.				
(j) Flounder (<i>Paralichthys spp.</i>)	All Year	15	12 TL	
(k) Gag grouper	All Year	2	24 TL	
(l) King mackerel	All Year	3	24 FL	
(m) Red Drum	All Year	5	14 TL	23TL
(n) Red Porgy	All Year	3	14 TL	
(o) Red Snapper	All Year	2	20 TL	

(p) Reserved				
(q) Prohibited Sharks	Unlawful to possess.			
(r) Sharks	All Year	1 per person or boat	54 FL	
(s) Sheepshead	All Year	15	10 TL	
(t) Small Shark Composite	All Year	1	30 FL	
(u) Spanish mackerel	All Year	15	12 FL	
1. A catch of Spanish mackerel under the minimum size limit is allowed equal to five percent by weight of the total catch of Spanish mackerel on board a trawler.				
(v) Spot	All Year	25		
(w) Spotted sea trout	All Year	15	14 TL	
(x) Tarpon	All Year	1	68 TL	
(y) Tripletail	All Year	2	18 TL	
(z) Weakfish	All Year	1	13 TL	
(aa) Reserved				
(bb) American eel	All Year	25	9 TL	
(cc) Hammerhead Sharks	All Year	1 per person or boat	78 FL	
(dd) Shortfin Mako Shark	All Year	1 per person or boat	83 FL	

- (4) **Restrictions on Sale.** It shall be unlawful for any person in this state to sell, purchase, or barter any of the following species or part thereof, except as otherwise specifically provided herein:
- (a) No person operating as a dealer may buy or sell sharks, small shark composite species, hammerhead sharks, and shortfin mako sharks caught in state waters without first obtaining a federal Commercial Shark Dealer Permit and when state or federal quotas for species within those groups have been reached.
 - (b) Tarpon.
 - (c) No person may sell any fish managed under federal law and harvested from either Georgia waters or the South Atlantic Exclusive Economic Zone except when the catch of such fish is allowed by applicable federal law. This prohibition of sale does not apply to fish harvested, landed, and sold in compliance with applicable

federal law and held in cold storage by a seafood dealer or processor. This prohibition also does not apply to a seafood dealer's purchase or sale of fish harvested from waters other than those of Georgia or the South Atlantic Exclusive Economic Zone, provided such fish is accompanied by documentation of legal harvest.

(d) Reserved

(e) Reserved

(5) Possession and Landing Specifications.

- (a) All fish subject to restrictions specified in this Rule may be possessed in state waters or landed only with head and fins intact, except that when landed for commercial purposes, all sharks, small shark composite species, hammerhead sharks, and shortfin mako sharks may have the heads removed but fins and tail must remain naturally attached.
- (b) It shall be unlawful to transfer at sea in State waters from a fishing vessel to any other vessel or person any fish caught which are subject to the restrictions specified in this Rule.
- (c) Except as otherwise provided by law, it shall be unlawful to fish for sharks, small shark composite species, hammerhead sharks, or shortfin mako sharks for recreational purposes with any gear other than rod and reel or handline as defined in subparagraph (2)(d) above. Additionally, anglers must use non-offset, corrodible, non-stainless-steel circle hooks when fishing for sharks recreationally, except when fishing with flies or artificial lures.
- (d) Except as otherwise provided by law, trawlers fishing for shrimp for human consumption pursuant to Code Section [27-4-133](#) shall be exempt from the creel and possession limits for spot and Atlantic croaker.
- (e) Except as otherwise specifically provided herein, in state waters the size, catch, creel and possession limits, fishing period closures, and requirements pertaining to the taking, release, landing, sale, purchase, trade, or barter of billfish shall be prescribed by federal regulations implemented under the Fishery Conservation and Management Act (PL 94-265) and the Consolidated Atlantic Highly Migratory Species Fishery Management Plan.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.04

Authority: O.C.G.A. §§ [12-2-24](#), [27-1-4](#), [27-4-10](#).

History. Amended: F. July 30, 1991; eff. August 19, 1991.

Amended: F. Feb. 26, 1992; eff. Mar. 17, 1992.

Amended: F. July 22, 1992; eff. August 11, 1992.

Amended: F. July 26, 1993; eff. August 15, 1993.

Amended: F. Nov. 3, 1995; eff. Nov. 23, 1995.

Amended: ER. 391-2-4-0.34-.04 adopted. F. and eff. Jan. 29, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.

Amended: F. Apr. 23, 1997; eff. May 13, 1997.

Amended: F. Oct. 23, 1998; eff. Nov. 12, 1998.

Amended: F. Oct. 28, 1999; eff. Nov. 17, 1999.

Amended: F. Aug. 28, 2001; eff. Sept. 17, 2001.

Amended: F. Dec. 8, 2006; eff. Dec. 28, 2006.

Amended: Feb. 11, 2009; eff. Mar. 3, 2009.

Amended: F. Mar. 25, 2010; eff. Apr. 14, 2010.

Amended: F. Dec. 18, 2012; eff. Jan. 7, 2013.

Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.

Amended: F. Feb. 5, 2014; eff. Feb. 25, 2014.

Amended: F. Dec. 7, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Amended: F. Feb. 7, 2018; eff. Mar. 1, 2018, as specified by the Agency.

Amended: F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Feb. 1, 2022; eff. Feb. 21, 2022.

Amended: F. June 22, 2022; eff. July 12, 2022.

Rule 391-2-4-.05. Shrimp Trawl Gear Specifications. Requirement for Use of Turtle Excluder Devices.

- (1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to regulate the times, methods, ways, means, and devices of taking wildlife which are necessary to protect threatened and endangered sea turtles in state waters.
- (2) Definitions.
 - (a) "Qualified turtle excluder device" or "TED" means a device approved by the National Marine Fisheries Service, and described in 50 C.F.R. Section 272.72(e)(4)(ii)(A)-(F), or any additional device approved by the National Marine Fisheries Service pursuant to 50 C.F.R. Section 272.72(e)(4)(iii).
 - (b) "Headrope length" means the straightline length of that portion of the top rope of the trawl net from which the net is hung measured between the outermost hanging points.
 - (c) "Perimeter" means the opening or entrance to the trawl formed and limited by attachment of the net mesh to line, which line is securely attached so as to form a continuous perimeter around the leading edge of the net. The perimeter so formed is measured from point to point along the line forming the leading edge of the net.
- (3) Vessels Required to Use Turtle Excluder Devices.
 - (a) All shrimp trawlers which trawl for shrimp consumption in Georgia's sound pursuant to O.C.G.A. [27-4-133](#) must have a qualified turtle excluder device in each net. In addition, all shrimp trawlers which trawl for shrimp for human

consumption pursuant to O.C.G.A. [27-4-133](#) in Georgia's offshore waters, seaward of the sounds and south of 31°20' North latitude, must have a qualified turtle excluder device installed in each trawl net during trawling operations during 1 April through 31 December of each year. Shrimp trawlers which trawl for shrimp for human consumption in Georgia's offshore waters, seaward of the sounds and north of 31°20' North latitude, must use a qualified TED in each net during the period 1 April through 30 November of each year.

(4) Exemptions.

- (a) Vessels using a single net having a headrope length of 30 feet or less and a perimeter around the leading edge of the net not greater than 82 feet are exempt from the TED requirement.
- (b) A single test net, commonly referred to as a trynet, having a headrope length of 20 feet or less is exempt from the TED requirement provided that such net is pulled immediately in front of another net and is not connected to another net in any way.
- (c) A trawl being used as part of a public or private experimentation authorized by the Director, Southeast Region, National Marine Fisheries Service, as provided in 50 C.G.R. Section 227.72(e)(4)(iv) and permitted according to O.C.G.A. Section [27-2-12](#) is exempt from the TED requirement provided written authorization shall be maintained aboard the shrimp trawler with such a trawl at all times.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.05

Authority: O.C.G.A. [27-1-4](#).

History. Original Rule entitled "Shrimp Trawl Gear Specifications. Requirement for Use of Turtle Excluder Devices" adopted. F. Oct. 25, 1990; eff. Nov. 14, 1990.

[Rule 391-2-4-.06. Recreational Fishing for Shrimp.](#)

- (1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on sound principles of wildlife research and management, establishing the recreational seasons, days, and places; methods of fishing and disposition; and size, creel, and possession limits for shrimp.
- (2) **Food Shrimp.** For the purpose of recreationally fishing for shrimp to be used for human consumption, any person who has a recreational fishing license may recreationally fish for food shrimp at such times and places as the commissioner has established.
 - (a) **Gear.** Except as otherwise provided by law or regulation, it shall be unlawful to recreationally fish for food shrimp in the salt waters of the State of Georgia by any means except the following:

1. Food shrimp cast net as defined in O.C.G.A. [27-1-2](#) (29.1); or a
 2. Beach seine of a length and mesh size authorized for use in salt waters by [391-2-4-.12](#).
- (b) Quantity for Cast Nets. No person or group of persons occupying the same boat recreationally fishing for shrimp by means of a food shrimp cast net may take more than 48 quarts of shrimp with heads or 30 quarts of shrimp tails in any day. No such person or group of persons occupying the same vessel may possess at any time more than 48 quarts of shrimp with heads or 30 quarts of shrimp tails.
- (c) Quantity for Seines. No one person recreationally fishing for shrimp solely by means of a seine, whether such person is acting alone or in a group of persons, may take more than 24 quarts of shrimp with heads or 15 quarts of shrimp tails in any day. No such person may possess at any time more than 24 quarts of shrimp with heads or 15 quarts of shrimp tails. If any person or group of persons are in possession of a food shrimp cast net and a seine, such person or group of persons shall be subject to the limits imposed upon taking shrimp by food shrimp cast net.
- (3) **Bait Shrimp.** For the purpose of recreationally fishing for shrimp to be used for live bait in this state, any person who has a recreational fishing license may recreationally fish for bait shrimp at such times and places as the commissioner has established.
- (a) Gear. Except as otherwise provided by law or regulation, it shall be unlawful to recreationally fish for bait shrimp in the salt waters of the State of Georgia by any means except the following:
1. Bait shrimp cast net as defined in O.C.G.A. [27-1-2](#) (5.1).
 2. Food shrimp cast net as defined in O.C.G.A. [27-1-2](#) (29.1);
 3. Beach seine of a length and mesh size authorized for use in salt waters by [391-2-4-.12](#); or a
 4. "Ten-foot net" as described in O.C.G.A. [27-1-2](#)-(71.1) and herein. A "ten-foot net" means a trawl net with the following characteristics:
 - i. A cork line not to exceed ten feet from tie-to-tie between the first and last mesh across the mouth of the net, a lead line not to exceed 13 feet from tie-to-tie between the first and last mesh across the mouth of the net, and leg lines of equal length. No webbing shall extend toward the door beyond the original brail lines which run vertically between the first tie at each end of the cork line and the first tie at each end of the lead line.

- ii. The leg lines of a ten foot net shall not exceed 4 feet from the fastener on the otter board (door) to the first mesh tie on the cork (head) line, and shall not exceed 4 feet 7 inches from the fastener on the otter board to the first mesh tie on the lead (foot) line. Total net width including leg lines and webbing shall not exceed 18 feet on the cork line and 22 feet 2 inches on the lead line.
- iii. The vertical lines (brails) connecting the head line and the lead line shall not exceed 36 inches in length.
- iv. The tow lines (bridles) connecting the tow vessel to the otter boards shall not exceed 75 feet from the fasteners on the otter board to the transom of the boat, including all connectors at the otter boards and the tow vessel; on tongue nets the third tow line and all connectors also shall not exceed 81 feet.
- v. Otter boards shall not exceed 15 inches x 30 inches (height x length) in dimension.
- vi. Head line floats on standard (tongueless) designs shall not exceed five in number, only one of which may exceed 3½ inches, but shall not exceed 6 inches in longest measurement. Nets of a tongue or bib design may have a maximum of two floats neither of which may exceed 6 inches in longest measurement.
- vii. Webbing mesh size shall not be smaller than one inch when stretched nor exceed 1⅜ inches when stretched measurement. Total mesh count in the circumference of the bag where it attaches to the body of the net, and also rearward throughout the construction of the bag shall not exceed 50.
- viii. Total net length including the body of the net, the bag, and the cod-end shall not exceed 19 feet 6 inches.

(b) Time. It shall be unlawful to fish for bait shrimp with a "ten-foot net" at night.

(c) Quantity for "Ten-foot net". No person fishing for shrimp with a "ten-foot net" shall possess more than two quarts of bait shrimp at any time, no more than one-half pint of which may be dead; but any such person may take a maximum of four quarts of bait shrimp during any 24 hour period. When two or more persons fishing for shrimp under this subsection occupy the same boat; there may be no more than four quarts of bait shrimp on board the boat at any time, no more than one pint of which may be dead; but the persons occupying the boat may take a maximum of eight quarts of bait shrimp during any 24 hour period. Possessing or

taking more than the limits prescribed in this subparagraph shall be unlawful. Possessing more than these limits shall be prima-facie evidence that the shrimp were taken for some purpose other than to be used as live bait.

- (d) Quantity for bait shrimp cast net or seine. When food shrimp season is closed, any person fishing for shrimp with a cast net or seine shall possess no more than two quarts of bait shrimp at any time, all of which may be dead; and provided, further, that any such person may take a maximum of four quarts of bait shrimp during any day. When two or more persons taking shrimp under this subparagraph occupy the same boat, there may be no more than four quarts of bait shrimp on board the boat at any time, all of which may be dead; and the persons occupying the boat may together take a maximum of eight quarts of bait shrimp during any day.
- (e) It shall be unlawful for any person to sell or otherwise dispose of, for human consumption, any shrimp caught pursuant to this paragraph or to possess such shrimp for the purpose of sale or other distribution for human consumption or personally to consume such shrimp. Possession of shrimp with heads off shall be prima-facie evidence that the shrimp are to be sold for human consumption or are personally to be consumed.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.06

Authority: O.C.G.A. Title 12, O.C.G.A. Sec. [27-1-4](#).

History. Original Rule entitled "Bait Shrimping" adopted F. Oct. 1, 1902; eff. Oct. 21, 1992.

Amended: New title "Recreational Fishing for Shrimp". F. Dec. 18, 2012; eff. Jan. 7, 2013.

Rule 391-2-4-.07. Crabbing.

- (1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to regulate the times, places, numbers, species, sizes, manner, methods, ways, means, and devices of taking, capturing, transporting, storing, selling, and using wildlife so as to conserve marine crabs, primarily of the species *Callinectes sapidus*.
- (2) **Definitions.**
 - (a) "Escape ring" means a rigid, circular port forming the boundary of an opening placed flush with an outside surface of the wire mesh or other material in the wall of the crab trap so as to create an unobstructed opening through the wall of the trap.
 - (b) (i) "Commercial crab trap" means a trap as specified in O.C.G.A. [27-1-2\(14\)](#) and [27-4-151\(i\)](#), deployed for the purpose of taking crabs as defined in

O.C.G.A. [27-1-2\(21\)](#) whether such crabs are taken for the purpose of sale or not.

- (ii) Additionally, a crab trap shall have installed at least two escape rings with unobstructed openings of minimum inside diameter of 2 3/8 inches. Such escape rings shall be positioned in the crab trap on any of the four vertical, outside walls. For purposes of meeting this definition, escape rings shall not be placed on a horizontal outside wall, which forms the ceiling, or top of the trap, or the bottom of the trap.
- (iii) In addition to the specifications detailed in subsection (i) of O.C.G.A. [27-4-151](#), effective April 1, 2005 the float attached to any commercial crab trap fished without a commercial fishing license or a commercial crabbing license pursuant to that subsection of the Code shall be colored fluorescent green or lime green. No commercial crab trap fished for the purpose of sale shall be marked with a fluorescent green or lime green float.
- (c) In addition to the specifications detailed in O.C.G.A. [27-1-2\(14\)](#), a "commercial peeler crab trap" deployed for the purpose of taking "peeler crabs" as defined in O.C.G.A. [27-1-2\(47\)](#), whether such peeler crabs are taken for the purpose of sale or not, shall be constructed with a minimum mesh size of one inch, shall have a minimum dimension of 24 inches, by 24 inches, by 24 inches and shall be exempt from the escape ring requirement specified in subparagraph 391-2-4-.07(2)(b), provided that such a trap is baited only with legal-sized live male blue crabs. Other baits including fish or other organisms which attract crabs into such traps, shall be prohibited and shall be prima-facie evidence of a violation of this paragraph.

(3) Gear for taking Crabs.

- (a) Any person who deploys a crab trap in the waters of the State as provided for in O.C.G.A. [27-4-151](#) may only use a crab trap as defined in O.C.G.A. [27-1-2\(14\)](#) and [27-4-151](#), and in paragraphs (2)(b) and (c) above.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.07

Authority: O.C.G.A. Title 12, Sec. [27-1-4](#).

History. Original Rule entitled "Bait Shrimping" adopted as R. 391-4-8-.07. F. Dec. 9, 1975; eff. Dec. 29, 1975. (This Rule was not printed at the request of the Agency. Adoption of a new Chapter 391-4-8 was contemplated.)

Repealed: F. Aug. 26, 1977; eff. Sept. 15, 1977.

Amended: New Rule entitled "Commercial Crabbing" adopted. F. Feb. 28, 1995; eff. Mar. 20, 1995.

Amended: F. May 29, 1996; eff. June 18, 1996.

Repealed: New Rule entitled "Crabbing" adopted. F. Dec. 20, 2004; eff. Apr. 1, 2005, as specified by the Agency.

Rule 391-2-4-.08. Bycatch Reduction Specifications. Requirement for use of Bycatch Reduction Devices.

- (1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to regulate the times, methods, ways, means, and devices of taking wildlife which are necessary to conserve living marine resources.
- (2) **Definitions used in this rule.**
 - (a) "Centerline" means the seam that runs along the top center of the trawl net. In the absence of a seam, the centerline runs from the center point of the length of the head rope to the furthest distance on top of the cod end of the trawl.
 - (b) "Certified bycatch reduction device" or "BRD" means a device specified in subsection 3(a)(i, ii, and iii) or a device certified by the National Marine Fisheries Service.
 - (c) "Cod end" means the end of a trawl net which acts as the receptacle for fish and other organisms caught in the net. It is closed and secured, at the extreme end, with a line.
 - (d) "Functional tailbag length" means that portion of the cod end forward of the tail rope tie off rings toward the mouth of the trawl net.
 - (e) "Headrope" means a rope that is attached to the upper lip (top edge) of the mouth of a trawl net along the forwardmost edge.
 - (f) "Headrope length" means the straight line length of that portion of the top rope of a trawl net from which the net is hung measured between the outermost hanging points.
 - (g) "Try net" means a net pulled for brief periods of time just before, or during, deployment of the primary net(s) in order to test for shrimp concentrations or determine fishing conditions (e.g. presence or absence of bottom debris, jellyfish, bycatch, seagrass, etc.).
- (3) **Vessels Required to use Bycatch Reduction Devices.**
 - (a) Effective June 1, 1996 all shrimp trawlers which trawl for shrimp for human consumption in Georgia saltwaters as permitted by O.C.G.A. [27-4-133](#) must have a certified bycatch reduction device (BRD) installed in each net, other than an exempt shrimp trawl or try net, at all times of the year. Effective July 1, 1997, all shrimp trawlers must have a certified BRD installed in trawl nets and trynets with a headrope length of greater than sixteen feet. A BRD shall be deemed to be certified if it is one of the types specified herein or is certified by the National Marine Fisheries Service.
 1. Fish Eye BRD - This device shall consist of at least one rigid exit opening frame sewn into each trawl net. This frame is to be constructed of no more

than four bars creating an apex to orient the exit opening. Each frame shall have an exit opening in the shape of an oval and a minimum of nine inches in length and a minimum of four and one half inches across the opening in the shortest dimension, creating an unobstructed opening with a surface area equal to or greater than twenty square inches facing the direction of the mouth of the trawl net. Each frame shall be installed in the cod end of the trawl net no further forward than seventy two percent of the functional tailbag length from the tail rope tie off rings. The frame shall be installed along the centerline on the top side of the cod end of the trawl net.

2. Eight-Inch Expanded Mesh/Extended Funnel BRD - This device consists of a funnel of small mesh netting within a cylinder of large mesh netting, held open by at least one semi-rigid hoop, and is installed in the trawl net behind a certified Turtle Excluder Device as defined in Rule [391-2-4.05](#). One side of the funnel is extended vertically to provide passage for shrimp to the cod end and to create an area of reduced water flow to allow for fish escapement through the larger mesh outer netting. This BRD shall meet the following specifications:
 - (i) The small mesh funnel and large mesh section shall be positioned within extension sections constructed of no smaller than one and five eighths inch stretched-mesh nylon netting, no less than one hundred twenty meshes in circumference. The extension section in front of the large mesh section shall be no less than six and one half meshes long, and the extension section behind the large mesh section shall be no shorter than twenty three meshes in length.
 - (ii) The small mesh funnel shall be constructed of no less than one and one half inch stretched-mesh netting. This component shall have a circumference of no less than one hundred twenty meshes at the leading edge and no more than one hundred four meshes at the trailing edge. The short side of the funnel shall be at least thirty-six inches long, while approximately half of the opposite side of the funnel shall extend at least twenty-two inches further toward the trailing edge of the funnel. The leading edge of the funnel shall be attached no less than three meshes forward of the leading edge of the large mesh. At least seven meshes of the short side of the funnel shall be attached to the back section of extension webbing on the top and bottom at least eight meshes back from the trailing edge of the large mesh section.
 - (iii) The larger mesh outer section shall consist of no smaller than eight-inch stretched-mesh netting and shall be hung on the square. This

section shall have a circumference no smaller than nineteen meshes and a length of at least four meshes.

- (iv) The leading edge of the large mesh section shall be attached to the trailing edge of the front extension section. One semi-rigid hoop constructed of plastic-coated trawl cable with a minimum diameter of thirty inches shall be installed at least five meshes behind the trailing edge of the large mesh section. If a second hoop is used, it shall be installed in the front extension section at least three meshes ahead of the large mesh section.
3. Ten-Inch Expanded Mesh/Extended Funnel BRD - This device consists of a funnel of small mesh netting within a cylinder of large mesh netting, held open by at least one semi-rigid hoop, and is installed in the trawl net behind a certified Turtle Excluder Device as defined in Rule [391-2-4-.05](#). One side of the funnel is extended vertically to provide passage for shrimp to the cod end and to create an area of reduced water flow to allow for fish escapement through the larger mesh outer netting. This BRD shall meet the following specifications:
- (i) The small mesh funnel and large mesh section shall be positioned within extension sections constructed of no smaller than one and three eighths inch stretched-mesh nylon netting, no less than one hundred twenty meshes in circumference. The extension section in front of the large mesh section shall be no less than three meshes long, and the extension section behind the large mesh section shall be no shorter than eighteen and one half meshes in length.
 - (ii) The small mesh funnel shall be constructed of no less than one and one half inch stretched-mesh netting. This component shall have a circumference of no less than eighty meshes at the leading edge and no less than eighty meshes at the trailing edge. The short side of the funnel shall be at least twenty-seven inches long, while approximately half of the opposite side of the funnel shall extend at least fifteen inches further toward the trailing edge of the funnel. The leading edge of the funnel shall be attached no less than one half mesh forward of the leading edge of the large mesh. The short side of the funnel shall be attached to the back section of extension webbing on the top and bottom at least two meshes back from the trailing edge of the large mesh section.
 - (iii) The larger mesh outer section shall consist of no smaller than ten inch stretched-mesh netting and shall be hung on the square. This

section shall have a circumference no smaller than nineteen meshes and a length of at least three meshes.

- (iv) The leading edge of the large mesh section shall be attached to the trailing edge of the front extension section. One semi-rigid hoop constructed of plastic-coated trawl cable with a minimum diameter of thirty inches shall be installed at least one and a half meshes behind the trailing edge of the large mesh section. If a second hoop is used, it shall be installed in the front extension section at least three meshes ahead of the large mesh section.

- 4. Diamond Fish Eye BRD - This device shall consist of at least one rigid exit opening frame sewn into each trawl net. This frame is to be constructed of no more than four bars creating an apex to orient the exit opening. Each frame shall have an exit opening in the shape of a diamond and a minimum of six and one half inches in length and a minimum of five and one half inches across the opening in the shortest dimension, creating an unobstructed opening with a surface area equal to or greater than nineteen square inches facing the direction of the mouth of the trawl net no further forward than seventy two percent of the functional tailbag length from the tail rope tie off rings. The center of the exit opening of the frame shall be installed no more than nineteen meshes offset from either side of the centerline on the top side of the cod end of the trawl net.

- (b) Bycatch reduction devices are required in try nets having a headrope length of greater than sixteen feet used for purposes of food shrimping pursuant to O.C.G.A. [27-4-133](#).
- (c) A BRD shall be used in conjunction with a certified Turtle Excluder Device when such a device is required pursuant to 50 C.F.R. Section 227.72(e)(4) (i, ii, and iii) and Section 227.72(e)(2)(ii)(A)(1).

(4) Exemptions.

- (a) A trawl net being used as part of a public or private experimentation authorized by the Department of Natural Resources, as provided in O.C.G.A. [27-2-12](#), is exempt from the BRD requirement provided written authorization shall be maintained aboard the shrimp trawler with such a trawl at all times.
- (b) Reserved.
- (c) Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.08

Authority: Title 12; O.C.G.A. Sec. [27-1-4](#).

History. Original Rule entitled "Bycatch Reduction Specifications. Requirement for Use of Bycatch Reduction Devices" adopted. F. Jan. 25, 1996, eff. Feb. 14, 1996.

Amended: F. Jun. 2, 1997; eff. Jun. 22, 1997.

Amended: F. Dec. 3, 1997; eff. Dec. 23, 1997.

Rule 391-2-4-.09. Commercial Fishing. Requirements for Keeping and Reporting Records.

- (1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to set standards, methods and times for submitting commercial fishing records.
- (2) **Definitions used in this Rule.**
 - (a) "Atlantic Coastal Cooperative Statistics Program" means a cooperative state, regional and federal agency initiative designed to coordinate, improve and standardize commercial and recreational seafood harvest data collection and management for the Atlantic coast.
 - (b) "Commercial crab harvester" means anyone who is licensed or authorized by the state to fish for crabs for commercial purposes pursuant to O.C.G.A. [27-4-150](#).
 - (c) "Commercial fishing records" means the information on the form approved by, or provided by, the Department to seafood dealers and commercial seafood harvesters who are required to report the purchase, landing or harvest of seafood pursuant to this rule.
 - (d) "Commercial seafood harvester" means anyone who sells or barter any portion of the catch from any fishing trip.
 - (e) "Commercial shrimp castnet harvester" means anyone who is licensed by the state to fish for shrimp with castnet gear for commercial purposes pursuant to O.C.G.A. [27-4-205](#).
 - (f) "Department" means the Department of Natural Resources, Coastal Resources Division.
 - (g) "Fishing trip" means the time during which a person is actively engaged in fishing, or in water-based activities in support of fishing, regardless of platform.
 - (h) "Marine fishery product" means seafood as defined in O.C.G.A. [27-1-2\(63\)](#).
 - (i) "Seafood dealer" means any person or entity other than the final consumer who purchases, ships, consigns, transfers, barter, accepts, maintains, or packs any

marine fishery products received from commercial seafood harvesters or marine aquaculturists for the first time and is licensed as such pursuant to O.C.G.A. [27-4-136](#). Where any commercial crab, seafood, or shrimp castnet harvester or marine aquaculturist sells, consigns, transfers, or barter marine fishery products to anyone other than a Georgia seafood dealer licensed pursuant to O.C.G.A. [27-4-136](#), such commercial crab, seafood, or shrimp castnet harvester or marine aquaculturist is himself acting as a seafood dealer and is subject to all requirements associated therewith including but not limited to the reporting requirements of this Rule and the licensing provisions of O.C.G.A. [27-4-136](#).

- (j) "Landed" means to bring fish to shore in this state, regardless of the jurisdiction from which they were taken or harvested.

(3) Persons required to report commercial fishing records.

- (a) All seafood dealers, are required to report fishing trip level records on a monthly basis directly to the Department as specified below.
- (b) All commercial crab, seafood, and shrimp castnet harvesters shall submit fishing trip level records to the seafood dealer at the time of transaction as specified below. Such fishing trip level records must be recorded at the time of the transaction on forms approved by the Department.

- (4) **Methods.** Monthly commercial fishing records are to be submitted on a form supplied by the Department or on an alternate form approved by the Department. All requests for approval of an alternate form must be submitted to the Department in writing with a copy of the proposed alternate form attached or included with the request. The alternate form must provide identical information and follow the same format as the Department form. Upon receipt of a request for approval of an alternate form, the Department will review the form for the required information within 5 days of the receipt of the request. All persons that use an approved alternate form shall be responsible for all costs associated with the printing and use of such forms. Forms approved by participating Atlantic Coastal Cooperative Statistics Program will be accepted by the Department.

- (5) **Times.** Seafood dealers are required to submit written monthly commercial fishing records to the Department by the tenth day of the subsequent month. These records may be hand delivered or submitted via mail, or electronically. Permission to submit records electronically must be obtained from the Department. All other commercial seafood harvesters are required to submit fishing trip level records directly to the seafood dealer at the time of transaction.

(6) Commercial Fishing Record Content.

- (a) Seafood Dealer. At the time of the transaction the seafood dealer is required to record the information referenced below. All information must be complete and

accurate. Reporting records of subsequent sales between dealers is not required. The information contained in the record shall include the following:

1. Trip date - date the fishing trip started.
2. Vessel ID - Coast guard documentation or state registration number.
3. Individual ID - Personal commercial fishing license number
4. Trip number - used only if there is more than one fishing trip per day
5. Species - each species landed, sold, or discarded
6. Quantity - the amount of each species landed, sold or discarded
7. Units of measurement - landed units (pounds, each, bushels, etc)
8. Disposition - food, bait, pet food, personal use
9. Ex-vessel value or price - dollar value or price per unit of species sold
10. County or port landed - location where product was unloaded (dock, boat ramp)
11. State landed - state where product was landed
12. Dealer ID - dealer identification number
13. Unloading date - the date of landing at the dealer
14. Market - market category that effects the price (count size etc)
15. Grade - landing condition that affects price (fillet, gutted)
16. Gear - type of gear used to catch landed species
17. Quantity of gear - number of pots, etc.
18. Days at sea - days from the start of the fishing trip to dock in days and hours
19. Number of crew - number including captain
20. Fishing time - total amount of time gear was in the water
21. Area fished - specific area within water body where fishing occurred
22. Number of sets - total number of sets or tows per trip

- (b) Commercial Crab, Seafood, or Shrimp Castnet Harvesters. Commercial fishing records for each fishing trip made by commercial crab, seafood, or shrimp castnet harvesters must be submitted to the seafood dealer to whom the product was sold at the time of the transaction. Commercial fishing records submitted to the seafood dealer by commercial crab, seafood, or shrimp castnet harvesters must contain all of the information specified in subparagraphs (6)(a)(1) through (6)(a)(22) above. All information must be complete and accurate.
- (7) **Penalties.** Pursuant to O.C.G.A. Sections [27-1-36](#) and [27-2-25](#), failure to comply with the provisions of this rule may result in a civil penalty imposed by the commissioner of up to \$1000.00 and/or a suspension of or refusal to renew the person's commercial fishing license for up to two years.
- (8) **Commercial Crab Harvester License Renewal.** Any commercial crab harvester who has not submitted all harvest records for the previous year, as required by this rule, shall be ineligible for license renewal until such time as the required records have been submitted and all penalties paid.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.09

Authority: O.C.G.A. Title 12, §§ [27-1-4](#), [27-1-36](#), [27-2-25](#), [27-4-118](#), [27-4-136](#), [27-4-150](#).

History. Original Rule entitled "Commercial Fishing. Requirements for Keeping and Reporting Records" adopted. F. Sept. 24, 1998; eff. Oct. 14, 1998.

Amended: F. Dec. 14, 2017; eff. Jan. 3, 2018.

Rule 391-2-4-.10. License Lotteries.

- (1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to conduct lotteries for the purpose of issuing commercial fishing licenses.
- (2) **Definitions used in this rule.**
 - (a) "Department" means the Department of Natural Resources, One Conservation Way, Brunswick, Georgia.
- (3) **Lottery Application.** Individuals interested in obtaining lottery commercial crab licenses or lottery commercial food shrimp cast netting licenses to be issued through a lottery pursuant to O.C.G.A. [27-4-150\(e\)\(4\)](#) and O.C.G.A. [27-4-206\(c\)](#) must make application in person to the Department by the times specified in subparagraph 391-2-4-.10(4) of this Rule. Applications must be submitted on forms provided by the Department. No more than one application per individual may be submitted. Individuals submitting more than one application, or false information, will be disqualified. Incomplete, incorrect or duplicate applications will be rejected. Individuals submitting an application which is disqualified or rejected will be notified of the reason for rejection or disqualification.

- (4) **Lottery Application Deadline.** For the 1998/99 license year only applications for lottery commercial food shrimp cast netting licenses must be submitted by the close of business (4:00 p.m.) on October 15, 1998. Beginning on April 1, 1999, applications for lottery commercial crab licenses or lottery commercial food shrimp cast netting licenses to be selected by lottery may be submitted no earlier than April 1 of each license year and must be submitted by the close of business (4:00 p.m.) on June 1 of each license year.
- (5) **Random Drawing.** Applicants will be selected through a random computer drawing. All applicants will be listed in numerical order as selected following the drawing.
- (6) **Notice of Selection.** Applicants chosen to receive a license will be notified of their selection via certified mail. These applicants must purchase the license by July 1 of that year. The notice of selection must be presented to the Department at the time of purchase. The notice of selection is not transferable.
- (7) **Sales of Un-issued Commercial Food Shrimp Cast Netting Licenses.** After August 1 of each year, the Department may offer for sale available commercial food shrimp cast netting licenses on a first-come, first-served basis at the Coastal Regional Headquarters in Brunswick.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.10

Authority: O.C.G.A. Title 12, §§ [27-1-4](#), [27-4-150](#), [27-4-206](#).

History. Original Rule entitled "License Lotteries" adopted. F. Sept. 24, 1998; eff. Oct. 14, 1998.

Amended: F. Aug. 30, 2007; eff. Sept. 19, 2007.

Amended: F. Dec. 14, 2017; eff. Jan. 3, 2018.

Rule 391-2-4-.11. Bait Minnow Trapping.

- (1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to regulate the times, places, numbers, species, sizes, manner, methods, ways, means, and devices of taking, capturing, transporting, storing, selling, and using wildlife to conserve bait minnows.
- (2) **Definitions.**
 - (a) "Bait Minnow" means any member of the family Fundulidae, including but not limited to mummichog killifishes, commonly known as mud minnows, but not including domestic fish.
 - (b) "Bait Minnow Trap" means a rectangular or cylindrical cage or structure which is constructed of hardware cloth, wire, plastic or similar material used for catching minnows to be used as bait. Maximum dimensions shall not exceed 24 inches in length, 18 inches in width, or 9 inches in height for rectangular traps, or 24" in length and 30" in circumference for cylindrical traps. A bait minnow trap used commercially shall be constructed of materials with a mesh size no smaller than

1/2" bar mesh; except, however, the funnel or muzzle to the trap shall be constructed of materials of mesh no smaller than 1/4" bar mesh. A bait minnow trap used recreationally shall be constructed of materials with a mesh size no smaller than 1/4" bar mesh. The round throat (opening) of the funnel or muzzle to a bait minnow trap shall not exceed 1 inch in diameter. Each trap must have attached thereto a tag bearing the name and address of the owner of the trap or must have tethered to each trap a float bearing the name and address of the person using such gear. If the trap is used for commercial purposes, the tag or float must also include the commercial bait dealer license number of the person using such gear or the license number of the bait dealer employing the person using the gear.

- (c) "Department" means the Department of Natural Resources, Coastal Resources Division.

(3) Commercial and Recreational Bait Minnow Trapping.

- (a) It is lawful to commercially harvest bait minnows of the family Fundulidae using bait minnow traps as defined in paragraph (2)(b) above, in the saltwaters of this state, provided such individual has a valid commercial fishing license pursuant to O.C.G.A. Sections [27-2-23](#) and [27-4-110](#), and a valid bait dealer license pursuant to O.C.G.A. Section [27-4-171](#), and provided that such individual meets the requirements for live bait shrimp facilities as specified in O.C.G.A. Section [27-4-171](#). An individual who is an employee of a licensed bait dealer and who possesses a valid personal commercial fishing license pursuant to O.C.G.A. Sections [27-2-23](#) and [27-4-110](#) and bait minnow endorsement pursuant to Rule [391-2-4-.17](#) may work the bait minnow traps of his or her employer.
1. No holder of a bait dealer license commercially harvesting bait minnows may employ more than 10 traps at any given time.
 2. The sale of commercially harvested bait minnows by a properly licensed bait dealer for resale purposes is allowed only to persons possessing a valid wholesale fish dealer license pursuant to O.C.G.A. Sections [27-2-23](#) and [27-4-76](#).
 3. A licensed bait dealer must maintain at all times a daily record book showing the amount of bait minnows harvested and sold daily. Written reports of such transactions shall be submitted to the Department no later than the fifth day of the subsequent month in a format prescribed by the Department.
 4. No licensed bait dealer or licensed wholesale fish dealer may possess more than 100 quarts of bait minnows at any time.
- (b) It is lawful to recreationally harvest bait minnows of the family Fundulidae using bait minnow traps as defined in paragraph (2)(b) above, in the saltwaters of this

state, provided such individual complies with the recreational fishing license requirements as specified in O.C.G.A. Sections [27-1-2](#) and [27-2-23](#).

1. No individual recreationally harvesting bait minnows may employ more than 2 traps at any time, except that a salt water fishing guide licensed pursuant to O.C.G.A. Code Section [27-2-23.2](#) may employ a maximum number of 4 traps at any time, provided that the bait minnows are not sold.
2. No individual recreationally harvesting bait minnows may possess more than 2 quarts of bait minnows at any given time, except that a salt water fishing guide licensed pursuant to O.C.G.A. Code Section [27-2-23.2](#) may possess no more than 10 quarts of bait minnows at any time, provided that the bait minnows are not sold.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.11

Authority: O.C.G.A § [27-1-4](#).

History. Original Rule entitled "Bait Minnow Trapping" adopted. F. Dec. 2, 1999; eff. Dec. 22, 1999.

Amended: F. July 3, 2006; eff. July 23, 2006.

Amended: F. Dec. 14, 2017; eff. Jan. 3, 2018.

Amended: F. Aug. 26, 2021; eff. Sept. 15, 2021.

Rule 391-2-4-.12. Lawful Fishing Methods and Gear, Generally.

- (1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on sound principles of wildlife research and management, establishing the commercial and recreational methods and gear for fishing.
- (2) **Methods Generally.** The following methods shall be lawful in saltwater except as specifically prohibited herein;
 - (a) It shall be unlawful to use a gig to take any fish, crustaceans, or mollusks in salt water, except that a gig may be used to take flounder in salt water.
 - (b) It shall be unlawful to use any seine in salt water, except that:
 1. The use of a seine 12 feet in length or less, with a maximum depth of four feet and a maximum mesh size of one-inch stretched mesh in saltwater, is not prohibited;
 2. The use of a seine less than 100 feet in length having a minimum net size of 1¼ inch stretched mesh on any sand beaches on any barrier island of this state is not prohibited. The use of such seines in any inlets or tidal sloughs is prohibited;

3. The use of seines greater than 100 feet and up to 300 feet in length having a minimum net size of 2½ inches stretched mesh on the ocean-front side of beaches is not prohibited, provided that such seines may not be used in any inlets or tidal sloughs;
 4. Seines over 300 feet in length are prohibited.
 5. It shall be unlawful to use any seine in salt water in such a manner that it will block more than one-half of the entrance of a tidal river, creek, slough, or inlet to the ocean.
 6. It shall be unlawful to use a beach seine as a gill net. A gill net is defined as a single net or webbing attached to float and lead lines and fished in a stationary manner to ensnare or entangle the fish in the meshes.
- (c) It shall be unlawful to place, deposit, distribute, or scatter any bait of any kind in, on, or over any waters of this state so as to lure, attract, or entice shrimp toward such bait or to cause shrimp to congregate in the area where such bait is placed. It shall also be unlawful to fish for shrimp by any method, including the use of a cast net, in or near any waters which are baited.
- (d) It shall be unlawful to fish for shrimp for commercial purposes at night.
- (3) **Gear for Commercial Fishing.** Except as otherwise specifically authorized by law or regulation, it shall be unlawful for any person engaged in commercial saltwater fishing in this state to use any gear other than the following gear, which may only be used for the purposes and in the manner set forth below:
- (a) Power-drawn nets or trawls used to fish for seafood from any of the salt waters of this state in accordance with O.C.G.A. Title 27, chapter 4, Article 4;
 - (b) Commercial crab traps used in accordance with O.C.G.A. Title 27, chapter 4, Article 4;
 - (c) Seines used in salt waters to fish for fish or crustaceans and purse seines used in salt waters to fish for fish or crustaceans, which seines or purse seines are used in accordance herein and with O.C.G.A. Title 27, chapter 4, Articles 3, and 4;
 1. It shall be unlawful for any person other than a licensed commercial saltwater fisherman to use a purse seine. It shall also be unlawful to use a purse seine in any of the salt waters of this state; provided, however, it shall be lawful to use a purse seine in the waters outside, on the seaward side, of the sounds, when such outside waters are opened in accordance with O.C.G.A. Title 27, chapter 4, Article 4. As used in this Code section, "purse seine" means a large seine, supported at the upper edge by floats and

weighted at the bottom edge, which is designed to be set by one or more boats around a school of fish and so arranged that after the sides have been brought together the bottom of the net can be closed by drawing the purse line taut.

- (d) Wire baskets, trotlines, or hoop nets used to fish for catfish in salt water in accordance with [391-2-4.13](#);
 - (e) Traps and pots used to fish for adult eels in accordance with [391-2-4-.01](#);
 - (f) Set nets and drift nets used to fish for shad in accordance with [391-2-4-.02](#);
 - (g) Gigs used to fish for flounder in saltwater;
 - (h) Cast nets;
 - (i) Seines used to fish for seafood along public beaches in accordance with this section;
 - (j) Tongs and dredges used to fish for oysters in accordance with O.C.G.A. Title 27, chapter 4, Article 4;
- (13) Clam rakes, other hand-held implements, and dredges used to fish for clams in accordance with O.C.G.A. Title 27, chapter 4, Article 4; and
- (14) Pole and line used to fish for finfish.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.12

Authority: O.C.G.A. Secs. [27-1-4](#), [27-4-130](#).

History. Original Rule entitled "Lawful Fishing Methods and Gear, Generally" adopted. F. Dec. 18, 2012; eff. Jan. 7, 2013.

Rule 391-2-4-.13. Commercial Fishing for Catfish in Saltwater.

- (1) **Purpose.** The purpose of this Rule is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on sound principles of wildlife research and management, establishing the commercial seasons, days, and places; methods of fishing and disposition; and size, creel, and possession limits; gear and landing specifications for catfish in saltwater.
- (2) **Areas Open to Commercial Fishing for Catfish in Saltwater.** Except as otherwise provided herein, all salt waters of this state shall be open to the taking of catfish for commercial purposes.

- (a) It shall be unlawful to commercially fish for catfish in the North Altamaha River, except on the ocean side (downstream) of the mouth of, but not including, Lewis Creek. Such fishing shall also be unlawful in the South Altamaha River, except on the oceanside (downstream) of the uppermost entrance of Hammersmith Creek.
- (3) **Commercial Gear for Taking Catfish in Saltwater.** It shall be unlawful for any person to commercially fish for catfish in the salt waters of this state with any gear except the following:
 - (a) Trotlines;
 - (b) Wire baskets meeting the requirements of Code Section [27-4-92](#) and having a non-green colored float attached bearing the corresponding commercial fishing license number in one inch letters of contrasting color; and
 - (c) Hoop nets of one inch on the square (two-inches stretch) or larger which do not exceed three and one-half feet in diameter or ten feet in length.
- (4) **Minimum Sizes.** It shall be unlawful for any person to commercially fishing for catfish in the salt waters of this state to take and retain any catfish less than nine inches in total length. Any catfish taken and retained by such person shall be deemed to be less than nine inches if it is less than seven inches with head removed or less than six inches with head and tail removed.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.13

Authority: O.C.G.A. Title 12, Secs. [27-1-4](#), [27-4-12](#), [27-4-71](#).

History. Original Rule entitled "Commercial Fishing for Catfish in Saltwater" adopted. F. Dec. 18, 2012; eff. Jan. 7, 2013.

Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.

Rule 391-2-4-.14. Shrimp Bait Dealers.

- (1) **Purpose.** The purpose of this Rule is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on sound principles of wildlife research and management, establishing the seasons, days, and places; methods of fishing, and disposition; and size, creel, and possession limits; gear and landing specifications for commercial harvest of bait shrimp.
- (2) **General.** It shall be unlawful for any person commercially fishing for shrimp for live bait pursuant to this section to:
 - (a) Use any power-drawn net which is larger than a 20 foot net or constructed of mesh smaller than one inch or greater than one and three-eighths inches when stretched;

- (b) Fish for shrimp pursuant to this Code section at night; or
 - (c) Have on board the boat used for fishing for shrimp pursuant to this Rule more than 50 quarts of shrimp at any one time, no more than 10 percent of which may be dead;
- (3) **Facilities.** All applicants for bait dealer licenses and all licensed bait dealers shall have and maintain facilities meeting the following requirements:
- (a) Live bait shrimp facilities must be located within the salt waters of the state, as defined by the salt-water demarcation line described in Code Section [27-4-1](#), and such facilities must consist of either floating bait containers or tanks with circulating or recirculating systems to provide an exchange of salt waters. Floating bait containers must be permanently affixed to docks or other permanent structures which are attached to high ground above the high water mark and must be constructed with adequate openings to provide for a steady exchange of salt water. Tanks with circulating saltwater systems must include adequate spray outlets to provide aeration as well as sufficient water inlets to create a circulating flow within the bait tank;
 - (b) All live shrimp-holding facilities must be constructed of nontoxic materials or materials which have been properly treated with an approved nontoxic substance. The facilities must be maintained in a condition conducive to keeping shrimp alive, which requires regular cleaning and the removal of dead shrimp;
 - (c) Any live bait shrimp dealership which is not within one-half mile of public saltwater angling access shall be required to maintain public access to customers through such services as public launching facilities, public fishing docks or platforms, or other forms of saltwater access during all tidal stages, including without limitation vehicular access and public parking; provided, however, that any live bait dealership which derives at least \$5,000.00 of earned income from the sale of recreational fishing supplies and accessories associated with saltwater angling shall be exempt from the provisions of this paragraph. Any dealer claiming such exemption shall provide such records as the department deems necessary to evidence such sales;
 - (d) No organisms other than shrimp may be held in live shrimp bait tanks; and
 - (e) Freezer storage sufficient to freeze and to keep frozen any shrimp which die while in possession of the dealer and which are to be sold as dead bait must be maintained on the premises of the established bait dealership.
- (4) **Condition of Bait Shrimp.** Except as otherwise provided for by law or regulation, it shall be unlawful for any licensed bait dealer to allow shrimp to be removed from the premises of his or her established bait dealership unless it is sold as:

- (a) Live bait in a container of such size as to ensure that all live shrimp therein are covered by a minimum of one inch of salt water; or
 - (b) Dead bait which has been packaged with heads on and frozen. The packages shall contain not more than one quart of dead shrimp and must be clearly marked with letters at least one-half inch in height to read as follows: "SOLD FOR BAIT ONLY." Dead bait purchased for resale must be purchased from a licensed bait dealer and must be packaged and labeled as described.
- (5) It shall be unlawful for any licensed bait dealer to fail to keep all shrimp in saltwater tanks meeting the standards prescribed in subparagraph (3) of this Rule unless and until such shrimp die, in which case the shrimp shall be promptly frozen and packaged as dead bait. It shall also be unlawful for any licensed bait dealer intentionally to cause or allow live shrimp to die.
- (6) It shall be unlawful for any person to use, for other commercial fishing purposes, any equipment which has been used for obtaining live bait pursuant to this Code section.
- (7) It shall be unlawful for any licensed bait dealer or any of his or her employees to have or permit in or on a commercial bait fishing boat owned by the dealer or such employees and used for bait shrimping pursuant to this Rule or to have or permit in or on the premises of the established bait dealership any shrimp caught, sold, to be sold, or to be disposed of for human consumption.
- (8) It shall be unlawful for a licensed bait dealer to fail to maintain at all times a daily record book showing, for each transaction, the amount of bait shrimp purchased, the person from whom it was purchased, and the date of such purchase, as well as the amount of live shrimp and the amount of dead shrimp sold daily. Any such report shall include, without limitation, any transaction between licensed bait dealers and shall provide the name of the dealership acting as the seller in the transaction. Written reports of such transactions for each month shall be submitted to the department no later than the fifth day of the subsequent month in a format prescribed by the department.
- (9) It shall be unlawful for any licensed bait dealer or an employee of such person to sell or otherwise distribute to any one person, within a 24 hour period, more than eight quarts of shrimp. It shall also be unlawful for any person to buy, within a 24 hour period, more than eight quarts of shrimp.
- (10) It shall be unlawful to sell, unload, or otherwise dispose of shrimp taken for bait at any place other than the licensed bait dealership for which the bait was taken. This subparagraph shall not prohibit the transfer from the boat taking such shrimp to an approved vehicle with aeration equipment to keep shrimp alive which will unload shrimp so taken at a licensed bait dealership so long as the amount of bait being transferred does not exceed 50 quarts.

- (11) It shall be unlawful for any licensed bait dealer to have, at his or her established bait dealership at one time, more than 200 quarts of live shrimp. It shall also be unlawful for more than 10 percent of the shrimp at the dealership or 20 quarts, whichever amount is less, to be dead shrimp unless the dead shrimp in excess of such percentage are promptly frozen and packaged as dead bait as required by subparagraph (4)(b) of this Rule.
- (12) It shall be unlawful for more than one boat to be in use for fishing for shrimp at any one time for an established bait dealer.
- (13) It shall be unlawful for any licensed bait dealer to fail to publicly advertise his or her facility. For the purpose of advertising, each established bait shrimp dealer shall display prominently on the road or drive leading to the facility and on any related dock a sign or signs which shall include the following:
 - (1) "LIVE BAIT FOR SALE" and
 - (2) the hours and days of operation. Signs shall be at least 24 inches by 18 inches in size and shall display letters and numbers at least three inches in height.
- (14) Notwithstanding subparagraphs (10) and (11) of this Rule, it shall be lawful for a licensed bait dealer to sell live bait shrimp taken pursuant to this Rule to another licensed bait dealer if the department has been previously notified of the destination of the shrimp to be sold and the time and approximate amount of the sale and if the department has approved the equipment for transferring such shrimp. Transportation and transfer of live bait shrimp between bait dealers shall not exceed the 200 quart possession limit for commercial bait facilities as provided in subparagraph (11).
- (15) It shall be unlawful for any licensed bait dealer to fail to have and display any current business license required by the county or city in which the bait dealership is located and a sales tax certificate of registration issued pursuant to Code Section [48-8-59](#).
- (16) Before the Department issues a bait dealer license it shall inspect the bait dealer facilities to determine if the facilities comply with the requirements of this Rule and O.C.G.A. [48-8-59](#), within 30 days from the time application for license is received.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.14

Authority: O.C.G.A. Secs. [27-1-4](#), [27-4-130](#).

History. Original Rule entitled "Shrimp Bait Dealers" adopted. F. Dec. 18, 2012; eff. Jan. 7, 2013.

Rule 391-2-4-.15. Protections for horseshoe crabs; catch limits; exceptions.

- (1) **Purpose.** The purpose of this Rule is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on sound principles of wildlife research and management, establishing the commercial and recreational seasons, days,

and places; methods of fishing and disposition; and size, creel, and possession limits; gear and landing specifications for horseshoe crabs.

- (2) **Areas Open to Taking of Horseshoe Crabs.** All salt waters of this state are closed to the taking of horseshoe crabs for bait except during those times when the salt waters or portions thereof are opened to the taking of shrimp, whelk, or blue crab by trawling pursuant to O.C.G.A. [27-4-133](#).
- (3) **Quantity.** It shall be unlawful for any person taking horseshoe crabs pursuant to this Rule to take or possess more than 25 horseshoe crabs at any one time or for there to be on board the boat used for the taking more than 75 horseshoe crabs at any one time, whichever is less; provided, however, that the taking or catching of horseshoe crabs incidentally during legal fishing operations of other marine species shall not be a violation of this Rule if the horseshoe crabs so taken in excess of the limits set forth herein are immediately returned to the water from which they were taken without being intentionally or negligently harmed by the taker or the equipment being used.
- (4) **Biomedical Harvest.** This Rule shall not prohibit the taking or possession of horseshoe crabs for the purpose of collecting horseshoe crab blood for the production of amebocyte lysate or other approved medical uses, so long as the taker and possessor have permits issued by the Department authorizing such taking or possession and the horseshoe crabs are handled so as to minimize injury to the horseshoe crabs. Horseshoe crabs may be taken and possessed pursuant to a medical takings permit without regard to the possession limit set forth in paragraph (3) of this Rule or whether or not the salt waters from which they are taken are open or closed for the taking of horseshoe crabs for bait. Horseshoe crabs taken and possessed pursuant to a medical takings permit must be returned unharmed to state waters of comparable salinity and water quality as soon as is feasible after collection of their blood.
- (5) This Rule shall not prohibit the interstate import of horseshoe crabs provided that a bona fide bill of lading accompanies such horseshoe crabs as proof that such horseshoe crabs were not taken or transported in violation of this Rule or the laws of the jurisdiction from which the horseshoe crabs originated.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.15

Authority: O.C.G.A. Secs. [27-1-4](#), [27-4-130](#).

History. Original Rule entitled "Protections for horseshoe crabs; catch limits; exceptions." adopted. F. Jan. 16, 2013; eff. Feb. 5, 2013.

Rule 391-2-4-.16. Saltwater Fishing Guide and Saltwater Fishing Pier Operator Reporting.

- (1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to set such times and manners for submitting records as may be required by the Department.
- (2) **Persons required to report.** Effective January 1, 2014 all persons licensed as salt water fishing guides and all persons operating licensed salt water fish piers pursuant to O.C.G.A. [27-2-23.2](#) shall report such information as may be required by the Department.
- (3) **Methods.** Monthly records are to be submitted on forms supplied by the Department or on an alternate form approved by the Department. All requests for approval of an alternate form must be submitted to the Department in writing with a copy of the proposed alternate form attached or included with the request. The alternate form must provide identical information and follow the same format as the Department form. Upon receipt of a request for approval of an alternate form, the Department will review the form for the required information within 5 days of the receipt of the request. All persons that use an approved alternate form shall be responsible for all costs associated with the printing and use of such forms.
- (4) **Times.** If required by the Department, all salt water fishing guides and salt water fishing pier operators shall submit written monthly records of activity to the Department, whose address for the purpose of reporting shall be the Coastal Resources Division headquarters, by the tenth day of the subsequent month. These records may be hand delivered or submitted via mail, or electronically. Permission to submit records electronically must be obtained from the Department.
- (5) **Penalties.** Pursuant to O.C.G.A. Sections [27-1-36](#) and [27-2-25](#), failure to comply with the provisions of this rule may result in a civil penalty imposed by the commissioner of up to \$1000.00 and/or a suspension of or refusal to renew the license for up to two years.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.16

Authority: O.C.G.A. Title 12, Secs. [27-1-4](#), [27-2-23.2](#).

History. Original Rule entitled "Saltwater Fishing Guide and Saltwater Fishing Pier Operator Reporting" adopted. F. Dec. 13, 2013; eff. Jan. 2, 2014.

Rule 391-2-4-.17. Commercial Fishing Species Endorsements.

- (1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to designate species of wildlife or species grouping of wildlife that require a commercial fishing species endorsement.
- (2) **Endorsements.** In addition to a commercial fishing license and commercial fishing boat license required by Code Sections [27-4-110](#) and [27-2-8](#), any person engaged in commercial fishing shall obtain a separate commercial fishing species endorsement for each species or species grouping listed below:

- (a) Bait Minnows (family *Fundulidae*). A bait minnow endorsement is required of employees of a licensed bait dealer that are engaged in the harvest of bait minnows, other than those exempted by Code Section [27-4-171](#), but is not required of the licensed bait dealer.
- (b) Bait Shrimp (*Penaeus spp.*). A bait shrimp endorsement is required of employees of a licensed bait dealer that are engaged in the harvest of bait shrimp, other than those exempted by Code Section [27-4-171](#), but is not required of the licensed bait dealer.
- (c) Cannonball Jellyfish (*Stomolophus meleagris*). A cannonball jellyfish endorsement is required of any licensed commercial fisherman employed on board a trawl vessel harvesting or landing cannonball jellyfish unless the fisherman is onboard a vessel having a trawler crew license issued pursuant to Code Section [27-2-8](#).
- (d) Catfish in Saltwater (families *Ariidae* and *Ictaluridae*). A catfish in saltwater endorsement is required of any licensed commercial fisherman harvesting or landing catfish in saltwater.
- (e) Crab (*Callinectes spp.*) A crab endorsement is required of any licensed commercial fisherman employed by a commercial crab harvester or by a soft-shell crab-dealer, or employed on board a trawl vessel harvesting or landing crab, but is not required of a licensed commercial crab harvester or a licensed soft-shell crab dealer licensed pursuant to Code Section [27-4-150](#). Notwithstanding the foregoing, a crab endorsement shall not be required of a fisherman onboard a vessel having a trawler crew license issued pursuant to Code Section [27-2-8](#).
- (f) Eel (*Anguilla spp.*) An eel endorsement is required of any licensed commercial fisherman harvesting or landing eel.
- (g) Finfish. A finfish endorsement is required of any licensed commercial fisherman harvesting or landing finfish other than shad, catfish in saltwater or bait minnows. Notwithstanding the foregoing, a finfish endorsement shall not be required of a licensed commercial fisherman onboard a vessel having a trawler crew license issued pursuant to Code Section [27-2-8](#).
- (h) Food Shrimp (*Penaeus spp.*) A food shrimp endorsement is required of any licensed commercial fisherman employed by a commercial shrimp castnet harvester or onboard a trawl vessel unless the fisherman is onboard a vessel having a trawler crew license issued pursuant to Code Section [27-2-8](#).
- (i) Horseshoe crab (*Limulus Polyphemus*). A horseshoe crab endorsement is required of any licensed commercial fisherman harvesting or landing horseshoe crabs unless the fisherman is onboard a vessel having a trawler crew license issued pursuant to Code Section [27-2-8](#).

- (j) Shad (*Alosa spp.*) A shad endorsement is required of any licensed commercial fisherman harvesting or landing shad.
- (k) Shellfish (*Crassostrea spp.* and *Mercenaria spp.*). A shellfish endorsement is required of any employee of a master collecting permittee actively involved in the harvest or landing of shellfish and includes the master collecting permit holder.
- (l) Whelk (family *Busyconidae*). A whelk endorsement is required of any licensed commercial fisherman harvesting or landing whelk unless the fisherman is onboard a vessel having a trawler crew license issued pursuant to Code Section [27-2-8](#).

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.17

Authority: O.C.G.A Title 12, §§ [27-1-4](#), [27-2-23](#).

History. Original Rule entitled "Commercial Fishing Species Endorsements" adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018.

Rule 391-2-4-.18. Shellfish sanitation; seed importation; water bottoms lease terms.

- (1) **Purpose.** The purpose of this Rule is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on current, sound principles of wildlife research and management establishing commercial shellfish sanitation requirements, seed size and importation criteria, and water bottoms lease terms.
- (2) **Adoption of National Shellfish Sanitation Program Model Ordinance.** The following publication is adopted by reference and is part of these Rules: The National Shellfish Sanitation Program ("NSSP") Model Ordinance entitled "Guide for the Control of Molluscan Shellfish Model Ordinance" ("Guide") covering the sanitation of harvesting, processing, and distribution of shellfish. Violations of the Guide are violations of these Rules, and the Department of Natural Resources is authorized to enforce any requirements set forth in the Guide.
- (3) **Hatcheries and Nurseries.** All hatcheries and nurseries providing shellfish seed, whether in-state or out-of-state, must be certified by the department. Certification is based upon current, sound principles of wildlife research and management and history of shellfish disease in the vicinity of the hatchery or nursery facility.
- (4) **Commercial shellfish seed size.** Clam seed shall not be greater than one-half inch and oyster seed shall not be greater than one inch.
- (5) **Shellfish Seed Health Requirements, Importation.** For the purpose of possessing shellfish seed for mariculture in this state, any person permitted to conduct mariculture operations according to this section must adhere to the following:

- (a) All shellfish seed used in mariculture must originate only from hatcheries or nurseries certified by the department; and
 - (b) Shellfish seed from out-of-state hatchery and nursery facilities must be accompanied by a Certificate of Health from a Department-approved pathologist certifying the shellfish seed as free from disease and pathogens and must include the following:
 - (i) Location(s) where the shellfish seed was spawned and nursed;
 - (ii) Size of shellfish seed tested;
 - (iii) List of diseases and pathogens in the analysis as required by the department;
 - (iv) Shellfish species tested;
 - (v) An indication that the shellfish seed was tested within 30-days prior to entering this state unless waived by the Department; and
 - (vi) Copies of the Certificate of Health must be maintained by the hatchery and/or nursery and the master harvester for a period of not less than three years.
 - (c) Visual inspection of out-of-state shellfish seed shipments prior to placement on a lease must be granted upon request by the Department. Imported seed may be rejected if there is non-conformance of shellfish seed size or comingling of species that is not listed on the bill of lading or invoice that accompanies such shipment.
- (6) Leasing of State-Owned Water Bottoms Terms, Siting, other Considerations.**
- (a) The term of a state-owned water bottoms lease shall not exceed ten years and is subject to such provisions, requirements and conditions as determined by the Department. Leases may be renewed for additional terms if the lessee is in compliance with the terms of the current lease.
 - (b) Subtidal water bottoms leases shall be sited in accordance with the following criteria:
 - (i) In Approved Shellfish Growing areas as determined by the department;
 - (ii) In areas with a minimum width of 200 feet at mean low water;
 - (iii) In areas with a minimum depth of not less than 6 feet at mean low water; and
 - (iv) Not on or over an existing shellfish resource, live bottom or saltmarsh.

- (c) Any boundary of a subtidal water bottom lease shall not be within the following:
 - (i) 150 feet of a federal project, such as a federally maintained channel;
 - (ii) 50 feet of an existing commercial, community or private dock; and
 - (iii) 50 feet of a shoreline at mean low water.
- (d) Subtidal water bottoms leases may only be located within or adjacent to certain resources if the Department determines, after consulting with the appropriate local, state or federal agencies with jurisdiction over the subject matter, that the lease is compatible with the following:
 - (i) Critical habitat for marine, threatened or endangered species;
 - (ii) Bait shrimping zones; and
 - (iii) Heritage Preserves as defined in O.C.G.A. Title 12.
- (e) Before siting a subtidal water bottoms lease the Department shall evaluate such other considerations as it deems necessary, but shall include at a minimum the following:
 - (i) Areas with known pre-existing or historical commercial, recreational and private uses of the waterway such as commercial and recreational fishing, high boat traffic, riparian viewsheds, and research sites;
 - (ii) Areas where property owners may exercise riparian rights to construct docks or marinas; and
 - (iii) Areas of dynamic shorelines and shoaling.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.18

Authority: O.C.G.A. §§ [27-1-4](#), [27-4-189](#), [27-4-195](#).

History. Original Rule entitled "Shellfish sanitation; seed importation; water bottoms lease terms" adopted. F. Feb. 17, 2020; eff. Mar. 1, 2020, as specified by the Agency.

Rule 391-2-4-.19 thru 391-2-4-.98. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.19 thru 391-2-4-.98

Rule 391-2-4-.99. Repealer.

Chapter 260-8, Regulations 391-4-8-.02 and 391-4-8-.07, and Emergency Regulations 391-4-8-0.2, 391-4-8-0.3 and 391-4-8-0.4 and all Administrative Orders issued pursuant thereto are

hereby specifically repealed in their entirety. All other regulations or parts of regulations in conflict are hereby repealed.

Cite as Ga. Comp. R. & Regs. R. 391-2-4-.99

Authority: Ga. L. 1977, p. 396.

History. Original Rule entitled "Repealer" adopted. F. Dec. 28, 1979; eff. Jan. 17, 1980.

Subject 391-2-5. COASTAL INCENTIVE GRANT PROGRAM DESCRIPTION.

Rule 391-2-5-.01. Coastal Incentive Grant Program, Match, Term and Reimbursement.

The Georgia Department of Natural Resources (DNR), Coastal Resources Division (CRD), solicits proposals for Coastal Incentive Grants (CIG) awarded under the Georgia Coastal Management Program (GCMP). The following announcement provides background and describes funding priorities, selection criteria, and application procedures.

This Request for Proposals solicits projects that are related to the themes identified by the Coastal Advisory Council (CAC) for the FY 2022-2023 Cycle 25 awards. Projects that are acceptable but for which there are no available funds may be awarded a CIG at a later date if funds become available.

All CIG applications must be matched annually \$1.00 federal to \$1.00 local (1:1). Match may be either cash from local, state or private sources or "in-kind" service(s).

If selected, CIG Cycle 25 contracts will run for one year beginning October 1, 2022 through September 30, 2023. Applications will be accepted for two-year sub-grant requests with the second year of support contingent upon approval and receipt of federal funds. Year 1 funding is not transferable to Year 2, if applicant submits a two (2) year project.

CIGs are reimbursable sub-grants. A Request for Reimbursement of federal project costs, along with a report of applicable non-federal match, is to be submitted with the Final Report, using the format provided by the DNR. Reimbursement will be made following completion of the terms of the sub-grant contract and receipt and performance of all deliverables for each sub-grant year.

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.01

Authority: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "Coastal Incentive Program" submitted Oct. 1, 1997.

Submitted: Sept. 14, 1998.

Submitted: Oct. 9, 2003.

Submitted: Oct. 24, 2005.

Submitted: Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Grant description entitled "Coastal Incentive Grant Program, Match, Term and Reimbursement" received Sept. 23, 2009.

Submitted: Aug. 27, 2010.
Submitted: Aug. 25, 2011.
Amended: F. Sep. 4, 2012; eff. Sept. 24, 2012.
Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.
Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.
Submitted: Aug. 26, 2015.
Submitted: Sep. 6, 2016.
Submitted: Sep. 19, 2017.
Submitted: Sep. 4, 2018.
Submitted: Mar. 9, 2020.
Submitted: Aug. 27, 2020.
Submitted: Aug. 26, 2021.

Rule 391-2-5-.02. Mission Statement.

It is the mission of the GCMP to balance economic development in Georgia's coastal area with preservation of natural, environmental, historic, archaeological, and recreational resources for the benefit of Georgia's present and future generations.

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.02

Authority: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "Mission Statement" submitted Oct. 1, 1997.

Submitted: Sept. 14, 1998.

Terminated: Oct. 9, 2003.

Submitted: Grant description entitled "Mission Statement" received Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sep. 4, 2012; eff. Sept. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.

Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sep. 6, 2016.

Submitted: Sep. 19, 2017.

Rule 391-2-5-.03. Terminated.

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.03

Authority: O.C.G.A. Secs. [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "Theme and Purpose" submitted October 1, 1997.

Submitted: Sept. 14, 1998.

Terminated: October 9, 2003.

Submitted: Grant description entitled "Introduction" received Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Terminated: September 23, 2009.

Rule 391-2-5-.04. Eligibility and Contract Requirements.

CIG applicants must meet the following Minimum Eligibility Requirements:

Eligible Entities: Only Georgia Qualified Local Governments (counties and municipalities approved by the Georgia Department of Community Affairs) in the eleven-county coastal area, Georgia state government agencies (except DNR), and Georgia government affiliated educational and research institutions are eligible for a CIG sub-grant award. Applications from other parties will be considered if sponsored by an eligible entity.

Eligible projects must concentrate entirely or be physically located within at least one of the eleven (11) designated Georgia counties within the GCMP service area. GCMP eligible counties include Brantley, Bryan, Camden, Chatham, Charlton, Effingham, Glynn, Liberty, Long, McIntosh, and Wayne.

Equal Opportunity: The applicant must comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, The Age Discrimination Act of 1975, The Americans with Disabilities Act of 1990, and all other state and federal laws of non-discrimination. The applicant must certify that no person shall be discriminated against on the basis of race, color, sex, religion, national origin, age, or physical or mental handicap for any program, activity, or facility sponsored, operated, or constructed under the sub-grant project.

State and Federal Laws/Regulations: The applicant must comply with all existing laws and regulations for receiving and expending state and federal grant money including, but not limited to, public notices, bidding and purchasing requirements, and the Georgia Environmental Policy Act. Proposed projects must comply with existing state and federal environmental laws, rules, and regulations including, but not limited to, the Coastal Marshlands Protection Act, the Shore Protection Act, the Georgia Coastal Management Act, the federal Clean Water Act, the Georgia Clean Water Quality Control Act, the federal Endangered Species Act, and the Georgia Endangered Wildlife Act. If the applicant is a county or municipal government, the applicant must be in compliance with the Georgia Planning Act and be certified as a Qualified Local Government as defined by the Act before any Program funds will be awarded.

Applicability: The applicant must include a statement explaining how the project furthers the GCMP mission, goals, and policies. The statement must begin with "This project furthers the GCMP mission by." and then be completed with how the project ties back to the mission stated in Section [391-2-5-.02](#).

Sub-grant Contract: A legally binding contract will be executed between the sub-granting organization (DNR) and recipients of sub-grant awards (Applicant). The contract will set forth the program requirements, sub-grant conditions, and define the project scope of work, deliverables, and timeline with milestones of accomplishments.

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.04

Authority: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "Project Application Guidelines" submitted Oct. 1, 1997.

Submitted: Sept. 14, 1998.

Terminated: Oct. 9, 2003.
Submitted: Grant description entitled "Eligibility" received Dec. 11, 2006.
Submitted: Oct. 31, 2007.
Submitted: Oct. 30, 2008.
Submitted: Grant description entitled "Eligibility and Contract Requirement" received Sept. 23, 2009.
Submitted: Aug. 27, 2010.
Submitted: Aug. 25, 2011.
Amended: F. Sep. 4, 2012; eff. Sept. 24, 2012.
Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.
Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.
Submitted: Aug. 26, 2015.
Submitted: Sep. 6, 2016.
Submitted: Sep. 19, 2017.

Rule 391-2-5-.05. Awards.

Applicants may apply for up to **\$80,000** per year in a federal fund request so long as the proposed project is related to one or more funding theme priorities designated in Section [391-2-5-.06](#). Projects that involve low-cost construction or land acquisition must follow the terms and conditions in the most recent version of NOAA's 306A Guidance document. All low-cost construction and acquisition projects require a pre-application meeting and site visit by DNR staff. See Section [391-2-5-.08](#) for greater detail regarding construction/acquisition project terms. Up to two year proposals will be accepted, as per conditions stated in Section [391-2-5-.01](#).

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.05

Authority: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "Application Deadline" submitted Oct. 1, 1997.

Submitted: Sept. 14, 1998.

Terminated: Oct. 9, 2003.

Submitted: Grant description entitled "Awards" received Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Sep. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: Sep. 4, 2012; eff. Sept. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.

Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sep. 6, 2016.

Submitted: Sep. 19, 2017.

Rule 391-2-5-.06. Funding Themes.

The themes of the FY 2022-2023 Cycle 25 CIG Program as adopted by the CAC are (*bulleted items are provided only as examples*):

Oceans and Wetlands

- * Maintaining or improving the quality of wetlands
- * Conservation and restoration of wetland habitats
- * Improved understanding of ocean and wetland habitats and functions

Public Access and Land Conservation

- * Add or enhance physical access for the public to coastal water resources (i.e. rivers, wetlands, beaches)
- * Public access planning
- * Conservation of riparian habitats through acquisition
- * Land conservation, preservation, and/or management, especially for sea level rise retreat
- * Analysis of land conservation needs and opportunities for habitat protection

Sustainable Communities

- * Strengthen local capacity to implement sustainable approaches in planning and development
- * Increase understanding of costs and benefits associated with sustainable approaches to coastal development
- * Identification and preservation of unique community qualities, historical and cultural features, including public education of the above

Disaster Resiliency and Coastal Hazards

- * Improve understanding of coastal hazards and potential impacts
- * Develop, implement or incorporate adaptation and mitigation strategies/plans or policies
- * Strengthen local capacity to implement FEMA's Community Rating System

Non-Point Source Pollution

- * Improvements to existing urban runoff control structures in coastal watersheds
- * Projects that address stormwater quantity and quality improvements utilizing BMPs recommended by the Georgia Coastal Stormwater Supplement
- * No construction projects are eligible under this theme

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.06

Authority: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "Minimum Eligibility Requirements" submitted Oct. 1, 1997.

Submitted: Sept. 14, 1998.

Terminated: Oct. 9, 2003.

Submitted: Grant description entitled "Funding Themes" received Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sep. 4, 2012; eff. Sept. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.

Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sep. 6, 2016.

Submitted: Sep. 19, 2017.

Submitted: Sep. 4, 2018.

Submitted: Mar. 9, 2020.

Submitted: Aug. 27, 2020.

Submitted: Aug. 26, 2021.

Rule 391-2-5-.07. Terminated.

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.07

Authority: O.C.G.A. Secs. [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "Project Evaluation Criteria" submitted October 1, 1997.

Submitted: Grant description entitled "Non-construction Project Evaluation Criteria" received Sept. 14, 1998.

Terminated: October 9, 2003.

Submitted: Grant description entitled "Multi-Year Project Proposals" received Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Terminated: September 23, 2009.

Rule 391-2-5-.08. Construction/Acquisition Projects and Terms.

Allowable construction/acquisition activities are defined under Section 306A of the Coastal Zone Management (CZM) Act, and as such are defined by statute. Theme related construction/acquisition projects are limited to a federal request of \$80,000, may be up to two (2) year projects, and must abide by the terms and conditions in the most recent version of NOAA's 306A guidance document. Applicants may be asked to revise scope of work of construction projects to meet eligibility guidelines and/or NOAA's 306A guidance document. All construction or land acquisition projects must undergo a pre-application site visit by DNR staff prior to submittal of a full application, if invited to submit such. NOAA is currently revising the 306A guidance document and construction/acquisition project terms may be subject to change prior to project start depending on the effective date of the new guidance.

Applicants must meet the objectives and allowable use guidelines under Section 306A of the Coastal Zone Management Act to be considered. At this time, refer to the 1999 Coastal Zone

Management Act Section 306A guidance document for full text of objectives and uses. In summary, sub-grants for construction/acquisition projects made under Section 306A may be used for the following activities only:

- * The acquisition of fee simple and other interests in land;
- * Low-cost construction projects, including but not limited to, paths, walkways, fences, parks, and the rehabilitation of historic buildings and structures;
- * The rehabilitation or acquisition of piers to provide increased public use, including compatible commercial activity;
- * The establishment of shoreline stabilization measures including the installation or rehabilitation of bulkheads for the purpose of public safety or increasing public access and use;
- * The removal or replacement of pilings where such action will provide increased recreational use of urban waterfront areas;
- * Engineering designs, specifications, and other appropriate reports related to these activities; and
- * Educational, interpretive, and management costs and other related costs NOAA determines to be consistent with the purposes of this section.

Historic Preservation Division of the Georgia Department of Community Affairs (Georgia HPD or HPD): All construction projects must obtain a clearance letter from the Georgia HPD stating no significant impact, or specifying project conditions, as required under Section 106 of the federal Historic Preservation Act of 1966. Applications are considered incomplete and the project cannot begin until a clearance letter from HPD has been returned to the DNR-CRD. It is the applicant's responsibility to provide the HPD clearance letter as a supporting document of the RFP.

Endangered Species Act: All construction projects must obtain a letter from the US Fish and Wildlife Service (FWS) stating there will be no significant impacts, or specifying project conditions, from the proposed project according to Section 7 of the Endangered Species Act. Applications are considered incomplete and the project cannot begin until a clearance letter from the FWS has been returned to the DNR-CRD. It is the applicant's responsibility to provide the FWS clearance letter as a supporting document of the RFP.

NOAA Involvement: All construction project proposals are required to submit a completed 306A Project Questionnaire with their application including documentation in the form of reports, permits, coordination letters from state and federal agencies, maps, and photographs when necessary. Work cannot begin on any construction project until the 306A Project Questionnaire has been reviewed, approved, and signed by NOAA's Coastal Programs Division Chief and the DNR-CRD.

Additionally, federally funded projects are required by the National Environmental Policy Act (NEPA) of 1969 to assess the environmental impact(s) (Public Law 91-190, as amended; 82 Stat. 852, as amended; 42 U.S.C. 4321-4347). NOAA is responsible for determining and advising whether a proposed sub-grant project is eligible for a categorical exclusion in accordance with NOAA's NEPA regulations.

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.08

Authority: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "Construction and Acquisition Project Evaluation Criteria" submitted Sept. 14, 1998.

Terminated: Oct. 9, 2003.

Submitted: Grant description entitled "Construction Projects" received Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Grant description entitled "Construction Projects and Terms" received Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: New title "Construction/Acquisition Projects and Terms." F. Sep. 4, 2012; eff. Sept. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.

Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sep. 6, 2016.

Note: Correction in Rule, "**Amended:** F. Sep. 4, 2012; eff. Sep. 24, 2012." corrected to "**Amended:** New title 'Construction/Acquisition Projects and Terms.' Sep. 4, 2012; eff. Sep. 24, 2012." Effective Mar. 22, 2021.

Submitted: Mar. 22, 2021.

Rule 391-2-5-.09. Terminated.

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.09

Authority: O.C.G.A. Secs. [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "Deliverables/Products/Reimbursement" submitted December 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Terminated: September 23, 2009.

Rule 391-2-5-.10. Budget, Match Requirements and Indirect Costs.

All funding components must be supported by a direct line item budget. Applicant overhead cost must be itemized and included as a direct expense. As per the OMB 2 C.F.R. 200 Circular (Uniform Guidance), indirect cost rates, percentages, or contingencies will be considered as allowable costs for reimbursement or match, in whole or part, as preferred by the applicant, under the CIG program. The applicant must include a statement of the federally negotiated indirect cost rate in the budget narrative, as well as proof of the agreement. If the applicant has never had a federally negotiated indirect cost rate agreement, then a maximum 10% de minimis indirect cost rate is allowable, unless otherwise negotiated between the applicant and DNR-CRD at the applicant's discretion.

The applicant must match the federal funds requested through the CIG program. The minimum required match ratio for CIG sub-grants is \$1.00 federal to \$1.00 local (1:1) for all projects. A 1:1 match must be accrued for each year of the project. Match may be either cash from local, state, or private sources; or "in-kind service(s)". Generally, funds from other federal agencies may not be used as match, unless the program authorization for that funding program indicates that their funds may be used to meet an applicant's local share. If federal dollars are to be used as match, the applicant must provide a copy of the authorizing language or a statement from the federal agency that it is allowable, including a statutory citation for the authorizing language.

In-Kind Match: A match source that is considered "in-kind services" must meet the following criteria:

- * Verifiable from your records
- * Directly attributable to the project
- * Personnel time must be documented and submitted with the appropriate form
- * Performed or provided within the contracted period
- * Personnel salary or in-kind labor cannot be derived from any other federally assisted program and cannot be paid by the federal government under another award.

The federal Coastal Zone Management Act predetermines match requirements.

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.10

Authority: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "Match Requirements" submitted Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Grant description entitled "Budget, Match Requirements and Indirect Costs" received Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sep. 4, 2012; eff. Sept. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.

Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sep. 6, 2016.

Submitted: Sep. 19, 2017.

Rule 391-2-5-.11. Terminated.

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.11

Authority: O.C.G.A. Secs. [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "Indirect Costs, Overhead Percentages, Administrative Costs and Contingencies" submitted December 11, 2006.

Submitted: Grant description entitled "Indirect Costs/Overhead/Administrative Costs and Contingencies" received Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Terminated: September 23, 2009.

Rule 391-2-5-.12. RFP Application Submittal.

The FY 2022-2023 Cycle 25 CIG opportunity will involve a competitive pre-application process followed by an invitation only competitive full application process. The detailed CIG pre-and full application instructions, format, and standard required forms are available on the DNR-CRD website.

Pre-Application Process: Pre-applications must be submitted online by **4:30pm on Friday, December 3, 2021**. Applicants must submit a completed profile form (as provided by DNR-CRD) and succinctly summarize the project goals, relevance to coastal management, tasks to be performed, and an overall estimated budget as outlined in the pre-application instructions found on the aforementioned DNR-CRD website. Pre-applications must be submitted online by the due date and time. A notice of receipt will be sent via email. Pre-applications will be competitively reviewed and only those selected will be invited to submit a full application. Applicants will be notified by January 14, 2022 if they have been selected, or not.

Full Application Process: Applicants with selected pre-applications will be invited to submit a full application. Full applications must be submitted online by **4:30pm on Friday, February 11, 2022**. In addition to the pre-application information, the full application should also include specific and detailed task descriptions by year, a project timeline with major milestones, project management information, a detailed yearly budget breakdown with narrative, and all supporting documentation as outlined in the full application instructions found on the aforementioned DNR-CRD website. Facsimiles and email submissions of the full application will not be accepted. The full application packet must be submitted online by the due date and time

Applications received after the deadline will not be accepted.

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.12

Authority: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "RFP Application Submittal" submitted Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sep. 4, 2012; eff. Sept. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.

Amended: Title changed to "RFP Application Submittal and Letter of Intent." F. Sep. 3, 2014; eff. Sept. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Grant description entitled "RFP Application Submittal," Sep. 6, 2016.

Submitted: Sep. 19, 2017.

Submitted: Sep. 4, 2018.

Submitted: Mar. 9, 2020.

Submitted: Aug. 27, 2020.

Submitted: Aug. 26, 2021.

Rule 391-2-5-.13. Application Review Process.

Applications must be submitted with a profile form, proposal, other required forms, and supporting documentation as described in the detailed CIG application instructions located on the DNR-CRD website.

Pre-Application Process: Following the submittal of the pre-application, the CZM Grants Coordinator will schedule the Pre-Application Review Team, which may be comprised of Coastal Zone Management (CZM) Technical Assistance staff; the CZM Program Manager; and CRD Habitat, Fisheries, Shellfish, and/or Education and Outreach staff. The Team will review and competitively rank the pre-applications based on 1) applicability to the GCMP mission, goals, and policies, 2) a demonstrated coastal management need, 3) clear project goals, 4) budget soundness, 5) an applicant's past performance, and 6) relationship to other federal funding. Selected applicants will be invited to submit a full application.

Full Application Process: Upon selection of the pre-applications, the CZM Grants Coordinator will schedule the CIG Technical Review Committee, which is comprised of five (5) coastal community professionals from the following fields: state resource management, local government, non-governmental organization, academia, and citizen-at-large. The Committee will review and preliminarily score the applications based on the criteria provided in Sections [391-2-5-.17](#) and [391-2-5-.18](#). The Committee will consider the applications in a roundtable forum from highest to lowest preliminary score. After careful consideration, final ranking will be determined by consensus. Full applications that are recommended for funding by the Committee will be included in the DNR application for annual funding from the National Oceanic and Atmospheric Administration (NOAA) GCMP CZM Grant. NOAA makes the final review and approval of all CIG sub-grants. All applicants will be notified of the Committee's recommendation by April 29, 2022. All applicants will be notified of final NOAA approval by August 31, 2022.

Late, incomplete, and ineligible pre-and full applications will be returned to the applicant. Unsuccessful applicants may contact the CZM Grants Coordinator within 30 days of pre-or full application notification to discuss reason(s) for denial.

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.13

Authority: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "Application Review Process" submitted Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sep. 4, 2012; eff. Sept. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.

Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sep. 6, 2016.

Submitted: Sep. 19, 2017.

Submitted: Sep. 4, 2018.

Submitted: Mar. 9, 2020.

Submitted: Aug. 27, 2020.

Submitted: Aug. 26, 2021.

Rule 391-2-5-.14. Terminated.

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.14

Authority: O.C.G.A. Secs. [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "Terms of Grant Awards" submitted December 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Terminated: September 23, 2009.

Rule 391-2-5-.15. Timeline.

December 3, 2021, 4:30pm Pre-application deadline

February 11, 2022, 4:30pm Full Application deadline

August 31, 2022 NOAA approval (anticipated)

October 1, 2022 Project start date

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.15

Authority: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "Timeline" submitted Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sep. 4, 2012; eff. Sept. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.

Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sep. 6, 2016.

Submitted: Sep. 19, 2017.

Submitted: Sep. 4, 2018.

Submitted: Mar. 9, 2020.

Submitted: Aug. 27, 2020.

Submitted: Aug. 26, 2021.

Rule 391-2-5-.16. Contact Information.

Lori Harlin, Grants Coordinator

Georgia Coastal Management Program

Department of Natural Resources-Coastal Resources Division

One Conservation Way

Brunswick, Georgia 31520-8687

Phone: (912) 262-3048

lori.harlin@dnr.ga.gov

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.16

Authority: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "Contact Information" submitted Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sep. 4, 2012; eff. Sept. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.

Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sep. 6, 2016.

Submitted: Sep. 19, 2017.

Submitted: Sep. 4, 2018.

Rule 391-2-5-.17. Non-Research Project Evaluation Criteria.

Non-Research Project Evaluation Criteria

Project proposals will be evaluated on a numerical scale based upon the following criteria.

Total points available = 140

_____ Problem Statement (Max 15 points)

8-15 points The proposal clearly defines the problem or issue and describes how the project will resolve the problem.

1-7 points The proposal clearly defines the problem or issue, however, it does not clearly describe how the project will resolve the problem.

0 points The proposal does not clearly define a problem or there is no connection shown between the project and the problem.

_____ Project Outcomes (Max 15 points)

8-15 points The project outcomes are clear and concise; the proposal shows how the outcomes are attainable and/or that they will produce useable results.

1-7 points The project outcomes are clear; however, it is not clear that the outcomes are attainable and/or that they will produce useable results.

0 points The project outcomes are not clear and concise.

_____ **Project Work Schedule, Deliverables and Budget** (Max 15 points)

8-15 points The project work schedule and budget are clearly stated, clearly linked, and provide a logical sequence to produce well-defined deliverables *and* the budget optimizes funding through an efficient use of funds as illustrated by budget and budget narrative.

1-7 points The project work schedule and budget are clearly stated, clearly linked and provide a logical sequence to produce well-defined deliverables.

0 points The project work schedule, deliverables and budget are unclear or unrealistic.

_____ **Coastal Resource Management and Planning / Practicality** (Max 20 points)

11-20 points The proposed project clearly describes its application to the Georgia Coastal Management Program mission and specifically identifies practical uses for the project information or project result (can be an educational experience or construction project) by coastal managers (federal, state and/or local level).

1-10 points The proposed project clearly describes its application to the Georgia Coastal Management Program mission, but does not specifically identify the practical use of the project information or result by coastal managers.

0 points The proposed project does not clearly describe its application or utility to coastal managers.

_____ **Timing/Immediacy** (Max 10 points)

6-10 points The project can be done only at this time due to current circumstances and the proposal clearly describes and supports those circumstances.

1-5 points The project may be done at some future time, but project benefits will be maximized if its completion can capitalize on current circumstances.

0 points The project may be done at a future time with no significant ill effects accruing to the project benefits.

_____ **Planning Priority** (Max 15 points)

8-15 points The project is specifically identified by one or more federal, state, regional, and/or local plans. (**Applicant must reference or attach a copy of the relevant section of the plan(s) in order to receive points.**)

1-7 points The project need is conceptually supported by one federal, state, regional, and/or local plan. (**Applicant must reference or attach a copy of the relevant section of the plan(s) in order to receive points.**)

0 points The project is not identified or conceptually supported in a published plan.

_____ **Natural Resource Conservation, Protection, Restoration and Enhancement** (Max 15 points)

1-15 points Rank the degree to which the project will conserve, protect, restore, sustain, or enhance a coastal resource(s).

_____ **Community Partnership and Volunteer Involvement** (Max 10 points)

6-10 points The project involves cooperation with two or more coastal municipalities, community agencies or organizations, or volunteers will contribute a *substantial* amount of time and effort to the project. The application clearly describes how partners will contribute and does not just make a conclusory statement.

1-5 points The project involves cooperation with one coastal municipality, community agency or organization, or volunteers will contribute a *moderate* amount of time and effort to the project. The application clearly describes how the partner will contribute and does not just make a conclusory statement.

0 points The project involves only the applicant agency and does not include the use of volunteers or partner organizations.

_____ **Communications Component** (Max 15 points)

8-15 points The proposed project clearly describes an educational and/or training component which provides information and findings to multiple audiences (i.e. scientific community, local government, general public, key stakeholders, etc.).

1-7 points The proposed project clearly describes an educational and/or training component which provides information and findings to a specific targeted audience or the general public, but not to both

0 points The proposed project does not clearly describe an educational and/or training component.

_____ **Matching of Sub-Grant Funds** (Max 10 points)

10 points The project provides other public and/or private investments (match) equal to or greater than 200% (i.e. 2:1) of the requested federal funds.

7 points The project provides other public and/or private investments (match) equal to or greater than 150% (i.e. 1.5:1) of the requested federal funds.

4 points The project provides other public and/or private investments (match) equal to or greater than 110% (i.e. 1.1:1) of the requested federal funds.

0 points The project does not provide more than the required 100% (i.e. 1:1) of the requested federal funds.

_____ **REVIEWER TOTAL (Max 140 points)**

Reviewer's Comments:

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.17

Authority: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "Non-Research Project Evaluation Criteria" submitted Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sep. 4, 2012; eff. Sept. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.

Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sep. 6, 2016.

Submitted: Sep. 19, 2017.

Rule 391-2-5-.18. Research Project Evaluation Criteria.

Research Project Evaluation Criteria

Project proposals will be evaluated on a numerical scale based upon the following criteria.

Total points available = 140

_____ **Problem Statement (Max 10 points)**

6-10 points The proposal clearly defines the problem or issue and describes how the project will resolve the problem.

1-5 points The proposal clearly defines the problem, however, it does not clearly describe how the project will resolve the problem.

0 points The proposal does not clearly define a problem or there is no connection shown between the project and the problem.

_____ **Project Outcomes (Max 10 points)**

6-10 points The project outcomes are clear and concise; the proposal shows how the goal and objectives are attainable and how useful information will be produced.

1-5 points The project outcomes are clear and concise; however, it is not clear that the goal and objectives are attainable or that they will produce useable results.

0 points The project outcomes are not clear and concise.

_____ **Project Work Schedule, Deliverables and Budget** (Max 15 points)

8-15 points The project work schedule and budget are clearly stated, clearly linked, and provide a logical sequence to produce well-defined deliverables *and* the budget optimizes funding through an efficient use of funds as illustrated by budget and budget narrative.

1-7 points The project work schedule and budget are clearly stated, clearly linked and provide a logical sequence to produce well-defined deliverables.

0 points The project work schedule, deliverables and budget are unclear or unrealistic.

_____ **Coastal Resource Management and Planning / Practicality** (Max 20 points)

11-20 points The proposed project clearly describes its application to the Georgia Coastal Management Program mission and specifically identifies practical uses for the project information or findings by coastal managers (federal, state and/or local level).

1-10 points The proposed project clearly states its application to the Georgia Coastal Management Program mission, but the application does not specifically identify the practical use of the information or findings by coastal managers.

0 points The proposed project does not state its application or utility to coastal managers.

_____ **Scientific Merit** (Max 10 points)

6-10 points The proposed project clearly demonstrates that it is based upon sound science and current research methodologies, and will generate cutting-edge information and/or technology supportive of the goals and objectives of the Georgia Coastal Management Program.

1-5 points The proposed project clearly demonstrates that it is sound science, but it is not clear how it will generate cutting-edge information and/or technology that is supportive of the goals and objectives of the Georgia Coastal Management Program.

0 points The proposed project is not sound science.

_____ **Transferability to Practical Use** (Max 20 points)

11-20 points The application has clearly set out a process for transferring results and outcomes to practical use.

1-10 points The application has clearly set out a process for transferring results, but outcomes have no practical use.

0 points The application has no process for transferring results and outcomes to practical use.

_____ **Coastal Management Need** (Max 10 points)

6-10 points The application has clearly identified and described a coastal management need to be addressed, as per the CRD Needs List.

1-5 points The application has clearly identified and described a coastal management need to be addressed, but it is not on the CRD Needs List.

0 points The application has not clearly identified and described a coastal management need.

_____ **Immediacy** (Max 10 points)

6-10 points The proposed project clearly describes and fulfills an immediate research need of coastal resource managers.

1-5 points The proposed project clearly describes and fulfills a coastal management research need, but the need is not necessarily immediate.

0 points The proposed project does not describe nor fulfill a coastal management research need.

_____ **Community Partnership and Volunteer Involvement** (Max 10 points)

6-10 points The project involves cooperation with two or more coastal municipalities, community agencies or organizations, or volunteers will contribute a substantial amount of time and effort to the project. The application clearly describes how partners will contribute and does not just make a conclusory statement.

1-5 points The project involves cooperation with one coastal municipality, community agency or organization, or volunteers will contribute a moderate amount of time and effort to the project. The application clearly describes how the partner will contribute and does not just make a conclusory statement.

0 points The project involves only the applicant agency and does not include the use of volunteers or partner organizations.

_____ **Communications Component** (Max 15 points)

8-15 points The proposed project clearly describes an educational and/or training component which provides information and findings to multiple audiences (i.e. scientific community, local governments, general public, key stakeholders, etc.).

1-7 points The proposed project clearly describes an educational and/or training component which provides information and findings to a specific targeted audience or the general public, but not to both.

0 points The proposed project does not clearly describe an educational and/or training component.

_____ **Matching of Sub-Grant Funds (Max 10 points)**

10 points The project provides other public and/or private investments (match) equal to or greater than 200% (i.e. 2:1) of the requested federal funds.

7 points The project provides other public and/or private investments (match) equal to or greater than 150% (i.e. 1.5:1) of the requested federal funds.

4 points The project provides other public and/or private investments (match) equal to or greater than 125% (i.e. 1.25:1) of the requested federal funds.

0 points The project does not provide more than the required 100% (i.e. 1:1) of requested federal funds in support of the project.

_____ **REVIEWER TOTAL (Max 140 points)**

Reviewer Comments:

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.18

Authority: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

History. Original grant description entitled "Research Project Evaluation Criteria" submitted Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Amended: F. Sep. 4, 2012; eff. Sept. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.

Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sep. 6, 2016.

Submitted: Sep. 19, 2017.

Subject 391-2-6. CLEAN VESSEL ACT GRANT PROGRAM DESCRIPTION.

Rule 391-2-6-.01. Clean Vessel Act Grant Program.

- (1) **Statutory Basis.** The Department is authorized to protect, manage, and regulate coastal areas and waters under Article 4 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated; to regulate activities and vessels upon all waters of the state under Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated; and to contract with public and private entities and disperse funds under O.C.G.A. § [12-3-5](#) for these purposes and such other duties, responsibilities, or functions vested in the Department. Furthermore, the Department is authorized by the Federal Clean Vessel Act of 1992, as amended by Public Law 109-59, Title X, Section 10131, to administer grants to public and private entities for the construction, renovation, operation, and maintenance of sewage pump-out stations, waste reception and storage facilities, and pump-out vessels.
- (2) **Purpose.** The purpose of the Clean Vessel Act grants program is to encourage the construction and operation of sewage pump-out stations at marina facilities throughout Georgia. Pump-out and dump stations provide a substantial benefit to the public by promoting the responsible use of inland and coastal waters and reduces the risk of overboard discharge of untreated sewage.
- (3) **Program Administration.**
 - (a) The Georgia Department of Natural Resources, Coastal Resources Division (CRD) and Wildlife Resources Division (WRD), shall develop procedures, applications, forms, contracts, and other materials as necessary to administer the Clean Vessel Act Grants program, which shall include, but not be limited to: establishing timelines and deadlines on an annual, cyclical basis for announcing grant application availability, application due date, project awards date, project reporting dates, and project completion date; developing application and project review procedures; establishing minimum requirements for project management of grants by recipients; developing guidance and informational materials, including providing definitions; and developing policies and procedures to rescind grant awards for non-performance and to re-award recaptured funds.
 - (b) Notice of the start of the grant cycle shall be posted by the first business day in July through electronic newsletter, website posting, and by other means as determined appropriate by CRD/WRD. The notice shall include, at a minimum, a summary description of the grant program and eligibility and eligible activities requirements, date of application availability, deadline for submitting applications, and directions for obtaining an application.
 - (c) Grant application forms and instructions shall be available in electronic format; paper format application materials shall be available upon request.
 - (d) CRD shall administer coastal projects and WRD shall administer inland projects.
- (4) **Eligibility Requirements.**
 - (a) Eligible applicants include:

1. Any Georgia local government entity, including counties, municipalities, and duly authorized agencies or instrumentalities of a county or municipality, including but not limited to, local authorities and local boards;
 2. Privately owned, for profit marinas in Georgia; and
 3. Not-for profit marinas in Georgia.
- (b) Eligible Projects include those to construct, renovate, operate, and/or maintain pump-out and dump stations, including floating restrooms in the water, not connected to land or structures connected to the land, used solely by boaters. Eligible grant activities also include any activity necessary to hold and transport boaters' sewage to treatment plants, such as holding tanks, piping, hauling costs, and any activity necessary to get sewage treatment plants to accept sewage, such as installing bleed-in facilities and the production of informational or educational materials.

(5) General Terms and Conditions.

- (a) Individual grant award limits will be established and announced for each grant cycle based on available funding. Recipients must provide match equal to 25% of the approved total project cost in cash or in-kind services, as defined by CRD/WRD.
- (b) Recipients may be required to attend a grant workshop immediately after grant awards are announced.
- (c) Recipients must execute a grant agreement with CRD/WRD and comply with all its provisions, including maintaining complete financial records for all activities covered by the grant agreement and providing an audited report after completion of the project.
 1. Adequate progress toward completion of the project must be documented by the recipient and approved by CRD/WRD before payment of intermediate reimbursements.
 2. Ten (10) percent of the grant funds shall be withheld until CRD/WRD approval of the completed project.
- (d) All recreational vessels must have access to pump-out and dump stations funded under this grant program. Facilities shall be operated, maintained, and reasonably accessible to all recreational vessels for the full period of their useful life.
- (e) Project planning and construction documents and work product shall be reviewed and approved by CRD/WRD under terms established by the grant agreement.

- (f) Projects and/or project areas will be available for inspection by CRD/WRD staff during construction or the grant period, as applicable, and be facilitated by the grant recipient upon reasonable notice. Reasonable notice shall include pre-arranged scheduled visits, mutually agreed upon times, or 1-week notice of intent to visit by CRD/WRD staff.
- (g) Non-compliance with (5) (a) through (f) above and any terms & conditions of the grant agreement may result in the rescission of the grant award.

(6) Application Procedures.

- (a) Applicants shall make application to the Coastal Resources Division or the Wildlife Resources Division, Georgia Department of Natural Resources, depending on whether the project is coastal or inland, by specified deadlines, on current state fiscal year in the manner and format provided for in the grant application instructions.
- (b) At the sole discretion of CRD/WRD, a prior year application form for an unfunded project may be accepted in lieu of a current state fiscal year application form; provided that the scope of the proposed project is unchanged and other information is current or updated, including project contact and administrator information, authorized signatures, and matching fund resolution.

(7) Review Criteria.

- (a) Applications will be reviewed by a committee composed of CRD/WRD staff. Staff will review applications to ensure project meets the eligibility criteria set forth in the Federal Clean Vessel Act 50 CFR 85 and to ensure that the project is consistent with the purpose and conditions of the Act.
- (b) Proposed projects shall be evaluated by the following criteria:
 - 1. Project meets eligibility requirements;
 - 2. Project concept fits the need within the purposes of the Act;
 - 3. Discrete objectives are identified to be accomplished during a specific time period that addresses the need;
 - 4. Project provides a public benefit;
 - 5. Amount and source of matching funds is consistent with requirements in the Act;
 - 6. Fees for use of the facility are consistent with requirements in the Act;

- (c) Grants shall be awarded to the extent of established available funding based on CRD/WRD staff recommendations as approved by the Commissioner of the Georgia Department of Natural Resources or designee

Cite as Ga. Comp. R. & Regs. R. 391-2-6-.01

History. Original Rule entitled "Clean Vessel Act Grant Program" adopted. F. Sep. 4, 2012; eff. Sept. 24, 2012.

Subject 391-2-7. BOATING INFRASTRUCTURE GRANT PROGRAM DESCRIPTION.

Rule 391-2-7-.01. Boating Infrastructure Grant Program.

- (1) **Statutory Basis.** The Department is authorized to enter into grant agreements for the establishment of tie-up facilities for recreational boats 26 feet or more in length under §O.C.G.A. [27-1-6](#); to regulate activities and vessels upon all waters of the state under Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated; and to contract with public and private entities and disperse funds under O.C.G.A. § [12-3-5](#) for these purposes and such other duties, responsibilities, or functions vested in the Department.
- (2) **Purpose.** The purpose of the Boating Infrastructure Grants program is to provide states with money to construct, renovate and maintain tie-up facilities for recreational boats 26 feet or more in length.
- (3) **Program Administration.**
 - (a) The Georgia Department of Natural Resources, Coastal Resources Division (CRD) and Wildlife Resources Division (WRD), shall develop procedures, applications, forms, contracts, and other materials as necessary to administer the Boating Infrastructure Grant program, which shall include, but not be limited to: establishing timelines and deadlines on an annual, cyclical basis for announcing grant application availability, application due date, project awards date, project reporting dates, and project completion date; developing application and project review procedures; establishing minimum requirements for project management of grants by recipients; developing guidance and informational materials, including providing definitions; and developing policies and procedures to rescind grant awards for non-performance and to re-award recaptured funds.
 - (b) Notice of the start of the grant cycle shall be posted by the first business day in July through electronic newsletter, website posting, and by other means as determined appropriate by CRD/WRD. The notice shall include, at a minimum, a summary description of the grant program and eligibility and eligible activities

requirements, date of application availability, deadline for submitting applications, and directions for obtaining an application.

- (c) Grant application forms and instructions shall be available in electronic format; paper format application materials shall be available upon request.
- (d) CRD shall administer coastal projects and WRD shall administer inland projects.

(4) Eligibility Requirements.

- (a) Eligible applicants include:
 - 1. Any Georgia local government entity, including counties, municipalities, and duly authorized agencies or instrumentalities of a county or municipality, including but not limited to, local authorities and local boards;
 - 2. Privately owned, for profit marinas in Georgia; and
 - 3. Not-for profit marinas in Georgia.
- (b) Eligible Projects include those to construct, renovate and maintain boating infrastructure tie-up facilities either publicly or privately owned for non-trailerable vessels 26 feet or more in length or the production of informational or educational materials such as charts, cruising guides and brochures.

(5) General Terms and Conditions.

- (a) Individual grant award limits will be established and announced for each grant cycle based on available funding. Recipients must provide match equal to 25% of the approved total project cost in cash or in-kind services, as defined by CRD/WRD.
- (b) Recipients may be required to attend a grant workshop immediately after grant awards are announced.
- (c) Recipients must execute a grant agreement with CRD/WRD and comply with all its provisions, including maintaining complete financial records for all activities covered by the grant agreement and providing an audited report after completion of the project.
 - 1. Adequate progress toward completion of the project must be documented by the recipient and approved by CRD/WRD before payment of intermediate reimbursements.
 - 2. Ten (10) percent of the grant funds shall be withheld until CRD/WRD approval of the completed project.

- (d) Facilities shall be operated, maintained, and reasonably accessible to all members of the public operating recreational vessels including but not limited to non-trailerable vessels 26 feet or more in length for the full period of their useful life.
- (e) Project planning and construction documents and work product shall be reviewed and approved by CRD/WRD under terms established by the grant agreement.
- (f) Projects and/or project areas will be available for inspection by CRD/WRD staff during construction or the grant period, as applicable, and be facilitated by the grant recipient upon reasonable notice. Reasonable notice shall include pre-arranged scheduled visits, mutually agreed upon times, or 1-week notice of intent to visit by CRD/WRD staff.
- (g) Non-compliance with (5) (a) through (f) above and any terms & conditions of the grant agreement may result in the rescission of the grant award.

(6) Application Procedures.

- (a) Applicants shall make application to the Coastal Resources Division or the Wildlife Resources Division, Georgia Department of Natural Resources, depending on whether the project is coastal or inland, by specified deadlines, on current state fiscal year in the manner and format provided for in the grant application instructions.
- (b) At the sole discretion of CRD/WRD, a prior year application form for an unfunded project may be accepted in lieu of a current state fiscal year application form; provided that the scope of the proposed project is unchanged and other information is current or updated, including project contact and administrator information, authorized signatures, and matching fund resolution.

(7) Review Criteria.

- (a) Applications will be reviewed by a committee composed of CRD/WRD staff. Staff will review applications to ensure project meets the eligibility criteria set forth in the Boating Infrastructure Grant program, 50 CFR, Part 86 and to ensure that the project is consistent with the purpose and conditions of the Act.
- (b) Proposed projects shall be evaluated by the following criteria:
 - 1. Project meets eligibility requirements;
 - 2. Project concept fits the need within the purposes of the Act;
 - 3. Discrete objectives are identified to be accomplished during a specific time period that addresses the need;

4. Project provides a public benefit;
 5. Amount and source of matching funds is consistent with requirements in the Act;
 6. Fees for use of the facility are consistent with requirements in the Act;
- (c) Grants shall be awarded to the extent of established available funding based on CRD/WRD staff recommendations as approved by the Commissioner of the Georgia Department of Natural Resources or designee.

Cite as Ga. Comp. R. & Regs. R. 391-2-7-.01

History. Original Rule entitled "Boating Infrastructure Grant Program" adopted. F. Sep. 4, 2012; eff. Sept. 24, 2012.

Chapter 391-3. ENVIRONMENTAL PROTECTION.

Subject 391-3-1. AIR QUALITY CONTROL.

Rule 391-3-1-.01. Definitions. Amended.

Unless a different meaning is required by the context, the following terms as used in these rules shall have the meaning hereinafter respectively ascribed, except that to the extent terms are not defined in these rules the Act's definitions control; and provided, that definitions within any subsequent rule, or subdivision thereof, which are expressly made applicable to the rule or subdivision within which they appear, shall apply for purposes of such specific rule or subdivision thereof; and provided the definitions appearing in Federal regulations adopted by reference shall control in the application of the related Federal regulations to which they apply under the Federal Act; and provided further, that in officially designated non-attainment areas the definitions contained in [40 CFR 51.165\(a\)\(1\)\(i\) through \(xix\)](#) shall apply. [40 CFR 51.165\(a\)\(1\)\(i\) through \(xix\)](#), as amended, is hereby incorporated and adopted by reference.

- (a) "**Act**" means Part I of Chapter 9 of Title 12 of the Official Code of Georgia Annotated (O.C.G.A. Section [12-9-1](#), et seq.) "The Georgia Air Quality Act."
- (b) "**Air-cleaning device**" means any method, process or equipment which removes, reduces, or renders less noxious air contaminants discharged into the atmosphere.
- (c) "**Air contaminant**" means solid or liquid particulate matter, dust, fumes, gas, mist, smoke, or vapor, or any matter or substance either physical, chemical, biological, or radioactive <https://cdn.extendoffice.com/images/stories/doc-word/delete-multiple-pages/doc-delete-multiple-pages-2.png>(including source material, special nuclear material, and by-product material); or any combination of any of the above.

- (d) **"Air pollution"** means the presence in the outdoor atmosphere of one or more air contaminants.
- (e) **"Black liquor solids"** means the dry weight of the solids that enter the recovery furnace in the black liquor.
- (f) **"CFR"** means the "Code of Federal Regulations."
- (g) **"Capacity factor"** means the ratio of the average load on a machine or equipment for the period of time considered, to the design capacity rating of the machine or equipment.
- (h) **"Capture system"** means the equipment (including hoods, ducts, fans, etc.) used to contain, capture, or transport a pollutant to an air-cleaning device.
- (i) **"Coating applicator"** means an apparatus used to apply a surface coating.
- (j) **"Coating line"** means one or more apparatus or operations which include a coating applicator, flash-off area, and oven wherein a surface coating is applied, dried, or cured.
- (k) **"Conditions beyond the control of"** shall mean only those conditions which, though ordinary diligence be employed, remain unforeseeable, or unpredictable, such as, strikes, walkouts, or other industrial disturbances acts of God, civil disturbances, embargoes, or other causes of like character provided, however, that this term shall not include conditions solely because they are dependent upon contingencies, that is, conditions such as but not limited to, the variable cost or availability of maintenance, equipment, labor, raw materials, fuel or energy.
- (l) **"Construction"** means any fabrication, erection or installation. The term "construction" includes any modification as defined in Section (pp).
- (m) **"Cross recovery furnace"** means a furnace used to recover chemicals consisting primarily of sodium and sulfur compounds by burning black liquor which, on a quarterly basis, contains more than seven (7) weight percent of the total pulp solids from a soda-based semi-chemical pulping process.
- (n) **"Day"** means a 24-hour period beginning at midnight or such other 24-hour period as agreed by the Director.
- (o) **"Department"** means the Department of Natural Resources of the State of Georgia.
- (p) **"Digester system"** means each continuous digester or each batch digester used for the coating of wood in white liquor, and associated flask tank(s), blow tank(s), ship steamer(s), and condenser(s).
- (q) **"Director"** means the Director of the Division of Environmental Protection, Department of Natural Resources of the State of Georgia, or his designee.

- (r) **"Division"** means the Environmental Protection Division of the Department of Natural Resources, State of Georgia.
- (s) **"Dust"** means minute solid particles caused to be suspended in air by natural forces or by mechanical processes such as but not limited to crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, mixing, sweeping, digging, scooping, and grading.
- (t) **"EPA"** means the United States Environmental Protection Agency.
- (u) **"Emission" or "emitting"** means any discharging, giving off, sending forth, placing, dispensing, scattering, issuing, circulating, releasing or any other emanation of any air contaminant or contaminants into the atmosphere.
- (v) **The terms "Emission limitation" and "Emission standard"** means a requirement established which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis including any requirement relating to the equipment or operation or maintenance of a source to assure continuous emission reduction.
- (w) **"Excessive emissions"** means emissions of an air pollutant in excess of an emission standard.
- (x) **"Flashoff area"** means the space between the application area and the oven.
- (y) **"Fluo-solids calciner"** means a unit other than a lime kiln used to calcine lime mud, which consist primarily of calcium carbonate, into quicklime, which is primarily calcium oxide. For the purpose of these regulations, all references or emission standards applicable to lime kilns shall also apply to fluo-solids calciners.
- (z) **"Fly ash"** means particulate matter capable of being gasborne or airborne and consisting essentially of fused ash or other burned or unburned materials resulting from a process of combustion of fuel or solid waste.
- (aa) **"Fossil fuel-fired steam generator"** means a furnace or boiler used in the process of burning a fossil fuel for the primary purpose of producing steam by heat transfer.
- (bb) **"Foundry cupola"** means a stack-type furnace used for melting of metals, consisting of, but not limited to, furnace proper, tuyeres, fans or blowers, tapping spout, charging equipment, gas cleaning devices and other auxiliaries.
- (cc) **"Fuel-burning equipment"** means equipment the primary purpose of which is the production of thermal energy from the combustion of any fuel. Such equipment is generally that used for, but not limited to, heating water, generating or super heating steam, heating air as in warm air furnaces, furnishing process heat indirectly, through transfer by fluids or transmissions through process vessel walls.

- (dd) **"Fugitive dust"** means solid airborne particulate matter emitted from any source other than through a stack, vent, or chimney.
- (ee) **"General permit"** means a Permit by Rule or a Generic Permit established in or under the Georgia Rules for Air Quality Control covering numerous similar sources.
- (ff) **"Generic permit"** means a General permit issued by the Director covering numerous similar sources.
- (gg) **"Hydrocarbon"** means any organic compound consisting predominantly of carbon and hydrogen.
- (hh) **"Incinerators"** means all devices intended or used for the reduction or destruction of solid, liquid, or gaseous waste by burning.
- (ii) **"Intermediate vapor control system"** means a vapor control system that employs an intermediate vapor holder to accumulate vapors displaced from tanks during filling. The control device treats the accumulated vapors only during automatically controlled cycles.
- (jj) **"Jobbing foundry"** means any foundry where the operation is run intermittently and for that length of time necessary to pour molds on a job-to-job basis.
- (kk) **"Kraft pulp mill"** means any stationary source which produces pulp from wood by cooking (digesting) wood chips in a water solution of sodium hydroxide and sodium sulfide (white liquor) at high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of the kraft pulp mill.
- (ll) **"Lime kiln"** means a unit used to calcine lime and, which consists primarily of calcium carbonate, into quicklime, which is calcium oxide.
- (mm) **"Loading rack"** means any aggregation or combination of gasoline loading equipment arranged so that all loading outlets in the combination can be connected to a tank truck or trailer parked in a specified loading space.
- (nn) **"Malfunction"** means mechanical and/or electrical failure of a process, or of air pollution control process or equipment, resulting in operation in an abnormal or unusual manner.
- (oo) **"Manager"** means the administrator of the small business stationary source technical and environmental compliance assistance program. The manager may be referred to as the ombudsman.
- (pp) **The term "modification"** means any change in or alteration of fuels, processes, operation or equipment, (including any chemical changes in processes or fuels) which affects the amount or character of any air pollutant emitted or which results in the emission of any air pollutant not previously emitted. [No source shall, by reason of a change which decreases emissions, become subject to the New Source Performance

Standards [42 U.S.C. Sec. 7411](#), unless required by the Federal Act. This definition does not apply where the word "modification" is used to refer to action by the Director, Division, or Board, in modifying or changing rules, regulations, orders, or permits. In that context the word has its ordinary meaning.] The following operations are not considered modifications under this definition:

1. routine maintenance, repair, and replacement.
 2. an increase in production rate (not to exceed maximum production rate stated in a pertinent application), if that increase can be accomplished without a capital expenditure, unless that increase is prohibited by a permit condition.
 3. an increase in the hours of operation unless that increase is prohibited by a permit condition.
 4. the use of an alternative fuel or raw material that the source is designed to accommodate. A source shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications prior to the change and that use is allowed under a current air quality permit.
- (qq) **"Multiple chamber incinerator"** means any article, machine, equipment, or contrivance which is used for the reduction or destruction of solid, liquid, or gaseous waste by burning and consists of a series of three or more combustion chambers physically separated by refractory walls, interconnected by gas passages or ducts, and lined with refractories having a pyrometric cone equivalent of at least 31, tested according to ASTM Method C-24, and is designed for efficient combustion of the type and volume of material to be burned.
- (rr) **"Multiple-effective evaporator system"** means the multiple-effect evaporators and associated condenser(s) and hotwell(s) used to concentrate the spent cooking liquid that is separate from the pulp (black liquor).
- (ss) **"Opacity"** means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background, and is expressed in terms of percent opacity. As used in these Regulations, the measurement of percent opacity does not include the measurement of the obscuration of view due to uncombined water droplets. Any determination of the percent opacity shall be made by the arithmetic average of six minutes of data. With respect to the determination of percent opacity, the six minute average shall be based on either an average of 24 or more opacity data points equally spaced over a six minute period or an integrated average of continuous opacity data over a six minute period. The six minute period for continuous opacity monitors shall be considered to be any one of ten equal parts of a one hour period commencing on the hour. Any visual observation or determination of opacity taken for the purpose of determining compliance with any requirement of this Chapter 391-3-1 shall be made by personnel certified according to procedures established for such certification by the Division or by EPA to make such observation or determination.

- (tt) **"Open-burning"** means any outdoor fire from which the products of combustion are emitted directly into the open air without passing through a stack, chimney or duct.
- (uu) **"Organic material"** means a chemical compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.
- (vv) **"Oven"** means a chamber within which heat is used to bake, cure, polymerize, or dry a surface coating.
- (ww) **"Part 70 permit"** means a Title V operating permit issued by the Director under [391-3-1-.03\(10\)](#) for a facility subject to 40 CFR Part 70 requirements.
- (xx) **"Particulate matter"** means any airborne, finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.
- (yy) **"Particulate matter emissions"** means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternate method, established by the U.S. EPA. Whenever the term "Particulate Emissions" is used in these rules, it shall have the same meaning as "Particulate Matter Emissions."
- (zz) **"Permit-by-rule"** means a General permit established in the Georgia Rules for Air Quality Control [[391-3-1-.03\(11\)](#)] covering numerous similar sources.
- (aaa) **The term "person"** includes any individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States, or any other entity, and includes any officer, agent, or employee of any of the above.
- (bbb) **"PM₁₀"** means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers as measured by a reference method based on Appendix J of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated by the U.S. EPA.
- (ccc) **"PM₁₀ emissions"** means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal ten micrometers emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternate method, established by the U.S. EPA.
- (ddd) **"Potential to emit"** means the maximum capacity of a stationary source to emit any regulated air pollutant under its physical and operational design. Any physical and operational limitation on the capacity of the source to emit a regulated air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is legally and

practically enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

- (eee) **"Prime coat"** means the first film of coating applied in a multicoat operation.
- (fff) **"Process equipment"** means any equipment, device or contrivance for changing, melting, storing, handling, or altering chemically or physically any material, the use or existence of which may cause any discharge of air contaminants into the open air, but excluding that equipment defined herein as "Fuel-Burning Equipment."
- (ggg) **"Process input weight rate"** means a rate established as follows:
1. For continuous or long-run, steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period.
 2. For cyclical or batch source operations, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.
 3. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply. When recycled material is handled by the process equipment, it shall be included in the total process weight. Moisture shall not be considered as a part of process weight.
- (hhh) **"Recovery furnace"** means either a straight kraft recovery furnace or a cross recovery furnace, and includes the direct-contact evaporator for a direct-contact furnace.
- (iii) **"Reid vapor pressure"** means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquefied petroleum gases as determined by American Society for Testing and Materials, Part 17, 1973, D-323-82 (Reapproved 1987).
- (jjj) **"Shutdown"** means the cessation of the operation of a source or facility for any purpose.
- (kkk) **"Small Business Compliance Advisory Panel"** means the small business stationary source technical and environmental compliance advisory panel created by Code Section [12-9-25](#).
- (III) **"Small business stationary source or facility"** means an entity that:
1. Is owned or operated by a person employing 100 or fewer individuals;
 2. Is a small business under the federal Small Business Act;

3. Is not a major stationary source as defined in Titles I and III of the Clean Air Act;
4. Does not emit 50 tons or more per year of any regulated pollutant; and
5. Emits less than 75 tons/year of all regulated pollutants.

- (mmm) **"Small business stationary source technical and environmental compliance assistance program"** means a program established within the Department of Natural Resources.
- (nnn) **"Smelt dissolving tank"** means a vessel used for dissolving the smelt collected from the recovery furnace.
- (ooo) **"Smoke"** means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash and other combustible materials, that form a visible plume.
- (ppp) **"Soda-based semichemical pulping operation"** means any operation in which pulp is produced from wood by cooking (digesting) wood chips in a soda-based semichemical pulping solution followed by mechanical defibrating (grinding).
- (qqq) **"Solvent"** means organic materials which are liquid at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.
- (rrr) **"Soot"** means agglomerated particles consisting mainly of carbonaceous material.
- (sss) **"Source" or "facility"** means any property, source, facility, building, structure, location, or installation at, from, or by reason of which emissions or air contaminants are or may reasonably be expected to be emitted into the atmosphere. Such terms included both real and personal property, stationary and mobile sources or facilities, and direct and indirect sources or facilities, without regard to ownership, and both public or private property. An "indirect" source or facility is a source or facility which attracts or tends to attract activity that results in emissions of any air pollutant for which there is an ambient air standard.
- (ttt) **"Special circumstances"** shall mean only such circumstances as are caused by special physical conditions or causes and are unique or peculiar to a pollution source.
- (uuu) **"Special physical conditions or causes"** shall mean only those physical conditions or causes which are intrinsically related to the process, giving rise to a pollutant, the equipment used in such process, or the structure housing such equipment, and such term shall in no case include external conditions such as (1) the ambient air quality in the locale, area or region of the pollution source, or (2) the cost or availability of raw materials, including fuel or energy, used in the process.

- (vvv) **"Stack"** means any point in a source designed to emit solids, liquids, or gasses into the air, including a pipe or duct but not including flares.
- (www) **"Stack in existence"** means that the owner or operator had (1) begun, or caused to begin, a continuous program of physical on-site construction of the stack or (2) entered into binding agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed within a reasonable time.
- (xxx) **"Stack height"** means the physical height of a flue, chimney, vent or other point of pollutant discharge above ground level.
- (yyy) **"Standard conditions"** means a temperature of 20°C (68°F) and pressure of 760 millimeters of mercury (29.92 inches of mercury).
- (zzz) **"Startup"** means the commencement of operation of any source.
- (aaaa) **"Stationary source"** means any source or facility emitting, either directly or indirectly, from a fixed location.
- (bbbb) **"Straight kraft recovery furnace"** means a furnace used to recover chemicals consisting primarily of sodium and sulfur compounds by burning black liquor which on a quarterly basis contains seven (7) weight percent or less of the total pulp solids from a soda-based semichemical pulping process.
- (cccc) **"Synthetic minor permit"** means a Permit issued to a facility which imposes limits that are federally enforceable or enforceable as a practical matter in order to restrict potential emissions to below major source thresholds.
- (dddd) **"Topcoat"** means the final film of coating applied in a multiple coat operation.
- (eeee) **"Total reduced sulfur (TRS)"** means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during the Kraft pulping operation and measured by EPA Method 16 (40 CFR 60).
- (ffff) **"Total suspended particulates"** means particulate matter as measured by the method described in Appendix B of 40 CFR Part 50.
- (gggg) **"True vapor pressure"** means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin, 2597, "Evaporation Loss from Floating Roof Tanks," 1962.
- (hhhh) **"Vapor"** means the gaseous form of a substance.

- (iii) **"Vapor collection system"** means a vapor transport system which used direct displacement by the liquid loaded to force vapors from the tank into a vapor control system.
- (jjj) **"Vapor control system"** means a system that prevents release to the atmosphere of at least 90 percent by weight of organic compounds in the vapors displaced from a tank during the transfer of gasoline.
- (kkk) **"Visible emissions"** means any emission which is capable of being perceived visually.
- (III) **"Volatile organic compound"** (also denoted as VOC) means any organic compound which participates in atmospheric photochemical reactions; that is, any organic compound other than those which the Administrator of the U.S. Environmental Protection Agency designates as having negligible photochemical reactivity, including: carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ammonium carbonate; methane; ethane; 1,1,1-trichloroethane (methyl chloroform); methylene chloride (dichloromethane); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$ or HFE-7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$ or HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane ($n-C_3F_7OCH_3$, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate ($HCOOCH_3$); t-butyl acetate; 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300), propylene carbonate, dimethyl carbonate, *trans*-1,3,3,3-tetrafluoropropene; HCF_2OCF_2H (HFE-134); $HCF_2OCF_2OCF_2H$ (HFE-236cal2); $HCF_2OCF_2CF_2OCF_2H$ (HFE-338pcc13); $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-

Galden 1040x or H-Galden ZT 130 (or 150 or 180)); *trans* 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol (AMP); 1,1,2,2-Tetrafluoro -1-(2,2,2-trifluoroethoxy) ethane; cis-1,1,1,4,4,4- hexafluorobut-2-ene (HFO-1336mzz-Z); and perfluorocarbon compounds which fall into these classes:

1. Cyclic, branched, or linear, completely fluorinated alkanes;
2. Cyclic, branched, or linear, completed fluorinated ethers, with no unsaturations;
3. Cyclic, branched, or linear, completely fluorinated tertiary-amines with no unsaturations;
4. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine; and
5. VOC may be measured by the referenced method, an equivalent method, an alternate method or by procedures specified under 40 CFR Part 60. A referenced method, an equivalent method, or an alternate method, however, may also measure non-reactive organic compounds. In such cases, an owner or operator may exclude the non-reactive organic compound when determining compliance with a standard.

(mmmm) **"Hazardous air pollutant"** (also denoted as HAP) means any air pollutant listed in or pursuant to section 112(b) of the Federal Clean Air Act, and as amended by 40 CFR Part 63, Subpart C.

(nnnn) **"Procedures for Testing and Monitoring Sources of Air Pollutants"** or "PTM" means the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants** dated January 31, 2021.

(oooo) **"Banking"** means a system for quantifying, recording, storing and preserving Emission Reduction Credits for use or transfer at a later date.

(pppp) **"Emission reduction credit"** means a unit of reduction in actual emissions of either nitrogen oxides or VOC, expressed in tons per year that has been certified by the Director in accordance with Section [391-3-1-.03\(13\)](#) of these Rules.

(qqqq) **"Pollution control project"** (PCP) means an environmentally beneficial activity, set of work practices or project undertaken at an existing emissions unit that reduces emissions of air pollutants from such unit as listed below, provided that any associated collateral emissions increase is less than the thresholds listed in subparagraphs [391-3-1-.03\(6\)\(i\)3.\(i\)-\(v\)](#). Such qualifying activities or projects can include the replacement or upgrade of an existing emissions control technology with a more effective unit. Other changes that may occur at the source are not considered part of the PCP if they are not necessary to reduce emissions through the PCP. The replacement or reconstruction of an entire existing emissions unit with a newer or different one does not qualify as a PCP. Projects listed in subparagraphs (qqqq)1. and

2. of this subparagraph are presumed to be environmentally beneficial and qualify as a PCP. The Director has the authority to rebut the presumption that projects listed in subparagraphs (qqqq)1. and 2. are environmentally beneficial if the Division determines that a particular proposed PCP project would be improperly applied or site-specific factors indicate that the project's application would not be environmentally beneficial.

1. Electrostatic precipitators, baghouses, high-efficiency multiclones, or scrubbers for control of particulate matter or other air contaminants.
2. Regenerative thermal oxidizers, catalytic oxidizers, condensers, thermal incinerators, hydrocarbon combustion flares, biofiltration, absorbers and adsorbers, and floating roofs for storage vessels for control of volatile organic compounds or hazardous air pollutants. For the purpose of this section, "hydrocarbon combustion flare" means either a flare used to comply with an applicable New Source Performance Standard (NSPS) or Maximum Available Control Technology (MACT) standard (including uses of flares during startup, shutdown, or malfunction permitted under such a standard), or a flare that serves to control emissions of waste streams comprised predominately of hydrocarbons and containing no more than 230 mg/dscm hydrogen sulfide.

(rrrr) **"PM_{2.5}" or "Fine Particulate Matter"** means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on Appendix L of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 by an equivalent method.

(ssss) **"PM_{2.5} Emissions"** means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by applicable reference methods or an equivalent or alternate method established by the U.S. EPA.

Cite as Ga. Comp. R. & Regs. R. 391-3-1-.01

Authority: § O.C.G.A. [12-9-1](#) et seq., as amended.

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Amended: F. July 9, 2020; eff. July 29, 2020.
Amended: F. Oct. 5, 2021; eff. Oct. 25, 2021.

Rule 391-3-1-.02. Provisions. Amended.

(1) General Requirement.

No person shall construct or operate any facility from which air contaminants are or may be emitted in such a manner as to fail to comply with:

- (a) **Any applicable** standard of performance or other requirements established by EPA pursuant to Section 111 of the Federal Act;
- (b) **Any applicable** emission standard or other requirement for a hazardous air pollutant established by EPA pursuant to Section 112 of the Federal Act;

- (c) **Any applicable** increment, precondition for permit, or other requirement established for the Prevention of Significant Deterioration pursuant to Part C, Title I of the Federal Act; and
- (d) **Any applicable** standard, precondition for permit, or other requirement established for sources in areas designated by the Director as being non attainment with National Ambient Air Quality Standards pursuant to, or as part of Georgia's State Implementation Plan to meet the requirements of, Part D, Title I of the Federal Act.

(2) **Emission Limitations and Standards.**

(a) **General Provisions.**

1. No person owning, leasing or controlling the operation of any air contaminant sources shall willfully, negligently or through failure to provide necessary equipment or facilities or to take necessary precautions, cause, permit, or allow the emission from said air contamination source or sources of such quantities of air contaminants as will cause, or tend to cause, by themselves or in conjunction with other air contaminants a condition of air pollution in quantities or characteristics or of a duration which is injurious or which unreasonably interferes with the enjoyment of life or use of property in such area of the State as is affected thereby. Complying with any of the other paragraphs of these rules and regulations or any subparagraphs thereof, shall in no way exempt a person from this provision.
2. In cases where more than one paragraph of these regulations applies, the paragraph allowing the least emission of air contaminants to the atmosphere shall prevail.
3. Notwithstanding any other emission limitation or other requirement provided in the regulations, more stringent emission limitations or other requirements may be required of a facility as deemed necessary by the Director to:
 - (i) meet any existing Federal laws or regulations; or
 - (ii) safeguard the public health, safety and welfare of the people of the State of Georgia.
4. Notwithstanding any other requirement of this Chapter, in no event shall that part of a stack which came into existence after December 31, 1970, which exceeds good engineering practice stack height or any other dispersion technique, be taken into account for the purpose of determining the degree of emission limitations required for control of any pollutant for which there is an ambient air standard established under the Act of the

Federal Act. The terms and definitions of "dispersion techniques", "good engineering practice (GEP)", "nearby" and "excessive concentration" are those definitions found in 40 CFR 51.100(hh), (ii), (jj) and (kk) respectively.

5. If the Director finds, after notice and opportunity for public hearing that a particular instance of violation or noncompliance by a source, owner, or operator, with any emission limitation or standard or other requirement under the Act, is de minimis (as defined pursuant to 42 U.S.C. Section 7420 as amended) in nature, and duration, he may, as allowed by the Act and the Federal Act, exempt such source, owner or operator from the noncompliance penalties provided in Section 22 of the Act.
6. VOC Emission Standards, Exemptions, Area Designations, Compliance Schedules and Compliance Determinations.
 - (i) Exemptions and Area Designations.
 - (I) Sources located outside Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale counties whose potential emissions of volatile organic compounds are not more than 100 tons per year shall not be subject to subparagraphs (u), (v), (x), (aa) through (ff) [inclusive], (hh), (kk), (ll), (nn), and (qq) of this paragraph 391-3-1-.02(2).
 - (II) Sources used exclusively for chemical or physical analysis or determination of product quality and commercial acceptance shall not be subject to subparagraphs (t) through (ff) [inclusive], (hh) through (nn) [inclusive], (qq), and (tt) of this paragraph 391-3-1-.02(2), provided:
 - I. The operation of the source is not an integral part of the production process; and provided;
 - II. The emissions from the source do not exceed 800 pounds in any calendar month; and provided;
 - III. The exemption from such source is approved in writing by the Director.
 - (III) Sources located within Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale counties whose actual emissions of volatile organic compounds are less than 15 pounds per day shall not be subject to subparagraphs (u), (v), (x), (aa)

through (ff) [inclusive], (kk), (ll), and (qq) of this paragraphs 391-3-1-.02(2).

- (IV) Coatings, inks and other VOC-containing materials in use at sources of VOC emissions subject to any limitations or requirements of subparagraphs (t) through (aa) [inclusive], (ii), (jj), (mm), and (tt) of this paragraph 391-3-1-.02(2) shall not be subject to any requirements of such subparagraphs, provided the source's total aggregate use of such materials is not in excess of 55 gallons per year and such exemption is approved in writing by the Division.
 - (V) Sources located within Barrow, Bartow, Carroll, Hall, Newton, Spalding, or Walton Counties whose actual emissions of volatile organic compounds are greater than or equal to 15 pounds per day shall be subject to subparagraphs (u), (v), (x), (aa) through (ff) [inclusive], (hh), (kk), (ll), (nn), and (qq) of this paragraph 391-3-1-.02(2) effective January 1, 2015. The requirements of this subparagraph (V) will no longer be applicable if the counties specified in this subparagraph (V) are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in these counties or the counties specified in subparagraph (III) above, the requirements of this subparagraph (V) will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.
 - (VI) When determining applicability for a standard specified in this subparagraph 6.(i), only those emission sources that belong to the source category covered by each specific standard shall be included when compared against the applicability thresholds and provisions included in this subparagraph 6.(i).
- (ii) Compliance Schedules.
- (I) All sources of VOC emissions subject to any limitation or requirement of, or under, paragraph 391-3-1-.02(2) prior to the effective date of this amended Rule 391-3-1-.02, shall be in compliance or on an approved compliance schedule.

(iii) Compliance Determinations.

- (I) Compliance determinations for coatings expressed as pounds of VOC per gallon of coating, excluding water, shall treat organic compounds that are not defined as VOCs as water for purposes of calculating the "excluding water" part of the coating composition.

7. Excess Emissions.

- (i) Excess emissions resulting from startup, shutdown, malfunction of any source which occur though ordinary diligence is employed shall be allowed provided that (I) the best operational practices to minimize emissions are adhered to, and (II) all associated air pollution control equipment is operated in a manner consistent with good air pollution control practice for minimizing emissions and (III) the duration of excess emissions is minimized.
- (ii) Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown or malfunction are prohibited and are violations of this Chapter (391-3-1).
- (iii) The provisions of this paragraph 7. shall apply only to those sources which are not subject to any requirement under section (8) of this Rule (i.e. Rule 391-3-1-.02) or any requirement of 40 CFR, Part 60, as amended concerning New Source Performance Standards.

8. Emissions Bubbles.

- (i) With respect to the emissions standards and limitations contained in this Chapter 391-3-1, as such requirements are applied to more than one process or piece of equipment at a source or sources, the Director may allow to the extent consistent with the Act and with the Federal Act under such conditions as he deems appropriate, emissions bubbles provided that:
 - (I) Such emissions bubbles will not interfere with the attainment and maintenance of ambient air quality standards as expeditiously as practical and does not result in any delay in compliance by any source beyond applicable deadline dates; and

- (II) Such emissions bubbles are equivalent in pollution reduction, enforceability, and air quality impact to those individual process or equipment emission limits of State or federal requirements applicable at the time of the bubble; and
 - (III) Such emissions bubbles are consistent and in full compliance with the requirements of 40 CFR 52.21 (PSD), 40 CFR 60 (New Source Performance Standards) and 40 CFR 61 (NESHAPS); and
 - (IV) All modeling utilized in evaluating the air quality impact of emissions bubbles shall be done in accordance with modeling procedures acceptable to the Division.
- (ii) Emissions bubbles involving different pollutants, types, temporary reductions, and increases of hazardous air pollutants are prohibited.
 - (iii) The affected source or facility which proposes the use of a bubble shall have the burden of demonstrating to the satisfaction of the Director, compliance with the requirements of this paragraph (2)(a)8.
 - (iv) For the purpose of this paragraph (2)(a)8. emissions bubbles let plants decrease pollution controls at one or more emission points in exchange for compensating increases in control at other emission points.

9. [reserved]

10. At all times, including periods of startup, shutdown, and malfunction, any person owning, leasing or controlling the operation of a stationary source shall maintain and operate such source, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on any information available to the Division which may include, but is not limited to, monitoring results, observations of the opacity or other characteristic of emissions, review of operating and maintenance procedures or records, and inspection or surveillance of the source.

11. Startup and Shutdown Emissions for SIP-Approved Rules

- (i) Upon the effective date of EPA's final approval of GA Rules Chapter 391-3-1-.02(2)(a)11. as published in the Federal Register, the provisions of subparagraph 11.(ii) apply in lieu of GA Rule Chapter 391-3-1-.02(2)(a)7.
- (ii) The provisions of this subparagraph 11.(ii) shall apply to all sources subject to emission limitations and standards in 391-3-1-.02(2)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (n), (p), (q), (r), (t), (u), (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), (gg), (hh), (ii), (jj), (kk), (ll), (mm), (nn), (oo), (pp), (qq), (rr), (ss), (tt), (uu), (vv), (yy), (ccc), (ddd), (eee), (fff), (hhh), (jjj), (kkk), (lll), (mmm), (nnn), (rrr), (vvv), (yyy), (zzz), (aaaa). The provisions of this subparagraph 11.(ii) shall also apply to emission limitations established in accordance with the new source review requirements in 391-3-1-.02(7)(b) and/or [391-3-1-.03\(8\)](#) unless startup and shutdown emissions have already been specifically addressed via a federally enforceable permit.

(I) Compliance Options

- I. Compliance with the emission limitations and standards identified in paragraph 391-3-1-.02(2)(a)11.(ii) shall be achieved by either Option A or B below:
 - A. Complying with the applicable emission limitations and standards at all times, including startup and shutdown; or
 - B. Complying with the applicable emission limitations and standards for emissions resulting from normal operations, and complying with applicable alternative work practice standards in subparagraphs (I)III., and either (I)IV., (I)V., or (I)VI. to address emissions resulting from startup and/or shutdown.
- II. Excessive emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup or shutdown are prohibited and are violations of this Chapter (391-3-1).

III. The owner or operator of a source that chooses to comply with alternative work practice standards for startup and shutdown shall maintain the following documentation for five years in a form suitable for inspection and submission to the Division. Required monitoring data (during all periods of operation) and the following documentation shall be maintained:

A. Contemporaneous operating logs or other relevant evidence that document:

- (A) The date, time and duration of each period of startup or shutdown where an alternative work practice standard was the method of compliance;
- (B) Any actions taken during each period of startup and shutdown, including which option ((ii)(I)IV., (ii)(I)V., or (ii)(I)VI.) is followed; and
- (C) Manufacturer's specifications and instructions, fire prevention protocols, and safety protocols relied upon to demonstrate compliance with any alternative work practice standard and records documenting implementation of such.

IV. General Alternative Work Practice Standards Option. Process equipment and air pollution control devices used for compliance with applicable rules in paragraph 391-3-1-.02(2)11.(ii), shall be operated in a manner consistent with good air pollution control practice for minimizing emissions as follows:

A. General Work Practice Standard Part 1

Applicable air pollution control devices shall be started as expeditiously as possible, providing for process and control device limitations and providing for safety

constraints for protection of personnel and equipment and fire prevention and safety protocols such as provided by Black Liquor Recovery Boiler Advisory Committee (BLRBAC) or National Fire Protection Association (NFPA) codes. Documentation of such implementation of manufacturing specifications, fire protocols, and safety protocols shall be maintained, and;

B. General Work Practice Standard Part 2

During startup and shutdown periods, the owner or operator of a source shall comply with alternative work practice standards (A) through (M) below, as applicable, for fuel burning sources and pollution control devices installed by the owner or operator to meet an emission limitation referenced in paragraph 391-3-1-.02(2)(a) 11.(ii), as applicable:

- (A) Baghouses shall be operated, except as provided in (H) for fuel burning equipment, and except as specified by the manufacturer or as required by the fire prevention or safety protocols, unless the inlet gas temperature is below the dewpoint, outside the manufacturer's recommended operating temperature range, or if the pressure differential across the baghouse exceeds the manufacturer's recommended maximum pressure differential.
- (B) Biofilters shall be operated, except as specified by the manufacturer or as required by the fire prevention or safety protocols.

- (C) Carbon Adsorption Beds shall be operated, except as specified by the manufacturer or as required by the fire prevention or safety protocols.
- (D) Condensers shall be operated, except as specified by the manufacturer or as required by fire prevention or safety protocols.
- (E) Cyclones shall be operated, except as provided in (H) for fuel burning equipment, and except as specified by the manufacturer or as required by fire prevention or safety protocols.
- (F) Electrostatic precipitators (ESP) shall be operated, except as provided in (H) for fuel burning equipment, and except as specified by the manufacturer or as required by fire prevention or safety protocols.
- (G) Exhaust streams routed from one process to another process for thermal incineration, the control process shall be operated except as specified by the manufacturer or as required by fire prevention or safety protocols.
- (H) Fuel burning sources shall burn, during startup and shutdown periods, a "clean fuel" as listed in item 5b. of Table 3 to 40 CFR Part 63 Subpart DDDDD, or the cleanest fuel the unit is permitted to burn, as practicable. Particulate matter, sulfur dioxide, and acid gas control equipment need not operate while associated fuel burning equipment is firing natural gas,

propane, distillate oil, or combinations thereof exclusively during startup or shutdown.

- (I) Selective catalytic reduction (SCR) shall be operated, except as specified by the manufacturer or as required by the fire prevention or safety protocols, if the catalyst inlet temperature is greater than 600°F, or as specified by manufacturer.
- (J) Selective non-catalytic reduction (SNCR) shall be operated, except as specified by the manufacturer or as required by the fire prevention or safety protocols, when the reaction zone temperature is above 1600°F, or as specified by manufacturer.
- (K) Scrubbers shall be operated, except as provided in (H) for fuel burning equipment, and except as specified by the manufacturer or as required by the fire prevention or safety protocols.
- (L) Sorbent injection systems (e.g. carbon, zeolite, lime, trona etc.), shall be operated, except as provided in (H) for fuel burning equipment, and except as specified by the manufacturer or as required by the fire prevention or safety protocols, when the exhaust gas stream temperature at the point of injection is greater than 300°F and exhaust gas velocity at the injection point exceeds 25 feet per second based on measurement or operating parameters.

- (M) Thermal oxidizer devices (including, but not limited to, catalytic, regenerative, and recuperative systems) shall be operated, except as required by the manufacturer or in documented fire prevention or safety protocols.

V. Similar Process Equipment Alternative Work Practice Standards Option. In lieu of following the General Alternative Work Practice Standards Option in paragraph (ii)(I)IV. above, the owner or operator of a source may follow the startup and shutdown work practice standards in Federal rules included in 40 CFR Part 60 or 40 CFR Part 63 that address compliance during startup and shutdown operations for subject equipment or equipment that would be subject to the Federal rule except for rule applicability exemptions (e.g. construction date), provided that the rule contains specific work practice standards for startup and shutdown periods. These rules are adopted by Georgia as 391-3-1-.02(8) and (9). For example, coal-fired utilities may use 40 CFR 63 Subpart UUUUU (MATS rule) startup and shutdown work practice standard to comply with Georgia Rules 391-3-1-.02(2)(b) and (d).

VI. In lieu of following the startup and shutdown alternative work practices in subparagraphs (ii)(I)IV. or (ii)(I)V. above, the owner or operator of a source may comply with a source specific alternative work practice standard for startup and shutdown periods that has been incorporated into a federally enforceable operating permit. Any application to incorporate such work practice standards shall include, at a minimum, the following considerations:

- A. The request is specific to the source and control device, if applicable;

- B. Demonstration that compliance with the emissions limitation during startup or shutdown is infeasible, impracticable or unsafe;
- C. The proposed alternative work practice standard is designed to minimize emissions during startup or shutdown periods, to the extent practicable;
- D. The proposed alternative work practice standard should require that the source is operated in a manner consistent with good practice for minimizing emissions through planning, design, and operating procedures; and
- E. The proposed alternative work practice standard includes provisions for monitoring and/or recordkeeping of the operator's actions during startup and shutdown to ensure practical enforceability of the proposed work practices.
- F. Such requests shall be made through the application for a permit, permit modification, or permit renewal pursuant to the permit application requirements in [391-3-1-.03](#). The public notice requirements specified in [391-3-1-.03\(2\)\(i\)](#) shall be followed for all proposed alternative work practice standards in non-Title V permits. Public notice requirements specified in [391-3-1-.03\(10\)\(e\)8.](#) and [391-3-1-.03\(10\)\(f\)1.](#) shall be followed for all proposed alternative work practice standards in Title V permits.

(iii) Paragraph 391-3-1-.02(2)(a)11.(ii) becomes void if the June 12, 2015 publication (80 FR 33839) *State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial*

Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction is:

- (I) Declared or adjudged to be invalid or unconstitutional or stayed by the United States Court of Appeals for the Eleventh Circuit, the District of Columbia Circuit, or the United States Supreme Court; or
- (II) Withdrawn, repealed, revoked, or otherwise rendered of no force and effect by the United States Environmental Protection Agency, Congress, or Presidential Executive Order.

12. Malfunction Emissions

- (i) Upon the effective date of EPA's final approval of GA Rule Chapter 391-3-1-.02(2)(a)12.(i) and (ii) as published in the Federal Register, the provisions of this paragraph 12. shall apply in lieu of paragraph 7. to all sources subject to emission limitations and standards in 391-3-1-.02(2)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (n), (p), (q), (r), (t), (u), (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), (gg), (hh), (ii), (jj), (kk), (ll), (mm), (nn), (oo), (pp), (qq), (rr), (ss), (tt), (uu), (vv), (yy), (ccc), (ddd), (eee), (fff), (hhh), (jjj), (kkk), (lll), (mmm), (nnn), (rrr), (vvv), (yyy), (zzz), (aaaa). This paragraph 12. also applies to emission limitations established in accordance with the new source review requirements in 391-3-1-.02(7)(b) and/or [391-3-1-.03\(8\)](#) unless malfunction emissions have already been specifically addressed via a federally enforceable permit.

(ii) Compliance Options

- (I) Compliance with the emission limitations and standards identified in paragraph 391-3-1-.02(2)(a)12.(i) shall be achieved by either:
 - I. Complying with the applicable emission limitations and standards at all times, including periods of malfunction or
 - II. Complying with the applicable emission limitations and standards for emissions resulting from normal operation, and complying with a source specific malfunction work practice standard approved into a

federally enforceable air quality operating permit to address emissions resulting from malfunction.

- (II) Excessive emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during malfunction are prohibited and are violations of this Chapter (391-3-1).
- (III) The owner or operator of a source that chooses to comply with a source specific malfunction work practice standard approved into a federally enforceable operating permit shall maintain the following documentation for five years in a form suitable for inspection and submission to the Division. Required monitoring data (during all periods of operation) and the following documentation shall be maintained:
 - I. Contemporaneous operating logs or other relevant evidence that document:
 - A. The date, time and duration of each period of malfunction where an approved source specific malfunction work practice standard was the method of compliance;
 - B. Any actions taken during each period of malfunction; and
 - C. Manufacturer's specifications and instructions, fire prevention protocols, and safety protocols relied upon to demonstrate compliance with any source specific malfunction work practice standard and records documenting implementation of the manufacturer specifications and fire prevention safety protocols.
- (IV) The owner or operator of a source may comply with a source specific malfunction work practice standard for malfunction periods that has been incorporated into a

federally enforceable operating permit. The request shall also include, as a minimum the following considerations:

- I. The work practice standard shall minimize emissions during the malfunction event and be designed to minimize the malfunction duration.
- II. Such requests shall be made through the application for a permit, permit modification, or permit renewal pursuant to the permit application requirements in [391-3-1-.03](#). The public notice requirements specified in [391-3-1-.03\(2\)\(i\)](#) shall be followed for all proposed alternative work practice standards in non-Title V permits. Public notice requirements specified in [391-3-1-.03\(10\)\(e\)8](#), and [391-3-1-.03\(10\)\(f\)1](#), shall be followed for all proposed alternative work practice standards in Title V permits.
- III. At all times, the source shall be operated in a manner consistent with good practice for minimizing emissions and the source uses best efforts regarding planning, design, and operating procedures. The owner or operator's actions during malfunction periods are documented by properly signed, contemporaneous operating logs or other relevant evidence.
- IV. Failure to implement or follow the source specific malfunction work practice standard during a malfunction shall be a violation of the Georgia Rules for Air Quality Control [391-3-1-.03\(2\)\(g\)](#).
- V. Any source that has a permit without a malfunction work practice standard limit will be required to comply with the applicable emission limit.
- VI. Facilities that follow an approved source specific malfunction work practice standard during a malfunction that has been addressed in the source specific malfunction work practice standard shall be deemed in compliance.

Any application requesting a source specific malfunction work practice standard shall also include the following considerations:

- A. The request is specific to the source and control device, if applicable;
 - B. Demonstration that compliance with the emissions limitation during malfunction is infeasible, impracticable or unsafe;
 - C. The proposed alternative work practice standard(s) is designed to minimize emissions during malfunction periods, to the extent practicable;
 - D. The proposed alternative work practice standard should require that the source is operated in a manner consistent with good practice for minimizing emissions through planning, design, and operating procedures; and
 - E. The proposed alternative work practice standard includes provisions for monitoring and/or recordkeeping of the operator's actions during malfunctions to ensure practical enforceability of the proposed work practices.
- (V) Malfunctions that are not specifically included in an approved source specific work practice, or are the result of poor maintenance, poor operation, or otherwise reasonably preventable control equipment or process failure, are prohibited and shall be considered violations and reported in accordance with 391-3-1-.02(6)(b)1.(iv), if the malfunction continues for 4 hours or more.

- (VI) Unless otherwise defined in 391-3-1-.02 or in an air quality operating permit, malfunction is defined as follows:

"Malfunction" means any unavoidable failure of air pollution control equipment, process equipment, or process to operate in a normal and usual manner that results in excessive emissions. Excessive emissions during periods of routine startup and shutdown of process equipment are not considered a malfunction. Failures caused entirely or in part by poor maintenance, careless operations or any other upset condition, within the control of the emission source, are not considered malfunctions.

- (iii) Paragraphs 391-3-1-.02(2)(a)12.(i) and (ii) become void if the June 12, 2015 publication (80 FR 33839) *State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction* is:

- (I) Declared or adjudged to be invalid or unconstitutional or stayed by the United States Court of Appeals for the Eleventh Circuit, the District of Columbia Circuit, or the United States Supreme Court; or
- (II) Withdrawn, repealed, revoked, or otherwise rendered of no force and effect by the United States Environmental Protection Agency, Congress, or Presidential Executive Order.

13. Startup, Shutdown, and Malfunction Emissions for Certain Rules

- (i) Upon the effective date of EPA's final approval of GA Rule Chapter 391-3-1-.02(2)(a)11. and/or 12. as published in the Federal Register, the provisions of this paragraph 13. shall apply in lieu of paragraph 7. to all sources subject to emission limitations and standards in 391-3-1-.02(2)(zz), (ggg), (iii), (ppp), (qqq), (sss), (uuu), and (www).
- (I) Excessive emissions resulting from startup, shutdown, malfunction of any source which occur though ordinary

diligence is employed shall be allowed provided that (I) the best operational practices to minimize emissions are adhered to, and (II) all associated air pollution control equipment is operated in a manner consistent with good air pollution control practice for minimizing emissions and (III) the duration of excessive emissions is minimized.

- (II) Excessive emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown or malfunction are prohibited and are violations of this Chapter (391-3-1).
- (III) The provisions of this subparagraph 13.(i) shall not apply to emissions in excess of any requirement under section 391-3-1-.02(8) or (9) of this Rule (i.e. any requirement of 40 CFR Part 60, 40 CFR Part 61, or 40 CFR Part 63).

(b) Visible Emissions.

1. Except as may be provided in other more restrictive or specific rules or subdivisions of this Chapter, no person shall cause, let, suffer, permit, or allow emissions from any air contaminant source the opacity of which is equal to or greater than forty (40) percent.
2. Upon written application to the Director, a person owning or operating an air pollution source may request that visible emission evaluations (opacity measurements) be conducted during particulate emission tests for a source, for the purpose of demonstrating compliance with a particulate emission standard. Any such tests or evaluations shall be conducted according to methods, procedures and requirements approved by the Division. All test results shall be subject to verification by the Division. The correlated visible emissions opacity determined during any such particulate emission tests which demonstrate compliance (with results verified by the Division) may, if greater than any applicable visible emissions opacity standard of this Chapter 391-3-1, be established by the Director as the visible emissions standard (opacity standard) for the source. Such visible emissions standards if so established shall be incorporated as a condition of the operating permit for the air pollution source.
3. The visible emission limitation of this subsection applies to direct sources of emissions such as stationary structures, equipment, machinery, stacks, flues, pipes, exhausts, vents, tubes, chimneys or similar structures.

4. The provisions of this subsection (b), apply only to facilities or sources subject to some other emission limitation under this section 391-3-1-.02(2).

(c) Incinerators.

1. Except as specified in the section dealing with conical burners, no person shall cause, let, suffer, permit, or allow the emissions of fly ash and/or other particulate matter from any incinerator, in amounts equal to or exceeding the following:
 - (i) Units with charging rates of 500 pounds per hour or less of combustible waste, including water, shall not emit fly ash and/or particulate matter in quantities exceeding 1.0 pound per hour.
 - (ii) Units with charging rates in excess of 500 pounds per hour of combustible waste, including water, shall not emit fly ash and/or particulate matter in excess of 0.20 pounds per 100 pounds of charge.
2. No person shall cause, let, suffer, permit, or allow from any incinerator, visible emissions the opacity of which is equal to or greater than twenty (20) percent except for one 6-minute period per hour of not more than twenty-seven (27) percent opacity.
3. No person shall cause or allow particles to be emitted from an incinerator which are individually large enough to be visible to the unaided eye.
4. No person shall operate an existing incinerator unless:
 - (i) it is a dual or multiple chamber incinerator;
 - (ii) it is equipped with an auxiliary burner in the primary chamber for the purpose of creating a pre-ignition temperature of 800°F; and
 - (iii) it has a secondary burner to control smoke and/or odors and maintain a temperature of at least 1500°F in the secondary chamber.
5. Designs other than those mentioned in Subparagraph 4. above shall be considered on an individual basis and will be exempt from the provisions if, in the judgment of the Director, said design results in performance which meets the standard set forth in paragraphs (2)(c)1., 2. and 3. above.
6. The provisions of this Subsection (c) shall not apply to:
 - (i) any hazardous waste incinerator subject to Section 391-3-11 of the Georgia Rules for Hazardous Waste Management, 40 CFR 264,

Subpart O, as adopted by reference, "Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities," as amended;

- (ii) any incinerator subject to Section 391-3-1-.02(8)(b)71. of the Georgia Rules for Air Quality Control, "Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994," as amended;
- (iii) any incinerator subject to the Georgia State Plan, under Section 111(d) of the federal Act, for "Municipal Waste Combustors for Which Construction is Commenced On or Before September 20, 1994," as amended;
- (iv) any incinerator subject to Section 391-3-1-.02(8)(b)73. of the Georgia Rules for Air Quality Control "Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators," as amended;
- (v) any incinerator subject to Section 391-3-1-.02(2)(iii) of the Georgia Rules for Air Quality Control "Hospital/Medical/Infectious Waste Incinerators," as amended;
- (vi) any incinerator subject to Section 391-3-1-.02(8)(b)75. of the Georgia Rules for Air Quality Control "Standards of Performance for Commercial and Industrial Solid Waste Incineration Units," as amended;
- (vii) any incinerator subject to Section 391-3-1-.02(2)(ppp) of the Georgia Rules for Air Quality Control "Commercial and Industrial Solid Waste Incineration Units," as amended;
- (viii) any vent gas incineration devices that are used as air pollution control equipment and boilers and industrial furnaces that burn waste (excluding hazardous waste) as a fuel;
- (ix) any incinerator subject to Section 391-3-1-.02(8)(b)20. of the Georgia Rules for Air Quality Control "Standards of Performance for Sewage Treatment Plants," as amended;
- (x) any incinerator subject to Section 391-3-1-.02(8)(b)74. of the Georgia Rules for Air Quality Control "Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999," as amended;

- (xi) any incinerator subject to Section 391-3-1-.02(8)(b)76. of the Georgia Rules for Air Quality Control "Standards of Performance for Other Solid Waste Incinerator Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006," as amended;
- (xii) any incinerator subject to Section 391-3-1-.02(8)(b)83. of the Georgia Rules for Air Quality Control "Standards of Performance for New Sewage Sludge Incineration Units" as amended; or
- (xiii) any incinerator subject to Section 391-3-1-.02(2)(www) of the Georgia Rules for Air Quality Control "Sewage Sludge Incineration Units," as amended.

(d) Fuel-Burning Equipment.

1. No person shall cause, let, suffer, permit, or allow the emission of fly ash and/or other particulate matter from any fuel-burning equipment in operation or under construction on or before January 1, 1972, in amounts equal to or exceeding the following:
 - (i) for equipment less than 10 million BTU heat input per hour:

$$P = 0.7 \text{ pounds per million BTU heat input};$$
 - (ii) for equipment equal to or greater than 10 million BTU heat input per hour, and equal to or less than 2,000 million BTU heat input per hour:

$$P = 0.7 \left(\frac{10}{R} \right)^{0.202} \text{ pounds per million BTU heat input};$$
 - (iii) equipment larger than 2,000 million BTU heat input per hour:

$$P = 0.24 \text{ pounds per million BTU heat input}.$$
2. No person shall cause, let, suffer, permit, or allow the emission of fly ash and/or other particulate matter from any fuel-burning equipment constructed after January 1, 1972, in amounts equal to or exceeding the following:
 - (i) for equipment less than 10 million BTU heat input per hour:

$$P = 0.5 \text{ pounds per million BTU heat input};$$

- (ii) for equipment equal to or greater than 10 million BTU heat input per hour, and equal to or less than 250 million BTU heat input per hour:

$$P = 0.5 \left(\frac{10}{R} \right)^{0.5} \text{ pounds per million BTU heat input,}$$

- (iii) for equipment greater than 250 million BTU heat input per hour:

$$P = 0.10 \text{ pounds per million BTU heat input}$$

P = allowable weight of emissions of fly ash and/or other particulate matter in pounds per million BTU heat input

R = heat input of fuel-burning equipment in million BTU per hour

3. No person shall cause, let, suffer, permit, or allow the emission from any fuel-burning equipment constructed or extensively modified after January 1, 1972, visible emissions the opacity of which is equal to or greater than twenty (20) percent except for one six minute period per hour of not more than twenty-seven (27) percent opacity.
4. No person shall cause, let, permit, suffer, or allow the emission of nitrogen oxides (NOx), reported as nitrogen dioxide, from any fuel-burning equipment equal to or greater than 250 million BTU per hour of heat input that is constructed or extensively modified after January 1, 1972, equal to or exceeding the following:
- (i) when firing coal-0.7 pounds of NOx per million BTUs of heat input;
 - (ii) when firing oil-0.3 pounds of NOx per million BTUs of heat input;
 - (iii) when firing gas-0.2 pounds of NOx per million BTUs of heat input;
 - (iv) when different fuels are burned simultaneously in any combination the applicable standard, expressed as pounds of NOx per million BTUs of heat input, shall be determined by proration. Compliance shall be determined by using the following formula:

$$\frac{x(0.20) + y(0.30) + z(0.70)}{x + y + z}$$

where:

x = percent of total heat input derived from gaseous fuel;

y = percent of total heat input derived from oil;

z = percent of total heat input derived from coal.

(e) Particulate Emission from Manufacturing Processes.

1. Except as may be specified in other sections of these regulations or as may be specified in a permit issued by the Director, no person shall cause, let, permit, suffer, or allow the rate of emission from any source, particulate matter in total quantities equal to or exceeding the amounts specified in subparagraphs (i) or (ii), below, as applicable. Equipment in operation, or under construction contract, on or before July 2, 1968, shall be considered existing equipment. All other equipment put in operation or extensively altered after said date is to be considered new equipment.

- (i) The following equations shall be used to calculate the allowable rates of emission from new equipment:

$E = 4.1 P^{0.67}$; for process input weight rate up to and including 30 tons per hour.

$E = 55 P^{0.11} - 40$; for process input weight rate above 30 tons per hour.

- (ii) The following equation shall be used to calculate the allowable rates of emission from existing equipment:

$$E = 4.1 P^{0.67}$$

E = emission rate in pounds per hour

P = process input weight rate in tons per hour.

(f) Normal Superphosphate Manufacturing Facilities.

1. Unit emissions of fluoride for normal superphosphate manufacturing facilities, expressed as pounds of fluoride ion per ton of P_2O_5 or equivalent, shall not exceed 0.40 pounds. The allowable emission of fluorides shall be calculated by multiplying the unit emission specified above times the expressed design capacity of the source in question.

(g) Sulfur Dioxide.

1. New fuel-burning sources capable of firing fossil fuel(s) at a rate exceeding 250 million BTUs per hour heat input, constructed or extensively modified after January 1, 1972, excluding kraft pulp mill recovery furnaces, may not emit sulfur dioxide equal to or exceeding:
 - (i) 0.8 pounds of sulfur dioxide per million BTUs of heat input derived from liquid fossil fuel or derived from liquid fossil fuel and wood residue;
 - (ii) 1.2 pounds of sulfur dioxide per million BTUs of heat input derived from solid fossil fuel or derived from solid fossil fuel and wood residue;
 - (iii) When different fossil fuels are burned simultaneously in any combination, the applicable standard expressed as pounds of sulfur dioxide per million BTUs of heat input shall be determined by proration using the following formula:

$$a = \frac{y(0.80) + z(1.2)}{y + z}$$

where:

y = percent of total heat input derived from liquid fossil fuel;

z = percent of total heat input derived from solid fossil fuel;

a = the allowable emission in pounds per million BTUs.

2. All fuel burning sources below 100 million BTUs of heat input per hour shall not burn fuel containing more than 2.5 percent sulfur, by weight. All fuel burning sources having a heat input of 100 million BTUs per hour or greater shall not burn a fuel containing more than 3 percent sulfur, by weight.
3. Notwithstanding the limitations on sulfur content of fuels stated in paragraph 2. above, the Director may allow sulfur content greater than that allowed in paragraph 2. above, provided that the source utilizes sulfur dioxide removal and the sulfur dioxide emission does not exceed that allowed by paragraph 2. above, utilizing no sulfur dioxide removal.

(h) Portland Cement Plants.

1. See Section 391-3-1-.02(8) for applicable New Source Performance Standards.

(i) Nitric Acid Plants.

1. No person shall cause or allow the emission of nitrogen oxides (NO_x), expressed as nitrogen dioxide, from Nitric Acid Plants equal to or exceeding:
 - (i) for plants constructed before January 1, 1972: 25 pounds of NO_x expressed as nitrogen dioxide, per ton of 100% acid produced;
 - (ii) for plants constructed after January 1, 1972, the applicable New Source Performance Standards of 391-3-1-.02(8).
2. No person shall operate a nitric acid plant unless the plant is equipped with a continuous NO_x monitor and recorder or an alternate system approved by the Director.

(j) Sulfuric Acid Plants.

1. No person shall cause or allow the emission of sulfur dioxide (SO₂) and acid mist from sulfuric acid plants equal to or exceeding:
 - (i) For plants constructed before January 1, 1972, 27.0 pounds of SO₂, and 0.15 pounds of acid mist per ton of 100% acid produced;
 - (ii) For plants constructed or extensively modified after January 1, 1972, the applicable New Source Performance Standards of 391-3-1.02(8).
2. No person shall operate a sulfuric acid plant unless the plant is equipped with a continuous SO₂ monitor and recorder or an approved alternate system approved by the Director.

(k) Particulate Emission from Asphaltic Concrete Hot Mix Plants.

1. No person shall cause, let, suffer, permit, or allow the emission of particulate matter from an Asphaltic Concrete Hot Mix Plant equal to or exceeding amounts derived from the following formulas:
 - (i) For existing plants below 45 tons per hour input- $E = P$, pounds per hour;
 - (ii) For existing plants equal to or greater than 45 tons per hour input- $E = 10P^{0.4}$ pounds per hour;
 - (iii) For new plants below 125 tons per hour input- $E = 2.1P^{0.6}$, pounds per hour;
 - (iv) For new plants equal to or greater than 125 tons per hour input- $E = 14P^{0.2}$, pounds per hour;

- (v) Equals the allowable emission of particulate matter in pounds per hour. P equals the process input weight rate in tons per hour;
 - (vi) Equipment in operation, or under construction contract, on or before January 1, 1972, shall be considered existing equipment. All equipment constructed or extensively altered after said date shall be considered new.
2. The New Source Performance Standards of 391-3-1-.02(8) for such asphaltic concrete plants apply to all such plants commencing construction on or after the effective date of such standards.

(l) **[reserved]**

(m) **Repealed.**

(n) **Fugitive Dust.**

1. All persons responsible for any operation, process, handling, transportation or storage facility which may result in fugitive dust shall take all reasonable precautions to prevent such dust from becoming airborne. Some reasonable precautions which could be taken to prevent dust from becoming airborne include, but are not limited to, the following:
 - (i) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;
 - (ii) Application of asphalt, water, or suitable chemicals on dirt roads, materials, stockpiles, and other surfaces which can give rise to airborne dusts;
 - (iii) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods can be employed during sandblasting or other similar operations;
 - (iv) Covering, at all times when in motion, open bodied trucks, transporting materials likely to give rise to airborne dusts;
 - (v) The prompt removal of earth or other material from paved streets onto which earth or other material has been deposited.
2. The percent opacity from any fugitive dust source listed in paragraph (2)(n)1. above shall not equal or exceed 20 percent.

(o) [reserved]

(p) **Particulate Emissions from Kaolin and Fuller's Earth Processes.**

1. The following equations shall be used to calculate the allowable rates of emission from kaolin and fuller's earth process equipment constructed or extensively modified after January 1, 1972:
 - (i) $E = 3.59P^{0.62}$; for process input weight rate up to and including 30 tons per hour;
 - (ii) $E = 17.31P^{0.16}$; for process input weight rate in excess of 30 tons per hour.
2. The following equation shall be used to calculate the allowable rates of emission from kaolin and fuller's earth process equipment constructed or put in operation on or before January 1, 1972:
 - (i) $E = 4.1P^{0.67}$; for process input weight rate up to and including 30 tons per hour;
 - (ii) $E = 55P^{0.11} - 40$; for process input weight rate above 30 tons per hour.

E = allowable emission rate in pounds per hour;

P = process input weight rate in tons per hour.

(q) **Particulate Emissions from Cotton Gins.**

1. The emission of particulate matter from any cotton ginning operation shall not exceed the amounts specified below.
 - (i) The following equation shall be used to calculate the allowable rates of emission:

$$E = 7 B^{0.5}$$

E = allowable emission rate in pounds per hour

B = number of standard bales per hour-A standard bale is defined as a finished bale weighing 500 pounds.

2. In lieu of demonstrating compliance with the applicable emission standard contained in 391-3-1-.02(2)(q)1.(i) the following control devices may be utilized:

- (i) for emission control from low pressure exhausts, the use of screens with a mesh size of 80 by 80 or finer, or the use of perforated condenser drums with holes not exceeding .045 inches in diameter, or the use of a dust house.
- (ii) for emission control from high pressure exhausts, the use of high efficiency cyclones.

If compliance with the emission standard specified in 391-3-1-.02(2)(q)1.(i) is required, then the testing methodology to be utilized shall be that specified in the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants.

(r) Particulate Emissions from Granular and Mixed Fertilizer Manufacturing Units.

1. For the purpose of this regulation the ammoniator, dryer, cooler and associated equipment will be considered one unit.
2. The following equations shall be used to calculate the allowable rates of emission from granular and mixed fertilizer manufacturing units:
 - (i) $E = 3.59P^{0.62}$; for production weights up to and including 30 tons per hour;
 - (ii) $E = 17.31P^{0.16}$; for production rates above 30 tons per hour;

E = allowable emission rate in pounds per hour;

P = production rate of finished product in tons per hour. Recycle will not be included.

(s) Nitrogen Oxides. (Repealed)

(t) VOC Emissions from Automobile and Light-Duty Truck Manufacturing.

1. No person shall cause, let, permit, suffer or allow the emissions of VOC from automobile and/or light-duty truck manufacturing facilities to exceed:
 - (i) 1.2 pounds of VOC per gallon of coating excluding water, as a monthly weighted average, from each electrophoretic applied prime operation;

- (ii) 15.1 pounds of VOC per gallon of applied coating solids, as a daily weighted average, from each spray prime operation;
- (iii) 15.1 pounds of VOC per gallon of applied coating solids, as a daily weighted average, from each topcoat operation;
- (iv) 4.8 pounds of VOC per gallon of coating delivered to the coating applicator from each final repair operation. If any coating delivered to the coating applicator contains more than 4.8 pounds of VOC per gallon of coating, the limit shall be 13.8 pounds of VOC per gallon of coating solids sprayed, as a daily weighted average.
- (v) 3.5 pounds of VOC per gallon of sealer, excluding water, delivered to an applicator that applies sealers in amounts less than 25,000 gallons during a 12 consecutive month period;
- (vi) 1.0 pounds of VOC per gallon of sealer, excluding water, delivered to a coating applicator that applies sealers in amounts greater than 25,000 gallons during a 12 consecutive month period;
- (vii) 3.5 pounds of VOC per gallon of adhesive, excluding water, delivered to an applicator that applies adhesives, except body glass adhesives;
- (viii) 6.9 pounds of VOC per gallon of cleaner, excluding water, delivered to an applicator that applies cleaner to the edge of body glass prior to priming;
- (ix) 5.5 pounds of VOC per gallon of primer, excluding water, delivered to an applicator that applies primer to the body glass or to the body to prepare the glass and body for bonding;
- (x) 1.0 pounds of VOC per gallon of adhesive, excluding water, delivered to an applicator that applies adhesive to bond body glass to the body;
- (xi) 4.4 pounds of VOC per gallon of coating delivered to any applicator that applies clear coating to fascias. No coating may be used that exceeds this limit;
- (xii) 4.4 pounds of VOC per gallon of coating delivered to any applicator that applies base coat to fascias, on a daily weighted average basis;

(xiii) 3.5 pounds of VOC per gallon of material, excluding water, for all other materials not subject to some other emission limitation stated in this paragraph.

2. No person shall cause, let, permit, suffer or allow the emissions of VOC from automobile and/or light-duty truck manufacturing facilities to exceed:

(i) 0.7 pounds of VOC per gallon of coating solids applied, as a monthly weighted average, from each electrodeposition primer (EDP) operation when the solids turnover ratio is greater than or equal to 0.16. For purposes of this subsection an EDP operation includes application area, spray/rinse stations, and curing oven.

(ii) Electrodeposition Primer Operation: the value calculated by the following formula, as a monthly weighted average, from each electrodeposition primer (EDP) operation when the solids turnover ratio is less than 0.160 and greater than or equal to 0.040:

(I) pounds of VOC per gallon of coating solids applied

=

$$(8.34 \text{ lb / gal})(0.084)(350^{0.160 - R_T})$$

where R_T = Solids Turnover Ratio

(iii) 12.0 pounds of VOC per gallon of deposited solids, as a daily weighted average basis from each of the following: primer-surfacer operation; topcoat operation; combined primer-surfacer and topcoat operations. For purposes of this subsection each operation includes application area, flash-off area, and oven.

(iv) 4.8 pounds of VOC per gallon of coating, less water and less exempt solvents, as a daily weighted average, from each final repair operation.

(v) 3.5 pounds of VOC per gallon of sealer, excluding water, delivered to an applicator that applies sealers in amounts less than 25,000 gallons during a 12 consecutive-month period;

(vi) 1.0 pounds of VOC per gallon of sealer, excluding water, delivered to a coating applicator that applies sealers in amounts greater than 25,000 gallons during a 12 consecutive-month period;

- (vii) 250 grams of VOC per liter of adhesive (2.08 lb/gallon), excluding water, delivered to an applicator that applies adhesives, except body glass adhesives and weatherstrip adhesives;
 - (viii) 1.0 pounds of VOC per gallon of adhesive, excluding water, delivered to an applicator that applies adhesive to bond body glass to the body;
 - (ix) 6.9 pounds of VOC per gallon of cleaner, excluding water, delivered to an applicator that applies cleaner to the edge of body glass prior to priming;
 - (x) 5.5 pounds of VOC per gallon of primer, excluding water, delivered to an applicator that applies glass bonding primer to the body glass or to the body to prepare the glass and body for bonding;
 - (xi) 4.4 pounds of VOC per gallon of coating delivered to any applicator that applies clear coating to fascias. No coating may be used that exceeds this limit;
 - (xii) 4.4 pounds of VOC per gallon of coating delivered to any applicator that applies base coat to fascias, on a daily weighted average basis;
 - (xiii) 200 grams of VOC per liter of coating (1.669 lb/gal), excluding water, delivered to an applicator that applies one of the following: gasket/gasket sealing material; bedliner;
 - (xiv) 3.5 pounds of VOC per gallon of material, excluding water, for all other materials not subject to some other emission limitation stated in this paragraph. This includes but is not limited to coatings such as cavity wax, deadener, underbody coating, interior coating, weatherstrip adhesive, and/or lubricating wax/compound.
3. The emission limits stated in paragraphs 1. and 2. shall be achieved by the application of low solvent technology or a system demonstrated to have equivalent control efficiency on the basis of pounds of VOC per gallon of solids.
4. No person shall cause, let, permit, suffer or allow the emissions of VOC from the use of wipe-off solvents to exceed 1.0 pounds per unit of production as a rolling, 12-month average. Wipe-off solvents shall include those solvents used to clean dirt, grease, excess sealer and adhesive, or other foreign matter from the car body in preparation for painting or other production-related operation.

5. No person shall cause, let, permit, suffer or allow the emission of VOCs from flush or clean paint application systems including paint lines, tanks and applicators, unless such solvents are captured to the maximum degree feasible by being directed into containers that prevent evaporation into the atmosphere.
6. No person shall store solvents or waste solvents in drums, pails, cans or other containers unless such containers have air-tight covers which are in place at all times when materials are not being transferred into or out of the container.
7. No person shall cause, let, permit, suffer or allow the emissions of VOC from the cleaning of oil and grease stains on the body shop floor to exceed 0.1 pounds per unit of production.
8. For the purpose of this subsection; the following definitions apply:
 - (i) "Adhesive" means any chemical substance that is applied for the purpose of bonding two surfaces together without regard to the substrates involved other than by mechanical means.
 - (ii) "Automobile" means all passenger cars or passenger car derivatives capable of seating a maximum of 12 or fewer passengers.
 - (iii) "Bedliner" means a multi-component coating, used at an automobile or light-duty truck assembly coating facility, applied to a cargo bed after the application of topcoat and outside of the topcoat operation to provide additional durability and chip resistance.
 - (iv) "Cavity wax" means a coating, used at an automobile or light-duty truck assembly coating facility, applied into the cavities of the vehicle primarily for the purpose of enhancing corrosion protection.
 - (v) "Deadener" means a coating, used at an automobile or light-duty truck assembly coating facility, applied to selected vehicle surfaces primarily for the purpose of reducing the sound of road noise in the passenger compartment.
 - (vi) "Electrodeposition primer" means a process of applying a protective, corrosion-resistant waterborne primer on exterior and interior surfaces that provides thorough coverage of recessed areas. It is a dip coating method that uses an electrical field to apply or deposit the conductive coating onto the part. The object being painted acts as an electrode that is oppositely charged from the particles of paint in

the dip tank. Also referred to as E-coat, Uni-Prime, and ELPO Primer.

- (vii) "Electrophoretic Applied Prime Operation" means the dip tank flash-off area and bake oven(s) which are used to apply and dry or cure the initial coating on components of automobile and light-duty truck bodies by submerging the body components in a coating bath with an electrical potential difference between the components and the bath, and drying or curing such coating on the components in bake oven(s);
- (viii) "Final repair" means the operations performed and coating(s) applied to completely-assembled motor vehicles or to parts that are not yet on a completely assembled vehicle to correct damage or imperfections in the coating. The curing of the coatings applied in these operations is accomplished at a lower temperature than that used for curing primer-surfacer and topcoat. This lower temperature cure avoids the need to send parts that are not yet on a completely assembled vehicle through the same type of curing process used for primer-surfacer and topcoat and is necessary to protect heat sensitive components on completely assembled vehicles.
- (ix) "Gasket/gasket sealing material" means a fluid, used at an automobile or light-duty truck assembly coating facility, applied to coat a gasket or replace and perform the same function as a gasket. Automobile and light-duty truck gasket/gasket sealing material includes room temperature vulcanization (RTV) seal material.
- (x) "Glass bonding primer" means a primer, used at an automobile or light-duty truck assembly coating facility, applied to windshield or other glass, or to body openings, to prepare the glass or body opening for the application of glass bonding adhesives or the installation of adhesive bonded glass. Automobile and light-duty truck glass bonding primer includes glass bonding/cleaning primers that perform both functions (cleaning and priming of the windshield or other glass, or body openings) prior to the application of adhesive or the installation of adhesive bonded glass.
- (xi) "In-line repair" means the operation performed and coating(s) applied to correct damage or imperfections in the topcoat on parts that are not yet on a completely assembled vehicle. The curing of the coatings applied in these operations is accomplished at essentially the same temperature as that used for curing the previously applied

topcoat. Also referred to as high bake repair or high bake reprocess. In-line repair is considered part of the topcoat operation.

- (xii) "Interior coating" means a coating, used at an automobile or light-duty truck assembly coating facility outside of the primer-surfacer and topcoat operations, applied to the trunk interior to provide chip protection.
- (xiii) "Light-Duty Trucks" means any motor vehicles rated 8500 pounds gross weight or less which are designed primarily for the purpose of transportation or are derivatives of such vehicles;
- (xiv) "Lubricating wax/compound" means a protective lubricating material, used at an automobile or light-duty truck assembly coating facility, applied to vehicle hubs and hinges.
- (xv) "Manufacturing Facility" means a facility which assembles twenty (20) or more automobiles or light-duty trucks per day (either separately or in combination) ready for sale to vehicle dealers. Customizers, body shops and other repainters are not part of this definition;
- (xvi) "Primer-surfacer" means an intermediate protective coating applied over the electrodeposition primer and under the topcoat. Primer-surfacer provides adhesion, protection, and appearance properties to the total finish. Primer-surfacer may also be called guide coat or surfacer. Primer-surfacer operations may include other coating(s) (e.g., anti-chip, lower-body anti-chip, chip-resistant edge primer, spot primer, blackout, deadener, interior color, basecoat replacement coating, etc.) that is (are) applied in the same spray booth(s).
- (xvii) "Sealer" means a high viscosity material, used at an automobile or light-duty truck assembly coating facility, generally, but not always, applied in the paint shop after the body has received an electrodeposition primer coating and before the application of subsequent coatings (e.g., primer-surfacer). The primary purpose of automobile and light-duty truck sealer is to fill body joints completely so that there is no intrusion of water, gases or corrosive materials into the passenger area of the body compartment. Such materials are also referred to as sealant, sealant primer, or caulk.
- (xviii) "Solids turnover ratio (R_T)" means the ratio of total volume of coating solids that is added to the EDP system in a calendar

month divided by the total volume design capacity of the EDP system.

- (xix) "Spray Prime Operation" means the spray prime booth, flash-off area and bake oven(s) which are used to apply and dry or cure a surface coating between the electrophoretic applied prime and topcoat operations on the components of automobile and light-duty truck bodies;
 - (xx) "Topcoat" means the final coating system applied to provide the final color and/or a protective finish. The topcoat may be a monocoat color or basecoat/clearcoat system. In-line repair and two-tone are part of topcoat. Topcoat operations may include other coating(s) (e.g., blackout, interior color, etc.) that is (are) applied in the same spray booth(s).
 - (xxi) "Underbody coating" means a coating, used at an automobile or light-duty truck assembly coating facility, applied to the undercarriage or firewall to prevent corrosion and/or provide chip protection.
 - (xxii) "Weatherstrip adhesive" means an adhesive, used at an automobile or light-duty truck assembly coating facility, applied to weatherstripping materials for the purpose of bonding the weatherstrip material to the surface of the vehicle.
9. Applicability: Prior to January 1, 2015, the requirements of this subparagraph (t) shall apply to facilities at which actual emissions of volatile organic compounds from the use of automobile and light-duty truck assembly coatings equal or exceed 2.7 tons per 12-month rolling period and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:
- (i) All applicable facilities shall comply with the provisions of subparagraphs 1, 3, 4, 5, 6, 7, and 8.
10. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (t) shall apply to facilities at which the potential emissions of volatile organic compounds from the use of automobile and light-duty truck assembly coatings equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale as follows:

- (i) All applicable facilities shall comply with the provisions of subparagraphs 1, 3, 4, 5, 6, 7, and 8.
- 11. Applicability: On and after January 1, 2015, the requirements of this subparagraph (t) shall apply to facilities at which actual emissions of volatile organic compounds from the use of automobile and light-duty truck assembly coatings equal or exceed 2.7 tons per 12-month rolling period and are located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:
 - (i) All applicable facilities shall comply with the provisions of subparagraphs 2, 3, 4, 5, 6, 7, and 8.
 - (ii) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraph 2 are subject to the compliance schedule specified in subparagraph 14.
- 12. On and after January 1, 2015, the requirements of this subparagraph (t) shall apply to facilities at which the potential emissions of volatile organic compounds from the use of automobile and light-duty truck assembly coatings equal or exceed 100 tons per year and are located outside the counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding and Walton as follows:
 - (i) All applicable facilities shall comply with the provisions of subparagraphs 1, 3, 4, 5, 6, 7, and 8.
- 13. Applicability: The requirements of subparagraphs 11. and 12. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 9. and 10. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 11. and 12. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.
- 14. Compliance Schedule:

- (i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.
- (ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.
- (iii) Full compliance with the applicable requirements specified in subparagraph 2 must be completed before **January 1, 2015**.

(u) VOC Emissions from Can Coating.

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from can coating operations to exceed:
 - (i) 2.8 pounds per gallon of coating, excluding water, delivered to the coating applicator from sheet base coat (exterior and interior) and overvarnish or two-piece can exterior (basecoat and overvarnish) operations. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.52 pounds VOC per gallon of coating solids delivered to the coating applicator.
 - (ii) 4.2 pounds per gallon of coating, excluding water, delivered to the coating applicator from two and three-piece can interior body spray and two-piece can exterior end (spray and roll coat) operations. If any coating delivered to the coating applicator contains more than 4.2 pounds VOC per gallon, the solids equivalent limit shall be 9.78 pounds VOC per gallon of coating solids delivered to the coating applicator.
 - (iii) 5.5 pounds per gallon of coating, excluding water, delivered to the coating applicator from three-piece side-seam spray operations. If any coating delivered to the coating applicator contains more than 5.5 pounds VOC per gallon, the solids equivalent limit shall be 21.8 pounds VOC per gallon of coating solids delivered to the coating applicator.
 - (iv) 3.7 pounds per gallon of coating, excluding water, delivered to the coating applicator from end seal compound operations. If any coating delivered to the coating applicator contains more than 3.7 pounds VOC per gallon, the solids equivalent limit shall be 7.44

pounds VOC per gallon of coating solids delivered to the coating applicator.

2. The emission limits in this subsection shall be achieved by:
 - (i) the application of low solvent coating technology where each and every coating meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in paragraph 1. of this subsection; or
 - (ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit, expressed in pounds VOC per gallon of coating solids, stated in paragraph 1. of this subsection; averaging across lines is not allowed; or
 - (iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the non-methane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit expressed in pounds VOC per gallon of coating solids stated in paragraph 1. of this subsection.
3. For the purpose of this subsection, the following definitions apply:
 - (i) "End sealing compound" means a synthetic rubber compound which is coated onto can ends and which functions as a gasket when the end is assembled on the can.
 - (ii) "Exterior base coating" means a coating applied to the exterior of a two-piece can body to provide protection to the metal or to provide background for the lithographic or printing operation.
 - (iii) "Sheet base coating" means a coating applied to metal in sheet form to serve as either the exterior or interior of two-piece or three-piece can bodies or can ends.
 - (iv) "Interior body spray" means a coating sprayed on the interior of the can body to provide a protective film between the product and the can.
 - (v) "Overvarnish" means a coating applied directly over ink to reduce the coefficient of friction, to provide gloss and to protect the finish against abrasion and corrosion.

- (vi) "Three-piece can side-seam spray" means a coating sprayed on the exterior and interior of a welded, cemented or solder seam to protect the exposed metal.
- (vii) "Two-piece can exterior end coating" means a coating applied by roller coating or spraying to the exterior end of a can to provide protection to the metal.

(v) VOC Emissions from Coil Coating.

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from coil coating operations to exceed:
 - (i) 2.6 pounds per gallon of coating, excluding water, delivered to the coating applicator from prime and topcoat or single coat operations. If any coating delivered to the coating applicator contains more than 2.6 pounds VOC per gallon, the solids equivalent limit shall be 4.02 pounds VOC per gallon of coating solids delivered to the coating applicator.
 - (ii) The emission limits in this subsection shall apply to the coating applicator(s), oven(s) and quench area(s) of coil coating lines involved in prime and topcoat or single coat operations.
2. The emission limits in this subsection shall be achieved by:
 - (i) the application of low solvent coating technology where each and every coating meets the limit of 2.6 pounds VOC per gallon of coating, excluding water, stated in paragraph 1. of this subsection; or
 - (ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit of 4.02 pounds VOC per gallon of coating solids, stated in paragraph 1. of this subsection; averaging across lines is not allowed; or
 - (iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the non-methane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit of 4.02 pounds VOC per gallon of coating solids stated in paragraph 1. of this subsection.

3. For the purpose of this subsection, the following definitions apply:
 - (i) "Coil Coating" means the coating of any flat metal sheet or strip that comes in rolls or coils;
 - (ii) "Quench Area" means a chamber where the hot metal exiting the oven is cooled by either a spray of water or a blast of air followed by water cooling.

(w) VOC Emissions from Paper Coating.

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from paper coating to exceed:
 - (i) 2.9 pounds per gallon of coating, excluding water, delivered to the coating applicator from a paper coating line. This limit shall apply to roll, knife, rotogravure and saturation coater(s) and drying oven(s) of paper coating. If any coating delivered to the coating applicator contains more than 2.9 pounds VOC per gallon, the solids equivalent limit shall be 4.79 pounds VOC per gallon of coating solids delivered to the coating applicator.
2. The emission limits in subparagraph 1. shall be achieved by:
 - (i) the application of low solvent coating technology where each and every coating meets the limit of 2.9 pounds VOC per gallon of coating, excluding water; or
 - (ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit of 4.79 pounds VOC per gallon of coating solids; averaging across lines is not allowed; or
 - (iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the non-methane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit of 4.79 pounds VOC per gallon of coating solids.
3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from paper, film and foil coating unless:

- (i) VOC emission reduction equipment with an overall VOC control efficiency is 90 percent for each coating line is installed and operated; or
 - (ii) VOC emissions are less than 0.08 pounds per pound of coating for each coating line except pressure sensitive tape and label coating; or
 - (iii) VOC emissions are less than 0.40 pounds per pound of solids applied for each coating line except pressure sensitive tape and label coating.
- 4. No person shall cause, let, permit, suffer, or allow the emissions of VOC from pressure sensitive tape and label coating unless:
 - (i) VOC emission reduction equipment with an overall VOC control efficiency is 90 percent for each coating line is installed and operated; or
 - (ii) VOC emissions are less than 0.067 pounds per pound of coating for each coating line; or
 - (iii) VOC emissions are less than 0.20 pounds per pound of solids applied for each coating line.
- 5. Each owner or operator of a facility that coats paper, film or foil including pressure sensitive tape and label coating shall comply with the following housekeeping requirements for any affected cleaning operation:
 - (i) store all VOC-containing cleaning materials and used shop towels in closed containers;
 - (ii) ensure that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;
 - (iii) minimize spills of VOC-containing cleaning materials;
 - (iv) convey VOC-containing cleaning materials from one location to another in closed containers or pipes; and
 - (v) minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

6. For the purpose of this subparagraph, the following definitions apply:
 - (i) "Knife Coating" means the application of a coating material to a substrate by means of drawing the substrate beneath a knife that spreads the coating evenly over the full width of the substrate;
 - (ii) "Paper Coating" means the application of a coating on paper and pressure sensitive tapes, including plastic film and metallic foil, regardless of substrate, in which the coating is distributed uniformly across the web;
 - (iii) "Roll Coating" means the application of a coating material to a substrate by means of hard rubber or steel rolls;
 - (iv) "Rotogravure Coating" means the application of a coating material to a substrate by means of a roll coating technique in which the pattern to be applied is etched on the coating roll. The coating material is picked up in these recessed areas and is transferred to the substrate.
7. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (w) shall apply to facilities at which the actual emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, equal or exceed 15 pounds per day and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:
 - (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 6.
8. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (w) shall apply to facilities at which the potential emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:
 - (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 6.
9. Applicability. On and after January 1, 2015, the requirements of this Subparagraph (w) shall apply to facilities at which actual emissions of volatile organic compounds from paper, film, and foil coating, including

pressure sensitive tape and label coating, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

- (i) All applicable facilities shall comply with the provisions of subparagraphs 5. and 6.
 - (ii) Individual surface coating lines that have potential emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, that equal or exceed 25 tons per year shall comply with the provisions of subparagraphs 3. and 4.
 - (iii) Individual surface coating lines that have potential emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, that do not equal or exceed 25 tons per year and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale County shall comply with the provisions of subparagraphs 1. and 2.
 - (iv) Individual surface coating lines that have potential emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, that do not equal or exceed 25 tons per year but are located at facilities that have potential emissions of volatile organic compounds from paper coating that equal or exceed 100 tons per year and are located in Barrow, Bartow, Carroll, Hall, Newton, Spalding, or Walton County shall comply with the provisions of subparagraphs 1. and 2.
 - (v) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 3., 4., or 5. are subject to the compliance schedule specified in subparagraph 12.
10. Applicability. On and after January 1, 2015, the requirements of this subparagraph (w) shall apply to facilities at which potential emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, equal or exceed 100 tons per year and are located outside of counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

- (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 6.

11. Applicability. The requirements of subparagraphs 9. and 10. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 7. and 8. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 9. and 10. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

12. Compliance schedule.

- (i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014.**
- (ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014.**
- (iii) Full compliance with the applicable requirements of subparagraphs 3., 4., and 5. must be completed before **January 1, 2015.**

(x) VOC Emissions from Fabric and Vinyl Coating.

- 1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from fabric and vinyl coating operations to exceed:
 - (i) 2.9 pounds per gallon of coating, excluding water, delivered to the coating applicator from a fabric coating line. If any coating delivered to the coating applicator contains more than 2.9 pounds VOC per gallon, the solids equivalent limit shall be 4.79 pounds VOC per gallon of coating solids delivered to the coating applicator.
 - (ii) 3.8 pounds per gallon of coating, excluding water, delivered to the coating applicator from a vinyl coating line. If any coating delivered to the coating applicator contains more than 3.8 pounds VOC per

gallon, the solids equivalent limit shall be 7.86 pounds VOC per gallon of coating solids delivered to the coating applicator.

- (iii) The emission limits in this subsection shall apply to roll, knife, or rotogravure coater(s) and drying oven(s) of fabric and vinyl coating lines.

2. The emission limits in this subsection shall be achieved by:

- (i) the application of low solvent coating technology where each and every coating meets the limit, expressed in pounds VOC per gallon of coating excluding water, stated in paragraph 1. of this subsection; or
- (ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit, expressed in pounds VOC per gallon of coating solids, stated in paragraph 1. of this subsection; averaging across lines is not allowed: or
- (iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the non-methane volatile organic compounds which enter the control equipment are recovered or destroyed and that overall VOC emissions do not exceed the solids equivalent limit expressed in pounds VOC per gallon of coating solids stated in paragraph 1. of this subsection.

3. For the purpose of this subsection, the following definitions apply:

- (i) "Fabric Coating" means the coating of a textile substrate with a knife roll, or rotogravure coater to impart properties that are not initially present, such as strength, stability, water or acid repellency, or appearance;
- (ii) "Knife Coating" means the application of a coating material to a substrate by means of drawing the substrate beneath a knife that spreads the coating evenly over the full width of the substrate;
- (iii) "Roll coating" means the application of a coating material to a substrate by means of hard rubber or steel rolls;
- (iv) "Rotogravure Coating" means the application of a coating material to a substrate by means of a roll coating technique in which the pattern to be applied is etched on the coating roll. The coating

material is picked up in these recessed areas and is transferred to the substrate.

- (v) "Vinyl Coating" means applying a decorative or protective topcoat, or printing on vinyl coated fabric or vinyl sheets, but shall not mean applying plastisol coating.

(y) VOC Emissions from Metal Furniture Coating.

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from metal furniture coating operations to exceed:
 - (i) 3.0 pounds per gallon of coating, excluding water, delivered to the coating applicator from prime and topcoat or single coat operations. If any coating delivered to the coating applicator contains more than 3.0 pounds VOC per gallon, the solids equivalent limit shall be 5.06 pounds VOC per gallon of coating solids delivered to the coating applicator.
 - (ii) The emission limit in this subparagraph shall apply to the application area(s), flashoff area(s) and oven(s) of metal furniture coating lines involved in prime and topcoat or single coat operations.
2. The emission limits in subparagraph 1. shall be achieved by:
 - (i) the application of low solvent coating technology where each and every coating meets the limit of 3.0 pounds VOC per gallon of coating, excluding water; or
 - (ii) the application of low solvent coating technology where the 24-hour or monthly weighted average of all coatings on a single coating line or operation meets the solids equivalent limit of 5.06 pounds VOC-per-gallon of coating solids (averaging across lines is not allowed); or
 - (iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit of 5.06 pounds VOC per gallon of coating solids.

3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from metal furniture coating operations for baked coatings to exceed:
 - (i) 2.3 pounds per gallon of coating, excluding water, delivered to the coating applicator from general one-component, and general multi-component coatings. If any coating delivered to the coating applicator contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.3 pounds VOC per gallon of coating solids as applied.
 - (ii) 3.0 pounds per gallon of coating, excluding water, delivered to the coating applicator from extreme high gloss, extreme performance, heat resistant, metallic, solar absorbent and pretreatment coatings. If any coating delivered to the coating applicator contains more than 3.0 pounds VOC per gallon, the solids equivalent limit shall be 5.06 pounds VOC per gallon of coating solids as applied.
4. No person shall cause, let, permit, suffer, or allow the emissions of VOC from metal furniture coating operations for air-dried coatings to exceed:
 - (i) 2.3 pounds per gallon of coating, excluding water, delivered to the coating applicator from general one-component coatings. If any coating contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.3 pounds VOC per gallon of coating solids as applied.
 - (ii) 2.8 pounds per gallon of coating, excluding water, delivered to the coating applicator from general multi-component, and extreme high gloss coatings. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.5 pounds VOC per gallon of coating solids as applied.
 - (iii) 3.0 pounds per gallon of coating, excluding water, delivered to the coating applicator from extreme performance, heat resistant, metallic, solar absorbent and pretreatment coatings. If any coating delivered to the coating applicator contains more than 3.0 pounds VOC per gallon, the solids equivalent limit shall be 5.06 pounds VOC per gallon of coating solids as applied.
5. Each owner or operator of a facility that coats metal furniture shall ensure that all coating application systems utilize one or more of the application techniques stated below:
 - (i) Electrostatic spray application;

- (ii) High volume low pressure (HVLP) spraying;
 - (iii) Flow/curtain application;
 - (iv) Roll coating;
 - (v) Dip coat application including electrodeposition;
 - (vi) Brush coat;
 - (vii) Airless spray;
 - (viii) Air-assisted airless spray; or
 - (ix) Other coating application methods that achieve transfer efficiency equivalent to HVLP or electrostatic spray application methods, as determined by the Director.
6. Each owner or operator of a facility that coats metal furniture shall comply with the following work practice standards:
- (i) store all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;
 - (ii) ensure that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste materials are kept closed at all times except when depositing or removing these materials;
 - (iii) minimize spills of VOC-containing coatings, thinners, and coating-related waste materials; and
 - (iv) convey VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed containers or pipes.
7. Each owner or operator of a facility that coats metal furniture shall comply with the following housekeeping requirements for any affected cleaning operation:
- (i) store all VOC-containing cleaning materials and used shop towels in closed containers;

- (ii) ensure that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;
 - (iii) minimize spills of VOC-containing cleaning materials;
 - (iv) convey VOC-containing cleaning materials from one location to another in closed containers or pipes; and
 - (v) minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.
8. The VOC limits specified in this subparagraphs 3. and 4. do not apply to the following types of metal furniture coatings and/or coating operations:
- (i) Touch-up and repair coatings;
 - (ii) Stencil coatings;
 - (iii) Safety-indicating coatings;
 - (iv) Solid-film lubricants;
 - (v) Electric-insulating and thermal-conducting coatings; and
 - (vi) Coating application utilizing hand-held aerosol cans.
9. The emission limits in subparagraphs 3. and 4. shall be achieved by:
- (i) the application of low solvent coating technology where each and every coating meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in subparagraphs 3. and 4. of this subparagraph; or
 - (ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit expressed in pounds VOC per gallon of coating solids, stated in subparagraphs 3. and 4. of this subparagraph; averaging across lines is not allowed; or
 - (iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile

organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit, expressed in pounds VOC per gallon of coating solids stated in subparagraphs 3. and 4. of this subparagraph.

10. For the purpose of this subparagraph, the following definitions apply:
 - (i) "Application Area" means the area where the coating is applied by spraying, dipping or flow coating techniques.
 - (ii) "Metal Furniture Coating" means the surface coating of any furniture made of metal or any metal part, which will be assembled with other metal wood, fabric, plastic or glass parts to form a furniture piece.
11. Applicability: Prior to January 1, 2015, the requirements of this subparagraph (y) shall apply to facilities at which the actual emissions of volatile organic compounds from the use of metal furniture coatings equal or exceed 15 pounds per day and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:
 - (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 10.
12. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (y) shall apply to facilities at which the potential emissions of volatile organic compounds from the use of metal furniture coatings equal or exceed 100 tons per year and are located outside the counties of in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:
 - (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 10.
13. Applicability. On and after January 1, 2015, the requirements of this subparagraph (y) shall apply to facilities at which the actual emissions of volatile organic compounds from the use of metal furniture coatings, before controls, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

- (i) All applicable facilities shall comply with the provisions of subparagraphs 3., 4., 5., 6., 7., 8., 9., and 10.
 - (ii) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 3., 4., 5., 6., 7., 8., or 9. are subject to the compliance schedule specified in subparagraph 16.
- 14. On and after January 1, 2015, the requirements of this subparagraph (y) shall apply to facilities at which the potential emissions of volatile organic compounds from the use of metal furniture coatings equal or exceed 100 tons per year and are located outside the counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton as follows:
 - (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 10.
- 15. Applicability. The requirements of subparagraphs 13. and 14. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 11. and 12. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 13. and 14. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.
- 16. Compliance schedule:
 - (i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014.**
 - (ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014.**

- (iii) Full compliance with the applicable requirements of subparagraphs 3., 4., 5., 6., 7., 8., and 9. must be completed before **January 1, 2015.**

(z) VOC Emissions from Large Appliance Surface Coating.

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the surface coating of large appliances to exceed:
 - (i) 2.8 pounds per gallon of coating, excluding water, delivered to the coating applicator from prime single or topcoat operations. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.52 pounds VOC per gallon of coating solids delivered to the coating applicator;
 - (ii) The emission limits in this subparagraph shall apply to the application area(s), flashoff area(s) and oven(s) of large appliance coating lines involved in prime, single or topcoat coating operations;
 - (iii) The emission limit in this subparagraph shall not apply to the use of quick drying lacquers used for repair of scratches and nicks.
2. The emission limits in subparagraph 1. shall be achieved by:
 - (i) the application of low solvent coating technology where each and every coating meets the limit of 2.8 pounds VOC per gallon of coating, excluding water; or
 - (ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit of 4.52 pounds VOC per gallon of coating solids; averaging across lines is not allowed; or
 - (iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the non-methane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit of 4.52 pounds VOC per gallon of coating solids.
3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the surface coating of large appliances using baked coatings to exceed:

- (i) 2.3 pounds per gallon of coating, excluding water and exempt compounds, delivered to the coating applicator general one component and general multi-component coatings. If any coating delivered to the coating applicator contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.3 pounds VOC per gallon of coating solids delivered to the coating applicator;
 - (ii) 2.8 pounds per gallon of coating, excluding water and exempt compounds, delivered to the coating applicator from extreme high gloss, extreme performance, heat resistant, metallic, and solar absorbent, and pretreatment coatings. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.5 pounds VOC per gallon of coating solids delivered to the coating applicator;
- 4. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the surface coating of large appliances using air-dried coatings to exceed:
 - (i) 2.3 pounds per gallon of coating, excluding water and exempt compounds, delivered to the coating applicator from general one-component coatings. If any coating delivered to the coating applicator contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.3 pounds VOC per gallon of coating solids delivered to the coating applicator;
 - (ii) 2.8 pounds per gallon of coating, excluding water and exempt compounds, delivered to the coating applicator from general multi-component, extreme high gloss, extreme performance, heat resistant, metallic, solar absorbent and pretreatment coatings. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.5 pounds VOC per gallon of coating solids delivered to the coating applicator;
- 5. Each owner or operator of a facility that coats large appliances shall ensure that all coating application systems utilize one or more of the application techniques stated below:
 - (i) Electrostatic spray application;
 - (ii) High volume low pressure (HVLP) spraying;
 - (iii) Flow/curtain application;

- (iv) Roll coating;
 - (v) Dip coat application including electrodeposition;
 - (vi) Brush coat;
 - (vii) Airless spray;
 - (viii) Air-assisted airless spray; or
 - (ix) Other coating application methods that achieve transfer efficiency equivalent to HVLP or electrostatic spray application methods, as determined by the Director.
6. Each owner or operator of a facility that coats large appliances shall comply with the following work practice standards:
- (i) store all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;
 - (ii) ensure that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste materials are kept closed at all times except when depositing or removing these materials;
 - (iii) minimize spills of VOC-containing coatings, thinners, and coating-related waste materials; and
 - (iv) convey VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed containers or pipes.
7. Each owner or operator of a facility that coats large appliances shall comply with the following housekeeping requirements for any affected cleaning operation:
- (i) store all VOC-containing cleaning materials and used shop towels in closed containers;
 - (ii) ensure that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;
 - (iii) minimize spills of VOC-containing cleaning materials;

- (iv) convey VOC-containing cleaning materials from one location to another in closed containers or pipes; and
 - (v) minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.
8. The VOC limits specified in subparagraphs 3. and 4. do not apply to the following types of large appliance coatings and/or coating operations:
- (i) Touch-up and repair coatings;
 - (ii) Stencil coatings;
 - (iii) Safety-indicating coatings;
 - (iv) Solid-film lubricants;
 - (v) Electric-insulating and thermal-conducting coatings; and
 - (vi) Coating application utilizing hand-held aerosol cans.
9. The emission limits in subparagraphs 3. and 4. shall be achieved by:
- (i) the application of low solvent coating technology where each and every coating meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in subparagraphs 3. and 4. of this subparagraph; or
 - (ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit expressed in pounds VOC per gallon of coating solids, stated in subparagraphs 3. and 4. of this subparagraph (averaging across lines is not allowed); or
 - (iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit, expressed in pounds VOC per gallon of coating solids stated in subparagraphs 3. and 4. of this subparagraph.

10. For the purpose of this subparagraph, the following definitions apply:
 - (i) "Application Area" means the area where the coating is applied by spraying, dipping or flow coating techniques.
 - (ii) "Single Coat" means a single film of coating applied directly to the metal substrate omitting the primer application.
 - (iii) "Large Appliances" means doors, cases, lids, panels and interior support parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners and other similar products.
11. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (z) shall apply to facilities at which the actual emissions of volatile organic compounds from the use of large appliance coatings equal or exceed 15 pounds per day and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:
 - (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 10.
12. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (z) shall apply to facilities at which the potential emissions of volatile organic compounds from the use of large appliance coatings equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:
 - (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 10.
13. Applicability. On and after January 1, 2015, the requirements of this subparagraph (z) apply to facilities at which actual emissions of volatile organic compounds from the use of large appliance coatings, before controls, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:
 - (i) All applicable facilities shall comply with the provisions of subparagraphs 3., 4., 5., 6., 7., 8., 9. and 10.

- (ii) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 3., 4., 5., 6., 7., 8., or 9. are subject to the compliance schedule specified in subparagraph 16.
- 14. Applicability. On and after January 1, 2015, the requirements of this subparagraph (z) shall apply to facilities at which potential emissions of volatile organic compounds from the use of large appliance coatings equal or exceed 100 tons per year and are located outside of counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:
 - (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2, and 10.
- 15. Applicability: The requirements of subparagraphs 13. and 14. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 11. and 12. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 13. and 14. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.
- 16. Compliance schedule: All existing facilities subject to this subparagraph shall comply with the following compliance schedule:
 - (i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014.**
 - (ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014.**
 - (iii) Full compliance with the applicable requirements of subparagraphs 3., 4., 5., 6., 7., 8., and 9. must be completed before **January 1, 2015.**

(aa) **VOC Emissions from Wire Coating.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from wire coating operations to exceed:
 - (i) 1.7 pounds per gallon of coating, excluding water, delivered to the coating applicator from wire coating operations. If any coating delivered to the coating applicator contains more than 1.7 pounds VOC per gallon, the solids equivalent limit shall be 2.21 pounds VOC per gallon of coating solids delivered to the coating applicator.
 - (ii) The emission limit in this subsection shall apply to the oven(s) of wire coating operations.
2. The emission limits in this subsection shall be achieved by:
 - (i) the application of low solvent coating technology where each and every coating meets the limit of 1.7 pounds VOC per gallon of coating, excluding water, stated in paragraph 1. of this subsection; or
 - (ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit of 2.21 pounds VOC per gallon of coating solids, stated in paragraph 1. of this subsection; averaging across lines is not allowed; or
 - (iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit of 2.21 pounds VOC per gallon of coating solids stated in paragraph 1. of this subsection.
3. For the purpose of this subsection, the following definitions apply:
 - (i) "Wire Coating" means the process of applying a coating of electrically insulating varnish or enamel to aluminum or copper wire for use in electrical machinery.

(bb) **Petroleum Liquid Storage.**

1. No person shall cause, let, permit, suffer, or allow the use of a fixed roof storage vessel with capacities of 40,000 gallons or greater containing a volatile petroleum liquid where true vapor pressure is greater than 1.52 psia unless:

- (i) the vessel has been fitted with a floating roof; or
 - (ii) the vessel has been fitted with control equipment demonstrated to have control efficiency equivalent to or greater than required in (i) of this paragraph, and approved by the Director.
- 2. The requirements of this subsection shall not apply to vessels:
 - (i) underground, if the total volume of petroleum liquids added to and taken from the tank annually does not exceed twice the volume of the tank; or
 - (ii) having capacities less than 425,000 gallons used to store crude oil prior to lease custody transfer.
- 3. For the purpose of this subsection, the following definitions shall apply:
 - (i) "Crude Oil" means a naturally occurring mixture which consists of hydrocarbons and/or sulfur, nitrogen and/or oxygen derivatives of hydrocarbons and which is a liquid at standard conditions;
 - (ii) "Floating Roof" means a storage vessel cover consisting of a double deck, pontoon single deck, internal floating cover or covered floating roof, which rests upon and is supported by the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank wall;
 - (iii) "Petroleum Liquids" means crude oil, condensate, and any finished or intermediate products manufactured in a petroleum refinery;
 - (iv) "Petroleum Refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of crude oils, or through redistillation, cracking, extraction, or reforming of unfinished petroleum derivatives;
 - (v) "True Vapor Pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," 1962.

(cc) **Bulk Gasoline Terminals.**

- 1. No person may load gasoline into any tank trucks or trailers from any bulk gasoline terminal unless:

- (i) The bulk gasoline terminal is equipped with vapor control equipment capable of complying with subparagraph 1.(v) of this paragraph 1., properly installed, in good working order, in operation, and consisting of one of the following:
 - (I) An adsorber or condensation equipment which processes and recovers at least 90 percent of all vapors and gases from the equipment being controlled; or
 - (II) Vapor collection equipment which directs all vapors to a fuel gas system; or
 - (III) Control equipment demonstrated to have control efficiency equivalent to or greater than required in (I) or (II) of this paragraph, and approved by the Director; and
 - (ii) All displaced vapors and gases are vented only to the vapor control equipment; and
 - (iii) Complete drainage of any loading arm will be accomplished before it is removed from the tank; and
 - (iv) All loading and vapor lines are equipped with fittings which make vapor-tight connections and which close automatically when disconnected, or a loading arm with vapor return line and hatch seal designed to prevent the escape of gases and vapor while loading;
 - (v) Sources and persons affected under this subsection may not allow mass emissions of volatile organic compounds from control equipment to exceed 4.7 grains per gallon of gasoline loaded.
- 2. Sources and persons affected under this subsection shall comply with the vapor collection and control system requirements of Rule 3913-1-.02(2)(ss).
 - 3. The requirements of this subsection shall not apply to loading of gasoline into tank trucks or trailers of less than 3000 gallons capacity outside those counties of Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Paulding, and Rockdale.
 - 4. The requirements of this subsection shall apply to loading of gasoline into tank trucks or trailers of less than 3000 gallons capacity inside those

counties of Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Paulding, and Rockdale after July 1, 1991.

5. For the purpose of this subsection, the following definitions apply:
 - (i) "Bulk Gasoline Terminal" means a gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck and has an average daily throughput of more than 20,000 gallons of gasoline.
 - (ii) "Gasoline" means a petroleum distillate having a Reid vapor pressure of 4 psia or greater.

(dd) **Cutback Asphalt.**

1. After January 1, 1981, no person may cause, allow or permit the use of cutback asphalts for paving purposes except as necessary for:
 - (i) long-life stockpile storage; or
 - (ii) the use or application at ambient temperatures less than 50°F; or
 - (iii) solely as a penetrating prime coat; or
 - (iv) base stabilization.
2. For the purpose of this subsection, the following definitions shall apply:
 - (i) "Asphalt" means a dark-brown to black cementitious material (solid, semisolid, or liquid in consistency) in which the predominating constituents are bitumens which occur in nature as such or which are obtained as residue in refining petroleum;
 - (ii) "Cutback Asphalt" means asphalt cement which has been liquified by blending with petroleum solvents (diluent). Upon exposure to atmospheric conditions the diluents evaporate, leaving the asphalt cement to perform its function;
 - (iii) "Penetrating Prime Coat" means an application of low viscosity liquid asphalt to an absorbent surface. It is used to prepare an untreated base for an asphalt surface. The prime penetrates the base and plugs the voids, hardens the top, and helps bind it to the overlying asphalt course. It also reduces the necessity of maintaining an untreated base course prior to placing the asphalt pavement.

(ee) **Petroleum Refinery.**

1. Persons responsible for any vacuum producing system at a petroleum refinery shall control the emissions of any noncondensable volatile organic compound from the condensers, hot wells or accumulators by:
 - (i) Piping the noncondensable vapors to a firebox or incinerator; or
 - (ii) Compressing the vapors and adding them to the refinery fuel gas; or
 - (iii) Controlling the vapors by using control equipment demonstrated to have control efficiency equivalent to or greater than required in (i) or (ii) of this paragraph, and approved by the Director; and
2. Persons responsible for any wastewater (oil/water) separator at a petroleum refinery shall:
 - (i) Provide covers and seals approved by the Director, on all separators and forebays; and
 - (ii) Equip all openings in covers, separators, and forebays with lids or seals such that the lids or seals are in the closed position at all times except when in actual use.
3. Before January 1, 1980, the owner or operator of any affected petroleum refinery located in this State shall develop and submit to the Director for approval a detailed procedure for minimization of volatile organic compound emissions during process unit turnaround. As a minimum, the procedure shall provide for:
 - (i) Depressurization venting of the process unit or vessel to a vapor recovery system, flare or firebox; and
 - (ii) No emission of volatile organic compounds from a process unit or vessel unless its internal pressure is 19.7 psi or less.
4. For the purpose of this subsection, the following definitions shall apply:
 - (i) "Accumulator" means the reservoir of a condensing unit receiving the condensate from the condenser;
 - (ii) "Condenser" means any heat transfer device used to liquefy vapors by removing their latent heats of vaporization. Such devices include, but are not limited to, shell and tube, coil, surface, or contact condensers;

- (iii) "Firebox" means the chamber or compartment of a boiler or furnace in which materials are burned but does not mean the combustion chamber of an incinerator;
- (iv) "Forebays" means the primary sections of a wastewater separator;
- (v) "Hot Well" means the reservoir of a condensing unit receiving the warm condensate from the condenser;
- (vi) "Petroleum Refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation, cracking, extraction, or refining of unfinished petroleum derivatives;
- (vii) "Refinery Fuel Gas" means any gas which is generated by a petroleum refinery process unit and which is combusted, including any gaseous mixture of natural gas and fuel gas;
- (viii) "Turnaround" means the procedure of shutting a refinery unit down after a run to do necessary maintenance and repair work and putting the unit back on stream;
- (ix) "Vacuum Producing System" means any reciprocating, rotary, or centrifugal blower or compressor, or any jet ejector or device that takes suction from a pressure below atmospheric and discharges against atmospheric pressure;
- (x) "Vapor Recovery System" means a system that prevents releases to the atmosphere of no less than 90 percent by weight of organic compounds emitted during the operation of any transfer, storage, or process equipment;
- (xi) "Wastewater (oil/water) Separator" means any device or piece of equipment which utilizes the difference in density between oil and water to remove oil and associated chemicals from water or any device, such as a flocculation tank, clarifier, etc., which removes petroleum derived compounds from wastewater.

(ff) Solvent Metal Cleaning.

1. No person shall cause, suffer, allow, or permit the operation of a cold cleaner degreaser unless the following requirements for control of emissions of the volatile organic compounds are satisfied:

- (i) The degreaser shall be equipped with a cover to prevent the escape of volatile organic compounds during periods of non-use;
 - (ii) The degreaser shall be equipped with a facility for draining cleaned parts before removal;
 - (iii) If used, the solvent spray must be a solid, fluid stream (not a fine, atomized or shower type spray) and at a pressure which does not cause excessive splashing;
 - (iv) If the solvent volatility is 0.60 psi or greater measured at 100°F, or if the solvent is heated above 120°F, then one of the following control devices must be used:
 - (I) Freeboard that gives a freeboard ratio of 0.7 or greater;
 - (II) Water cover (solvent must be insoluble in and heavier than water);
 - (III) Other systems of equivalent control, such as a refrigerated chiller or carbon adsorption.
 - (v) Waste solvent shall be stored only in covered containers and shall not be disposed of by such a method as to allow excessive evaporation into the atmosphere.
2. No person shall cause, suffer, allow, or permit the operation of an open top vapor degreaser unless the following requirements for control of emissions of volatile organic compounds are satisfied:
- (i) The degreaser shall be equipped with a cover to prevent the escape of volatile organic compounds during periods of non-use;
 - (ii) The degreaser shall be equipped with one of the following control devices:
 - (I) Freeboard ratio greater than or equal to 0.75;
 - (II) Refrigerated chiller;
 - (III) Enclosed design (cover or door opens only when the dry part is actually entering or exiting the degreaser);
 - (IV) Carbon adsorption system, with ventilation greater than 50 cfm/ft² of air/vapor area (when cover is open), and

exhausting less than 25 ppm solvent averaged over one complete adsorption cycle; or

- (V) Control equipment demonstrated to have control efficiency equivalent to or better than any of the above.
- (iii) The degreaser shall be operated in accordance with the following procedures. Operating instructions summarizing these procedures shall be displayed on the degreaser.
 - (I) Keep cover closed at all times except when processing work loads through the degreaser;
 - (II) Minimize solvent carry-out by the following measures:
 - I. Rack parts to allow full drainage;
 - II. Degrease the work load in the vapor zone at least 30 seconds or until condensation ceases;
 - III. Tip out any pools of solvent on the cleaned parts before removal;
 - IV. Allow parts to dry within the degreaser for at least 15 seconds or until visually dry.
 - (III) Do not degrease porous or adsorbent materials, such as cloth, leather, wood or rope;
 - (IV) Work loads should not occupy more than half of the degreaser's open top area;
 - (V) The vapor level should not drop more than 4 inches when the workload enters the vapor zone;
 - (VI) Never spray above the vapor level;
 - (VII) Repair solvent leaks immediately, or shutdown the degreaser;
 - (VIII) Ventilation fans should not be used near the degreaser opening;

- (IX) Water should not be visually detectable in solvent exiting the water separator.
 - (iv) Waste solvent shall be stored only in covered containers and shall not be disposed of or transferred to another party by such a method as to allow excessive evaporation into the atmosphere.
3. No person shall cause, suffer, allow, or permit the operation of a conveyorized degreaser unless the following requirements for control of emissions of the volatile organic compounds are satisfied.
- (i) The degreaser shall be equipped with a cover to prevent the escape of volatile organic compounds during periods of non-use;
 - (ii) The degreaser shall be equipped with either a drying tunnel, or other means such as rotating (tumbling) basket, sufficient to prevent cleaned parts from carrying out solvent liquid or vapor;
 - (iii) The degreaser shall be equipped with one of the following:
 - (I) Refrigerated chiller;
 - (II) Carbon adsorption system, with ventilation greater than 50 cfm/ft² of air/vapor area (when down-time covers are open), and exhausting less than 25 ppm of solvent by volume averaged over a complete adsorption cycle; or
 - (III) Control equipment demonstrated to have control efficiency equivalent to or better than any of the above.
 - (iv) The degreaser shall be operated in accordance with the following procedure. Operating instructions summarizing these procedures shall be displayed on the degreaser.
 - (I) Exhaust ventilation should not exceed 65 cfm per ft² of degreaser opening, unless necessary to meet OSHA requirements. Work place fans should not be used near the degreaser opening;
 - (II) Minimize carryout emissions by:
 - I. Racking parts for best drainage; Maintaining vertical conveyor speed at less than 11 ft/min.

- (III) Repair solvent leaks immediately, or shutdown the degreaser;
 - (IV) Water should not visibly be detectable in the solvent exiting the water separator;
 - (V) Down-time cover must be placed over entrances and exits of conveyORIZED degreasers immediately after the conveyor and exhaust are shutdown and removed just before they are started up.
- (v) Waste solvent shall be stored only in covered containers and shall not be disposed of or transferred to another party by such a method as to allow excessive evaporation into the atmosphere.
4. The following requirements apply to degreasers using trichloroethylene, carbon tetrachloride, and/or chloroform in a total concentration greater than 5 percent by weight:
- (i) Degreasers constructed or reconstructed after November 29, 1993 shall comply with paragraph 391-3-1-.02(9)(b)34. "Emission Standard for Halogenated Solvent Cleaning, 40 CFR 63, Subpart T, as amended" (NESHAP) and not paragraphs 1. through 3. of this subsection (ff) (Georgia Rule).
 - (ii) Existing degreasers (constructed or reconstructed on or before November 29, 1993) shall comply with paragraphs 1. through 3. of this subsection (ff) (Georgia Rule) until December 2, 1997; after which they must comply with paragraph 391-3-1-.02(9)(b)34. (NESHAP).
 - (iii) An existing degreaser (as defined above) may elect to comply with paragraph 391-3-1-.02(9)(b)34. prior to December 2, 1997. In such case, they are not required comply with Paragraphs 1. through 3. of this subsection (ff) (Georgia Rule) once they are in compliance with paragraph 391-3-1-.02(9)(b)34. (NESHAP).
 - (iv) Any facility which currently complies with paragraphs 391-3-1-.02(2)(ff)1. through 3. (Georgia Rule) which will be changing to comply with paragraph 391-3-1-.02(9)(b)34. (NESHAP) should submit a schedule of construction/ modification for changes necessary to comply with 391-3-1-.02(9)(b)34. (NESHAP) as soon

as practically possible but no later than 60 days prior to any construction/modification.

5. For the purpose of this subsection, the following definitions shall apply:
- (i) "Cold Cleaning" means the batch process of cleaning and removing soils from metal surfaces by spraying, brushing, flushing or immersion while maintaining the solvent below its boiling point. Wipe cleaning is not included in this definition;
 - (ii) "Conveyorized Degreasing" means the continuous process of cleaning and removing soils from metal surfaces by operating with either cold or vaporized solvents;
 - (iii) "Freeboard Height" means the distance from the top of vapor zone to the top of the degreaser tank;
 - (iv) "Freeboard Ratio" means the freeboard height divided by the width (smallest dimension) of the degreaser;
 - (v) "Open Top Vapor Degreasing" means the batch process of cleaning and removing soils from metal surfaces by condensing hot solvent vapor on the colder metal parts;
 - (vi) "Solvent Metal Cleaning" means the process of cleaning soils from metal surfaces by cold cleaning, or open top vapor degreasing or conveyorized degreasing. Solvent metal cleaning does not include cleaners that use aqueous cleaning solvent or buckets, pails and beakers with capacities of two gallons or less.
 - (vii) "Aqueous Cleaning Solvent" means a cleaning solvent in which water is the primary ingredient (greater than 80 percent by weight of cleaning solvent solution as applied must be water).
6. The requirements of this subsection shall not apply to any solvent metal cleaning operation subject to Section 391-3-1-.02(2)(kkk) of the Georgia Rules for Air Quality Control "VOC Emissions from Aerospace manufacturing and Rework Facilities."

(gg) **Kraft Pulp Mills.**

1. Except as provided for in paragraph 2. of this subsection, no person shall cause, let, suffer, permit, or allow the emissions of TRS from any kraft

pulp mill in operation, or under construction contract, on or before September 24, 1976, in amounts equal to or exceeding the following:

- (i) Recovery Furnaces.
 - (I) Old Recovery Furnaces: 20 parts per million of TRS on a dry basis and as a 24-hour average, corrected to 8 volume percent oxygen;
 - (II) New Recovery Furnaces: 5 parts per million of TRS on a dry basis and as a 24-hour average, corrected to 8 volume percent oxygen;
 - (III) Cross Recovery Furnaces: 25 parts per million of TRS on a dry basis and as a 24-hour average, corrected to 8 volume percent oxygen.
- (ii) Digester System or Multiple-Effect Evaporator System: 5 parts per million of TRS on a dry basis and a 24-hour average, corrected to 10 volume percent oxygen unless the following conditions are met:
 - (I) The gases are combusted in a lime kiln subject to the provisions of paragraph (iv) of this subsection; or
 - (II) The gases are combusted in a recovery furnace subject to the provisions of paragraph (i) of this subsection; or
 - (III) The gases are combusted with other gases in an incinerator or other device, or combusted in a lime kiln or recovery boiler not subject to the provisions of this subsection, and are subjected to a minimum temperature of 1200°F for at least 0.5 second; or
 - (IV) The gases are controlled by a means other than combustion. In this case, the gases discharged shall not contain TRS in excess of five parts per million on a dry basis and as a 24-hour average, corrected to the actual oxygen content of the untreated gas stream.
- (iii) Smelt Dissolving Tanks: 0.0168 pounds of TRS per ton of black liquor solids (dry weight).
- (iv) Lime Kilns: 40 parts per million of TRS on a dry basis and as a 24-hour average, corrected to 10 volume percent oxygen.

2. Nothing in paragraph 1. shall prevent the owner or operator of a kraft pulp mill subject to the provisions of this subsection (gg) from applying to the Director for permission to control TRS emissions from the kraft pulp mill under the provisions of this paragraph provided that:

(i) General Provisions.

- (I) The owner or operator of such kraft pulp mill makes such application in writing no later than six months following the notification date; and
- (II) In the event that the kraft pulp mill contains TRS emitting process equipment which is subject to the New Source Performance Standard for Kraft Pulp Mills, 391-3-1-.02(2)(b)23., then that TRS emitting process equipment must also comply with the applicable New Source Performance Standard TRS emission limitation(s);
- (III) The owner or operator of such kraft pulp mill may not elect to control TRS emissions from process equipment not subject to the provisions of this subsection (gg) in lieu of controlling TRS emissions from those sources subject to this subsection (gg); and
- (IV) For the purpose of this paragraph 2.; the maximum allowable emissions of TRS shall be calculated using the production rate (annual average or most recent 12 months of record) for the kraft pulp mill expressed as tons of air dried pulp per day, and the allowable emission rate of TRS from the kraft pulp mill shall be expressed as pounds of TRS per ton of air dried pulp.
- (V) For the purpose of this paragraph, the "notification date" means September 1, 1988.

(ii) Emission Limitation: No person shall cause, let, suffer, permit, or allow the total emissions of TRS from the following processes: recovery furnace(s), lime kiln(s), smelt dissolving tank(s), digester system, multiple-effect evaporator system, equal to or exceeding the amount determined by the following formula:

$$A = RB + LK + 0.065 \text{ pounds of TRS per ton of air dried pulp;}$$

The values for the terms RB and LK shall be determined using the following formula:

$$LK = \frac{(0.20U + 0.04V)}{U + V}$$

$$RB = \frac{(0.15W + 0.15X + 0.60Y + 0.75Z)}{W + X + Y + Z}$$

Where:

A = the total amount of allowable TRS emissions from the kraft pulp mill expressed as pounds of TRS per ton of air dried pulp;

LK = the fraction of the total allowable emission of TRS in pounds per ton of air dried pulp for lime kilns;

RB = the fraction of the total allowable emission of TRS in pounds per ton of air dried pulp for recovery furnaces;

U = tons per hour of lime mud solids calcined in lime kiln(s) not subject to the New Source Performance Standard for Kraft Pulp Mills;

V = tons per hour of lime solids calcined in lime kiln(s) subject to the New Source Performance Standard for Kraft Pulp Mills;

W = pounds per hour of black liquor solids burned in recovery furnace(s) subject to the New Source Performance Standard for Kraft Pulp Mills;

X = pounds per hour of black liquor solids burned in new recovery furnace(s);

Y = pounds per hour of black liquor solids burned in old recovery furnace(s);

Z = pounds per hour of black liquor solids burned in cross recovery furnace(s);

3. For the purpose of this subsection, the following definitions shall apply:

- (i) "New Recovery Furnace" means a recovery furnace which had stated in the purchase contract a TRS performance guarantee or

which included in the purchase contract a statement that the control of air pollutants was a design objective and which has incorporated into its design: membrane wall or welded wall construction; and emission control air systems.

- (ii) "Old Recovery Furnace" means a recovery furnace which is not classified as a new recovery furnace.

(hh) Petroleum Refinery Equipment Leaks.

1. No person shall cause, let, suffer, or allow the use of petroleum refinery equipment unless:
 - (i) A plan is submitted to the Director by no later than July 1, 1981 for monitoring VOC leaks. Such a program must contain:
 - (I) A list of refinery units and the quarter in which they will be monitored;
 - (II) A copy of the log book format;
 - (III) The make and model of the monitoring equipment to be used.
 - (ii) Monitoring for potential VOC leaks is carried out no less frequently than:
 - (I) Yearly using detection equipment for pump seals, pipeline valves in liquid service, and process drains;
 - (II) Quarterly using detection equipment for compressor seals, pipeline valves in gaseous service, and pressure relief valves in gaseous service;
 - (III) Weekly by visible inspection for all pump seals;
 - (IV) Immediately using detection equipment for any pump seals from which liquids are observed dripping and immediately after repair of any component previously found to be leaking;
 - (V) Within 24 hours for a relief valve after it has vented to the atmosphere.

- (iii) All components which have emissions with a VOC concentration exceeding 10,000 ppm, as determined by Method 21 of the reference in Section 391-3-1-.02(3)(a) of these Rules, shall be affixed with a weatherproof and readily visible tag, bearing an identification number and the date on which the leak is located. This tag shall remain in place until the leaking component is repaired.
 - (iv) Leaking components as defined by (iii) above which can be repaired without a unit shutdown shall be repaired and retested as soon as practicable but no later than 15 days after the leak is identified.
 - (v) Leaking components as defined by (iii) above which require unit shutdown for repair may be corrected at the regularly scheduled turnaround unless the Director at his discretion requires early unit turnaround based on the number and severity of tagged leaks awaiting turnaround.
 - (vi) Except for safety pressure relief valves, no owner or operator of a petroleum refinery shall install or operate a valve at the end of a pipe or line containing volatile organic compounds unless the pipe or line is sealed with a second valve, a blind flange, a plug, or a cap. The sealing device may be removed only when a sample is being taken or during maintenance operations.
 - (vii) Pipeline valves and pressure relief valves in gaseous volatile organic compound service shall be marked in some manner that will be readily obvious to both refinery personnel performing monitoring and the Director.
 - (viii) Pressure relief devices which are connected to an operation flare header, vapor recovery device, inaccessible valves, storage tank valves, and valves that are not externally regulated are exempt from the monitoring requirements of this rule.
2. The owner or operator of a petroleum refinery shall maintain a leaking components monitoring log. Copies of the monitoring log shall be retained by the owner or operator for a minimum of two years after the date on which the record was made or the report prepared and shall immediately be made available to the Director, upon verbal or written request, at any reasonable time. The monitoring log shall contain the following data:
- (i) The name and the process unit where the component is located.

- (ii) The type of component (e.g., valve, seal).
 - (iii) The tag number of the component.
 - (iv) The date on which a leaking component is discovered.
 - (v) The date on which a leaking component is repaired.
 - (vi) The date and instrument reading of the recheck procedure after a leaking component is repaired.
 - (vii) A record of the calibration of the monitoring instrument.
 - (viii) Those leaks that cannot be repaired until turnaround.
 - (ix) The total number of components checked and the total number of components found leaking.
3. The owner or operator of a petroleum refinery shall:
- (i) Submit a report to the Director by the fifteenth day of January, April, July, and October that lists all leaking components that were located during the previous three calendar months but not repaired within fifteen days, all leaking components awaiting unit turnaround, the total number of components inspected, and the total number of components found leaking.
 - (ii) Submit a signed statement with the report attesting to the fact that, all monitoring and repairs were performed as stipulated in the monitoring program.
 - (iii) The first quarterly report shall be submitted to the Director no later than January 1, 1982.
4. The Director, upon written notice, may modify the monitoring, record keeping and reporting requirements.
5. For the purpose of this subsection, the following definitions apply:
- (i) "Petroleum refinery" means any facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils residual fuel oils, lubricants, asphalt, or other products through distillation of petroleum or through redistillation, cracking, rearrangement or reforming of unfinished petroleum derivatives.

- (ii) "Component" means any piece of equipment which has the potential to leak volatile organic compounds when tested in the manner described in subparagraph 1.(iii). These sources include, but are not limited to, pumping seals, compressor seals, seal oil degassing vents pipeline valves, pressure relief devices, process drains, and open ended pipes. Excluded from these sources are valves which are not externally regulated.
- (iii) "Liquid service" means equipment which processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the liquid phase.
- (iv) "Gas service" means equipment which processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the gaseous phase.
- (v) "Valves not externally regulated" means valves that have no external controls, such as in-line check valves.
- (vi) "Refinery unit" means a set of compounds which are a part of a basic process operation, such as, distillation, hydrotreating, cracking or reforming of hydrocarbons.

(ii) VOC Emissions from Surface Coating of Miscellaneous Metal Parts and Products.

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of miscellaneous metal parts and products to exceed:
 - (i) 4.3 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies clear coatings. If any coating delivered to the coating applicator contains more than 4.3 pounds VOC per gallon, the solids equivalent limit shall be 10.3 pounds VOC per gallon of coating solids delivered to the coating applicator.
 - (ii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating applicator in a coating application system that is air dried or forced warm air dried at temperatures up to 194°F. If any coating delivered to the coating applicator contains more than 3.5 pounds VOC per gallon, the solids equivalent limit shall be 6.67 pounds VOC per gallon of coating solids delivered to the coating applicator.
 - (iii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies extreme performance coatings. If any

coating delivered to the coating applicator contains more than 3.5 pounds VOC per gallon, the solids equivalent limit shall be 6.67 pounds VOC per gallon of coating solids delivered to the coating applicator.

- (iv) 6.2 pounds per gallon of coating, excluding water, delivered to a coating applicator in a high performance architectural coating operation; and
 - (v) 3.0 pounds per gallon of coating, excluding water, delivered to a coating applicator for all other coatings and coating application systems. If any coating delivered to the coating applicator contains more than 3.0 pounds VOC per gallon, the solids equivalent limit shall be 5.06 pounds VOC per gallon of coating solids delivered to the coating applicator.
2. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of miscellaneous metal parts and products using air-dried coatings to exceed:
- (i) 2.8 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies anyone of the following air-dried coatings: general one component; general multi component; military specification; drum coating - new exterior. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.52 pounds VOC per gallon of coating solids delivered to the coating applicator.
 - (ii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies any one of the following air-dried coatings: camouflage; electric-insulating varnish; etching filler; high temperature; metallic; mold-seal; pan backing; pretreatment; drum coating - new interior; drum coating - reconditioned, exterior; silicone release; vacuum-metalizing; extreme high-gloss; extreme performance; heat-resistant; drum coating - reconditioned interior; solar-absorbent; prefabricated architectural multi-component; prefabricated architectural one-component. If any coating delivered to the coating applicator contains more than 3.5 pounds VOC per gallon, the solids equivalent limit shall be 6.67 pounds VOC per gallon of coating solids delivered to the coating applicator.
 - (iii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies the following air-dried coating: repair and touch-up.

- (iv) 6.2 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies the following air-dried coating: high performance architectural.
3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of miscellaneous metal parts and products using baked coatings to exceed:
- (i) 2.3 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies anyone of the following baked coatings: general one component; general multi-component; military specification; prefabricated architectural multi-component; prefabricated architectural one-component. If any coating delivered to the coating applicator contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.35 pounds VOC per gallon of coating solids delivered to the coating applicator.
 - (ii) 2.8 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies drum coating - new exterior coating. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.52 pounds VOC per gallon of coating solids delivered to the coating applicator.
 - (iii) 3.0 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies anyone of the following baked coatings: drum coating - reconditioned interior; camouflage; electric-insulating varnish; etching filler; extreme high-gloss; extreme performance; heat-resistant; high temperature; metallic; mold-seal; pan backing; pretreatment; drum coating - new interior; drum coating - reconditioned exterior; silicone release; solar-absorbent; and vacuum-metalizing. If any coating delivered to the coating applicator contains more than 3.0 pounds VOC per gallon, the solids equivalent limit shall be 5.06 pounds VOC per gallon of coating solids delivered to the coating applicator.
 - (iv) 6.2 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies the following baked coating: high performance architectural.
 - (v) 3.0 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies repair and touch-up coatings.

4. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of motor vehicle materials at a facility that is not an automobile or light-duty truck manufacturing facility to exceed:
 - (i) 1.7 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies the following motor vehicle materials: gasket/gasket sealing material and bedliner.
 - (ii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies the following motor vehicle materials: cavity wax, sealer, deadener, underbody coating, trunk interior coating, and lubricating wax/compound.
5. If more than one emission limitation in this subparagraph (ii) applies to a specific coating, then the least stringent emission limitation in this subparagraph (ii) of this subsection shall be applied.
6. All VOC emissions from solvent washings shall be considered in the emission limitations unless the solvent is directed into containers that prevent evaporation into the atmosphere.
7. The emission limits in this subsection shall be achieved by:
 - (i) the application of low solvent coating technology where each and every coating meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in paragraphs 1., 2., 3., and 4. of this subsection; or
 - (ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit expressed in pounds VOC per gallon of coating solids, stated in paragraphs 1., 2., and 3. of this subsection; averaging across lines is not allowed; or
 - (iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit, expressed in pounds VOC per gallon of coating solids stated in paragraphs 1., 2., 3., and 4. of this subsection.

- (iv) for high performance architectural coatings, compliance may be achieved only as stated in subparagraph 7.(i) or 7.(iii). There is no solids equivalent limit for such coatings.
- (v) for motor vehicle materials, compliance may be achieved only as stated in subparagraph 7.(i). There is no solids equivalent limit for such coatings.
- (vi) for repair and touch-up materials, compliance may be achieved only as stated in subparagraphs 7.(i). There is no solids equivalent limit for such coatings.

8. For the purpose of this subsection, the following definitions apply:

- (i) "Air dried coating" means coatings which are dried by the use of air or forced warm air at temperatures up to 194°F.
- (ii) "Baked coating" means a coating that is cured at a temperature at or above 194°F.
- (iii) "Bedliner" means a multi-component coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to a cargo bed after the application of topcoat to provide additional durability and chip resistance.
- (iv) "Cavity wax" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied into the cavities of the vehicle primarily for the purpose of enhancing corrosion protection.
- (v) "Camouflage coating" means a coating used, principally by the military, to conceal equipment from detection.
- (vi) "Clear coating" means a colorless coating which contains binders, but no pigment, and is formulated to form a transparent film.
- (vii) "Coating application system" means all operations and equipment which applies, conveys, and dries a surface coating, including, but not limited to spray booths, flow coaters, flashoff areas, air dryers and ovens.
- (viii) "Deadener" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to

selected vehicle surfaces primarily for the purpose of reducing the source of road noise in the passenger compartment.

- (ix) "Drum" means any cylindrical metal shipping container larger than 12 gallons capacity but no larger than 110 gallons capacity.
- (x) "Electric dissipating coating" means a coating that rapidly dissipates a high-voltage electric charge.
- (xi) "Electric-insulating varnish" means a non-convertible-type coating applied to electric motors, components of electric motors, or power transformers, to provide electrical, mechanical, and environmental protection or resistance.
- (xii) "EMI/RFI Shielding" means a coating used on electrical or electronic equipment to provide shielding against electromagnetic interference, radio frequency interference, or static discharge.
- (xiii) "Etching filler" means a coating that contains less than 23 percent solids by weight, at least 0.5 percent acid by weight, and is used instead of applying a pretreatment coating followed by a primer.
- (xiv) "Extreme high-gloss coating" means a coating which, when tested by the American Society for Testing Material Test Method D-523 adopted in 1980, shows a reflectance of 75 or more on a 60 degree meter.
- (xv) "Extreme-performance coating" means a coating used on a metal or plastic surface where the coated surface is, in its intended use, subject to the following:
 - (a) Chronic exposure to corrosive, caustic or acidic agents, chemicals, chemical fumes, chemical mixtures or solutions; or
 - (b) Repeated exposure to temperatures in excess of 250°F; or
 - (c) Repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial grade solvents, cleansers or scouring agents. Extreme performance coatings include, but are not limited to, coatings applied to locomotives, railroad cars, farm machinery, and heavy duty trucks.

- (xvi) "Extreme environmental conditions" means exposure to any of: the weather all of the time, temperatures consistently above 200°F, detergents, abrasive and scouring agents, solvents, corrosive atmospheres, or similar environmental conditions;
- (xvii) "Gasket/sealing material" means a fluid, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to coat a gasket or replace and perform the same function as a gasket. Automobile and light-duty truck gasket/gasket sealing material includes room temperature vulcanization (RTV) seal material.
- (xviii) "Heat-resistant coating" means a coating that must withstand a temperature of at least 400°F during normal use.
- (xix) "High-performance architectural coating" means a coating used to protect architectural subsections and which meets the requirements of the Architectural Aluminum Manufacturer Association's publication number AAMA 2604-05 (Voluntary Specification, Performance Requirements and Test Procedures for High Performance Organic Coatings on Aluminum Extrusions and Panels) or 2605-05 (Voluntary Specification, Performance Requirements and Test Procedures for Superior Performing Organic Coatings on Aluminum Extrusions and Panels).
- (xx) "High-temperature coating" means a coating that is certified to withstand a temperature of 1000°F for 24 hours.
- (xxi) "Low solvent coating" means coatings which contain less organic solvent than the conventional coatings used by the industry. Low solvent coatings include water-borne, higher solids, electrodeposition and powder coatings.
- (xxii) "Lubricating wax/compound" means a protective lubricating material, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to vehicle hubs and hinges.
- (xxiii) "Mask coating" means thin film coating applied through a template to coat a small portion of a substrate.
- (xxiv) "Metallic coating" means a coating which contains more than five grams of metal particles per liter of coating as applied. "Metal

particles" are pieces of a pure elemental metal or combination of elemental metals.

- (xxv) "Miscellaneous metal parts and products" means surface coating of products manufactured by the following industrial source categories: large farm machinery, small farm machinery, small appliances, commercial machinery, industrial machinery, fabricated metal products and any other industrial category which coats metal parts or products under the Standard Industry Classification Code Major Groups 33, 34, 35, 36, 37, 38, 40, and 41. The miscellaneous metal parts and products source category does not include:
- (I) automobiles and light-duty trucks;
 - (II) metal cans;
 - (III) flat metal sheets and strips in the form of rolls or coils;
 - (IV) magnet wire for use in electrical machinery;
 - (V) metal furniture;
 - (VI) large appliances;
 - (VII) aerospace manufacturing and rework operations;
 - (VIII) automobile refinishing;
 - (IX) customized top coating of automobiles and trucks, if production is less than 35 vehicles per day; and
 - (X) exterior of marine vessels.
- (xxvi) "Military specification coating" means a coating which has a formulation approved by a United States Military Agency for use on military equipment.
- (xxvii) "Mold seal coating" means the initial coating applied to a new mold or a repaired mold to provide a smooth surface which, when coated with a mold release coating, prevents products from sticking to the mold.

- (xxviii) "Multi-colored coating" means a coating which exhibits more than one color when applied, and which means packaged in a single container and applied in a single coat.
- (xxix) "Multi-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film.
- (xxx) "One-component coating" means a coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner, necessary to reduce the viscosity, is not considered a component.
- (xxxi) "Optical coating" means a coating applied to an optical lens.
- (xxxii) "Pan-backing coating" means a coating applied to the surface of pots, pans, or other cooking implements that are exposed directly to a flame or other heating elements.
- (xxxiii) "Prefabricated architectural component coatings" are coatings applied to metal parts and products which are to be used as an architectural structure.
- (xxxiv) "Pretreatment coating" means a coating which contains no more than 12 percent solids by weight, and at least 0.5 percent acid by weight, is used to provide surface etching, and is applied directly to metal surfaces to provide corrosion resistance, adhesion, and ease of stripping.
- (xxxv) "Prime coat" means the first of two or more films of coating applied to a metal surface.
- (xxxvi) "Repair coating" means a coating used to re-coat portions of a previously coated product which has sustained mechanical damage to the coating following normal coating operations.
- (xxxvii) "Sealer" means a high viscosity material, used at a facility that is not an automobile or light-duty truck assembly coating facility, generally, but not always, applied in the paint shop after the body has received an electrodeposition primer coating and before the application of subsequent coatings (e.g., primer-surfacer). The primary purpose of automobile and light-duty truck sealer is to fill body joints completely so that there is no

intrusion of water, gases or corrosive materials into the passenger area of the body compartment. Such materials are also referred to as sealant, sealant primer, or caulk.

- (xxxviii) "Shock-free coating" means a coating applied to electrical components to protect the user from electric shock. The coating has characteristics of being of low capacitance and high resistance, and having resistance to breaking down under high voltage.
- (xxxix) "Silicone-release coating" means any coating which contains silicone resin and is intended to prevent food from sticking to metal surfaces such as baking pans.
- (xl) "Single coat" means one film of coating applied to a metal surface.
- (xli) "Solar-absorbent coating" means a coating which has as its prime purpose the absorption of solar radiation.
- (xlii) "Stencil coating" means an ink or a pigmented coating which is rolled or brushed onto a template or stamp in order to add identifying letters, symbols and/or numbers.
- (xliii) "Topcoat" means the final film or series of films of coating applied in a two-coat or more operation.
- (xliv) "Touch-up coating" means a coating used to cover minor coating imperfections appearing after the main coating operation.
- (xlv) "Translucent coating" means a coating which contains binders and pigment and is formulated to form a colored, but no opaque, film.
- (xlvi) "Transfer efficiency" means the weight (or volume) of coating solids adhering to the surface being coated divided by the total weight (or volume) of coating solids delivered to the applicator.
- (xlvii) "Trunk interior coating" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to the trunk interior to provide chip protection.
- (xlviii) "Two-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst, before application to form an acceptable dry film.

(xlix) "Underbody coating" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to the undercarriage or firewall to prevent corrosion and/or provide chip protection.

(l) "Vacuum-metalizing coating" means the undercoat applied to the substrate on which the metal is deposited or the overcoat applied directly to the metal film. Vacuum metalizing/physical vapor deposition (PVD) is the process whereby metal is vaporized and deposited on a substrate in a vacuum chamber.

9. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (ii) shall apply to facilities at which the potential emissions of volatile organic compounds from all surface coating of miscellaneous parts and products equal or exceed 10 tons per year and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 5., 6., 7., and 8.

10. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (ii) shall apply to facilities at which the potential emissions of volatile organic compounds from all surface coating of miscellaneous parts and products equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 5., 6., 7., and 8.

11. Applicability. On and after January 1, 2015, the requirements of this subparagraph (ii) shall apply to facilities at which the potential emissions of volatile organic compounds from all surface coating of miscellaneous parts and products equal or exceed 10 tons per year and are located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 2., 3., 4., 5., 6., 7., and 8.

- (ii) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 2., 3., or 4. are subject to the compliance schedule specified in subparagraph 14.

12. Applicability. On and after January 1, 2015, the requirements of this subparagraph (ii) shall apply to facilities at which the potential emissions of volatile organic compounds from all surface coating of miscellaneous parts and products equal or exceed 100 tons per year and are located outside the counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale Spalding, and Walton as follows:

- (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 5., 6., 7., and 8.

13. Applicability: The requirements of subparagraphs 11. and 12. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 9. and 10. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 11. and 12. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

14. Compliance Schedule:

- (i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.
- (ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.
- (iii) Full compliance with the applicable requirements specified in subparagraphs 2., 3., and 4. must be completed before **January 1, 2015**.

(jj) **VOC Emissions from Surface Coating of Flat Wood Paneling.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of flat wood paneling to exceed:
 - (i) 6.0 pounds per 1000 square feet of coated finished product from printed interior panels, regardless of the number of coats applied;
 - (ii) 12.0 pounds per 1000 square feet of coated finished product from natural finish hardwood plywood panels, regardless of the number of coats applied; and
 - (iii) 10.0 pounds per 1000 square feet of coated finished product from Class II finishes on hardboard panels, regardless of the number of coats applied.
2. The emission limits in this subparagraph shall be achieved by:
 - (i) the application of low solvent coating technology where the 24-hour of all coatings on a single coating line or operation meets the limits stated in subparagraph 1. of this subparagraph; averaging across lines is not allowed; or
 - (ii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the limits stated in subparagraph 1. of this subparagraph.
 - (iii) control equipment demonstrated to have control efficiency equivalent to or greater or VOC emissions equal to or less than required in (i) or (ii) of this subparagraph and approved by the Director.
3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the inks, coatings, and adhesives used by flat wood paneling coating facilities to exceed:
 - (i) 2.1 lbs VOC per gallon (250 grams per liter) of coating, excluding water, and exempt compounds, or
 - (ii) 2.9 lbs VOC per gallon (350 grams per liter) of solids.
4. Averaging across lines for the VOC limits in subparagraph 3. is not permitted.

5. Should product performance requirements or other needs dictate the use of higher VOC coatings, than those specified in subparagraph 3., add-on control equipment with an overall control efficiency of 90% may be used as an alternative.
6. Each owner or operator of a facility that manufactures flat wood paneling shall comply with the following work practice standards:
 - (i) store all VOC-containing materials in closed containers;
 - (ii) ensure that mixing and storage containers used for VOC-containing materials are kept closed at all times except when depositing or removing these materials;
 - (iii) minimize spills of VOC-containing materials; and
 - (iv) convey VOC-containing materials from one location to another in closed containers or pipes.
7. For the purpose of this subparagraph, the following definitions also apply:
 - (i) "Class II hardboard paneling finish" means finishes which meet the specifications of Voluntary Product Standard PS-59-73 as approved by the American National Standards Institute.
 - (ii) "Coating application system" means all operations and equipment which apply, convey, and dry a surface coating, including, but not limited to, spray booths, flow coaters, conveyers, flashoff areas, air dryers and ovens.
 - (iii) "Flat wood paneling" means both interior and exterior panels used in construction and typically include decorative interior panels, exterior siding and tileboard. Flat wood paneling includes hardboard, hardwood plywood, natural finish hardwood plywood panels, printed interior panels, thin particleboard and tileboard.
 - (iv) "Hardboard" is a panel manufactured primarily from interfelted lignocellulosic fibers which are consolidated under heat and pressure in a hot press.
 - (v) "Hardwood plywood" is plywood whose surface layer is a veneer.
 - (vi) "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

- (vii) "Thin particleboard" is a manufactured board 1/4 inch or less in thickness made of individual wood particles which have been coated with a binder and formed into flat sheets by pressure.
- (viii) "Tileboard" means paneling that has a colored waterproof surface coating.
- (ix) "Printed interior panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

8. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (jj) shall apply to facilities at which the actual emissions of volatile organic compounds from the surface coating of flat wood paneling equal or exceed 15 pounds per day and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:
 - (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 7.
9. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (jj) shall apply to facilities at which the potential emissions of volatile organic compounds from the surface coating of flat wood paneling equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:
 - (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 7.
10. Applicability. On and after January 1, 2015, the requirements of this subparagraph (jj) shall apply to facilities at which actual emissions of volatile organic compounds from the surface coating of flat wood paneling, before controls, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:
 - (i) All applicable facilities shall comply with the provisions of subparagraphs 3., 4., 5., 6., and 7.

- (ii) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 3., 4., 5., or 6. are subject to the compliance schedule specified in subparagraph 13.

11. Applicability. On and after January 1, 2015, the requirements of this subparagraph (jj) shall apply to facilities at which potential emissions of volatile organic compounds from the surface coating of flat wood paneling equal or exceed 100 tons per year and are located outside of counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

- (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 7.

12. Applicability. The requirements of subparagraphs 10. and 11. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 8. and 9. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 10. and 11. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

13. Compliance Schedule:

- (i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014.**
- (ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014.**
- (iii) Full compliance with the applicable requirements specified in subparagraph 10.(i) must be completed before **January 1, 2015.**

(kk) **VOC Emissions from Synthesized Pharmaceutical Manufacturing.**

1. The owner or operator of a synthesized pharmaceutical manufacturing facility shall:
 - (i) Control the volatile organic compound emissions from all reactors, distillation operations, crystallizers, centrifuges and vacuum dryers that emit 15 pounds per day or more of VOC. Surface condensers or equivalent controls shall be used, provided that:
 - (I) If surface condensers are used, the condenser outlet gas temperature must not exceed:
 - I. -13°F when condensing VOC of vapor pressure greater than 5.8 psi, measured at 68°F;
 - II. 5°F when condensing VOC of vapor pressure greater than 2.9 psi, measured at 68°F;
 - III. 32°F when condensing VOC of vapor pressure greater than 1.5 psi, measured at 68°F;
 - IV. 50°F when condensing VOC of vapor pressure greater than 1.0 psi, measured at 68°F;
 - V. 77°F when condensing VOC of vapor pressure greater than 0.5 psi, measured at 68°F.
 - (II) If equivalent controls are used, the VOC emissions must be reduced by at least as much as they would be by using a surface condenser which meets the requirements of Part I. of this subparagraph.
 - (ii) The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall reduce the VOC emissions from all air dryers and production equipment exhaust systems;
 - (I) By at least 90 percent if emissions are 330 pounds per day or more of VOC; or
 - (II) 33 pounds per day or less if emissions are less than 330 pounds;
 - (III) The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall:

- I. Provide a vapor balance system or equivalent control that is at least 90.0 percent effective in reducing emissions from truck or railcar deliveries to storage tanks with capacities greater than 2,000 gallons that store VOC with vapor pressures greater than 4.1 psi at 68°F; and
 - II. Install pressure/vacuum conservative vents set on all storage tanks that store VOC with vapor pressure greater than 1.5 psi at 68°F unless a more effective control system is used.
 - (iii) The owner or operator of a synthesized pharmaceutical facility subject to this regulation shall enclose all centrifuges, rotary vacuum filters, and other filters having an exposed liquid surface, where the liquid contains VOC and exerts a total VOC vapor pressure of 0.5 psi or more at 68°F.
 - (iv) The owner or operator of a synthesized pharmaceutical facility subject to this regulation shall install covers on all in-process tanks containing a volatile organic compound at any time. These covers must remain closed, unless production, sampling, maintenance, or inspection procedures require operator access.
 - (v) The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall repair all leaks from which liquid, containing VOC, can be observed running or dripping. The repair shall be completed the first time the equipment is off-line for a period of time long enough to complete the repair.
2. For the purpose of this regulation, the following definitions also apply:
- (i) "Condenser" means a device which cools a gas stream to a temperature which removes specific organic compounds by condensation;
 - (ii) "Control system" means any number of control devices, including condensers, which are designed and operated to reduce the quantity of VOC emitted to the atmosphere;

- (iii) "Reactor" means a vat or vessel, which may be jacketed to permit temperature control, designed to contain chemical reactions;
- (iv) "Separation operation" means a process that separates a mixture of compounds and solvents into two or more components. Specific mechanisms include extraction, centrifugation, filtration, and crystallization;
- (v) "Synthesized pharmaceutical manufacturing" means manufacture of pharmaceutical products by chemical synthesis;
- (vi) "Production equipment exhaust system" means a device for collecting and directing out of the work area VOC fugitive emissions from reactor openings, centrifuge openings, and other vessel openings for the purpose of protecting workers from excessive VOC exposure.

(II) VOC Emissions from the Manufacture of Pneumatic Rubber Tires.

1. The owner or operator of an undertread cementing, tread end cementing, or bead dipping operation subject to this regulation shall:
 - (i) Install and operate a capture system, designed to achieve maximum reasonable capture from all undertread cementing, tread and cementing and bead dipping operation; and install and operate a control device that effects at least a 90.0 percent reduction efficiency, measured across the control system, and has been approved by the Director.
 - (ii) The owner or operator of an undertread cementing operation, tread end cementing operation or bead dipping operation may, in lieu of a vapor capture and control system for those operations, make process changes which reduces emissions to a level equal to or below that which would be achieved with emission controls as specified in subparagraph (i) above.
2. The owner or operator of a green tire spraying operation subject to this regulation shall:
 - (i) Substitute water-based sprays for the normal solvent-based mold release compound; or
 - (ii) Comply with paragraph 1. of this regulation.

3. If the total volatile organic compound emissions from all undertreading cementing, tread end cementing, bead dipping and green tire spraying operations at a pneumatic rubber tire manufacturing facility do not exceed 57 grams per tire, paragraphs 1. and 2. above shall not apply.
4. For the purpose of this subsection the following definitions also apply:
 - (i) "Pneumatic rubber tire manufacture" means the undertread cementing, tread end cementing, bead dipping, and green tire spraying associated with the production of pneumatic rubber, passenger type tires on a mass production basis.
 - (ii) "Passenger type tire" means agricultural, airplane, industrial, mobile home, light and medium duty truck, and passenger vehicle tires with a bead diameter up to but excluding 20.0 inches and cross section dimension up to 12.8 inches.
 - (iii) "Undertread cementing" means the application of a solvent based cement to the underside of a tire tread.
 - (iv) "Bead dipping" means the dipping of an assembled tire bead into a solvent based cement.
 - (v) "Tread end cementing" means the application of a solvent based cement to the tire tread ends.
 - (vi) "Green tires" means assembled tires before molding and curing have occurred.
 - (vii) "Green tire spraying" means the spraying of green tires, both inside and outside, with release compounds which help remove air from the tire during molding and prevent the tire from sticking to the mold after curing.
 - (viii) "Water based spray" means release compounds, sprayed on the inside and outside of green tires, in which solids, water, and emulsifiers have been substituted for organic solvents.

(mm) VOC Emissions from Graphic Arts Systems.

1. No person shall cause, let, permit, suffer, or allow the operation of a packaging rotogravure, publication rotogravure or flexographic printing facility unless:

- (i) For packaging rotogravure and flexographic printing, the VOC content of any ink or coating as applied is equal to or less than one of the following:
 - (I) 25 percent by volume of the volatile content of the coating or ink; or
 - (II) 40 percent by volume of the coating or ink, minus water; or
 - (III) 0.5 pounds of VOC per pound of coating solids.
 - (ii) For publication rotogravure printing, the VOC content of any ink or coating as applied is equal to or less than one of the following:
 - (I) 25 percent by volume of the volatile content of the coating or ink; or
 - (II) 40 percent by volume of the coating or ink, minus water.
- 2. As an alternative to compliance with the limits in subparagraph 1., an owner or operator of a packaging rotogravure, publication rotogravure or flexographic printing facility may comply with the requirements of this subparagraph by:
 - (i) Averaging on a 24-hour weighted basis the VOC content of all inks and coatings, as applied, on a single printing line, where the average does not exceed the limits in subparagraph 1.; averaging across lines is not allowed; or
 - (ii) Installing and operating volatile organic compound emission reduction equipment having at least 90.0 percent reduction efficiency, and a capture system approved by the Director.
- 3. If, as an alternative to compliance with the limits in subparagraph 1.(i), volatile organic compound emission reduction equipment is installed and operated at a flexible packaging printing facility to comply with subparagraph 2.(ii) it shall have an overall VOC control efficiency that is equal to or greater than the percentage specified in the following subparagraphs (i) through (iv).
 - (i) 65 percent for a press that was first installed prior to March 14, 1995, and that is controlled by an add-on air pollution control device whose first installation date was prior to February 19, 2012;

- (ii) 70 percent for a press that was first installed prior to March 14, 1995, and that is controlled by an add-on air pollution control device whose first installation date was on or after February 19, 2012;
 - (iii) 75 percent for a press that was first installed on or after to March 14, 1995, and that is controlled by an add-on air pollution control device whose first installation date was prior to February 19, 2012; and
 - (iv) 80 percent for a press that was first installed on or after March 14, 1995, and that is controlled by an add-on air pollution control device whose first installation date was on or after February 19, 2012.
- 4. Each owner or operator of a facility that prints flexible packaging shall comply with the following housekeeping requirements for any affected cleaning operation:
 - (i) store all VOC-containing cleaning materials and used shop towels in closed containers;
 - (ii) ensure that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;
 - (iii) minimize spills of VOC-containing cleaning materials;
 - (iv) convey VOC-containing cleaning materials from one location to another in closed containers or pipes; and
 - (v) minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.
- 5. For the purpose of this subparagraph, the following definitions shall apply:
 - (i) "Cleaning" for flexible packaging printing means cleaning of a press, press parts, or removing dried ink from areas around a press. It does not include cleaning electronic components of a press, cleaning in-press or post-press operations or the use of janitorial supplies to clean areas around a press.

- (ii) "Flexible packaging printing" refers to printing upon any package or part of a package the shape of which can be readily changed. Flexible packaging includes, but is not limited to, bags, pouches, liners, and wraps utilizing paper, plastic, film, aluminum foil, metalized or coated paper or film, or any combination of these materials.
 - (iii) "Flexographic printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.
 - (iv) "Packaging rotogravure printing" means rotogravure printing upon paper, paperboard, metal foil, plastic film, and other substrates, which are in subsequent operations, formed into packaging products and labels for articles to be sold.
 - (v) "Publication rotogravure printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.
 - (vi) "Rotogravure printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique which involves intaglio or recessed image areas in the form of cells.
 - (vii) "Roll printing" means the application of words, designs and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.
6. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (mm) shall apply to facilities at which the potential emissions of volatile organic compounds from packaging rotogravure, publication rotogravure, and flexographic printing equal or exceed 25 tons per year and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:
- (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 5.

7. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (mm) shall apply to facilities at which the potential emissions of volatile organic compounds from packaging rotogravure, publication rotogravure, and flexographic printing equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:
 - (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 5.
8. Applicability. On and after January 1, 2015, the requirements of this subparagraph (mm) shall apply to facilities at which actual emissions of volatile organic compounds from flexible package printing, before controls, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:
 - (i) Individual presses that have potential emissions of volatile organic compounds from flexible package printing that equal or exceed 25 tons per year shall comply with the provisions of subparagraphs 1.(i), 2., and 3.
 - (ii) Individual presses that have potential emissions of volatile organic compounds from flexible package printing that do not equal or exceed 25 tons per year shall comply with the provisions of subparagraphs 1.(i) and 2.
 - (iii) All applicable facilities shall comply with the provisions of subparagraphs 4., 5., and 14.
 - (iv) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraph 8.(i) or (iii) are subject to the compliance schedule specified in subparagraph 13.
9. Applicability, On and after January 1, 2015, the requirements of this subparagraph (mm) shall apply to facilities at which potential emissions of volatile organic compounds from packaging rotogravure, publication rotogravure, and flexographic printing equals or exceeds 25 tons per year but at which the actual emissions of volatile organic compounds from flexible package printing, before controls, is less than 15 pounds per day (or 2.7 tons per 12-month rolling period) and are located in Cherokee,

Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

- (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 5.

- 10. Applicability. On and after January 1 2015, the requirements of this subparagraph (mm) shall apply to facilities at which potential emissions of volatile organic compounds from packaging rotogravure, publication rotogravure, and flexographic printing equal or exceeds 100 tons per year but at which the actual emissions of volatile organic compounds from flexible package printing, before controls, is less than 15 pounds per day (or 2.7 tons per 12-month rolling period) and are located Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton Counties as follows:

- (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 5.

- 11. Applicability. On and after January 1, 2015, the requirements of this subparagraph (mm) shall apply to facilities at which the potential emissions of volatile organic compounds from packaging rotogravure, publication rotogravure, and flexible package printing equal or exceed 100 tons per year and are located outside of counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

- (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 5.

- 12. Applicability: The requirements of subparagraphs 8., 9., 10., and 11. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 6. and 7. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 8., 9., 10., and 11. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

- 13. Compliance schedule:

- (i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than July 1, 2014.
 - (ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by November 1, 2014.
 - (iii) Full compliance with the applicable requirements specified in subparagraph 8.(i) and (iii) must be completed before January 1, 2015.
14. Compliance determinations for inks shall treat volatile compounds not defined as VOCs as water for the purposes of calculating the "percent-by-volume-or-more of water" and the "less water" parts of the ink composition.

(nn) VOC Emissions from External Floating Roof Tanks.

1. No person shall cause, let, permit, suffer, or allow the storage of petroleum liquids in external floating roof tanks having capacities greater than 40,000 gallons unless:
 - (i) The vessel has been fitted with:
 - (I) A continuous secondary seal extending from the floating roof to the tank wall (rim-mounted secondary seal); or
 - (II) A closure or other device which controls VOC emissions with an effectiveness equal to or greater than a seal required under Part (I) of this subparagraph and approved by the Director.
 - (ii) All seal closure devices meet the following requirements:
 - (I) There are no visible holes, tears, or other openings in the seal(s) or seal fabric;
 - (II) The seal(s) are intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall; and
 - (III) For vapor mounted primary seals, the accumulated area of gaps exceeding 1/8 inch in width between the secondary

seal and the tank wall shall not exceed 1.0 inch 2 per foot of tank diameter.

- (iii) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves are:
 - (I) Equipped with covers, seals, or lids in the closed position except when the openings are in actual use; and
 - (II) Equipped with projections into the tank which remain below the liquid surface at all times.
 - (iv) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports;
 - (v) Rim vents are set to open when the roof is being floated off leg supports or at the manufacturer's recommended setting; and
 - (vi) Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least 90 percent of the area of the opening.
2. The owner or operator of a petroleum liquid storage vessel with an external floating roof subject to this regulation shall:
- (i) Perform routine inspections semi-annually in order to insure compliance with paragraph 1. of this subsection and the inspections shall include a visual inspection of the secondary seal gap;
 - (ii) Measure the secondary seal gap annually when the floating roof is equipped with a vapor-mounted primary seal; and
 - (iii) Maintain records of the types of volatile petroleum liquids stored, the maximum true vapor pressure of the liquid as stored, and the results of the inspections performed in subparagraphs 2.(i) and (ii).
3. Copies of all records under paragraphs 2. of this subsection shall be retained by the owner or operator for a minimum of two years after the date on which the record was made.
4. Copies of all records under this section shall immediately be made available to the Director, upon verbal or written request, at any reasonable time.

5. The Director may, upon written notice, require more frequent inspections or modify the monitoring and record keeping requirements, when necessary to accomplish the purposes of this regulation.
6. This regulation does not apply to petroleum liquid storage vessels which:
 - (i) Are used to store waxy, heavy pour crude oil;
 - (ii) Have capacities less than 420,000 gallons and are used to store produced crude oil and condensate prior to lease custody transfer;
 - (iii) Contain a petroleum liquid with a true vapor pressure of less than 1.5 psia;
 - (iv) Contain a petroleum liquid with a true vapor pressure of less than 4.0 psia; and
 - (I) Are of welded construction; and
 - (II) Presently possess a metallic-type shoe seal, a liquid mounted foam seal, a liquid-mounted liquid filled type seal, or other closure device of demonstrated equivalence approved by the Director; or
 - (III) Are of welded construction, equipped with a metallic-type shoe primary seal and has a secondary seal from the top of the shoe to the tank wall (shoe-mounted secondary seal).
7. For the purpose of this subsection, the following definitions shall apply:
 - (i) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at standard conditions.
 - (ii) "Crude oil" means a naturally occurring mixture which consists of hydrocarbons and sulfur, nitrogen and/or oxygen derivatives of hydrocarbons which is a liquid at standard conditions.
 - (iii) "Lease custody transfer" means the transfer of produced crude oil and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.
 - (iv) "External floating roof" means a storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being

contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

- (v) "Liquid-mounted seal" means a primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof around the circumference of the tank.
- (vi) "Petroleum liquids" means crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery.
- (vii) "Vapor-mounted seal" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface and the floating roof.
- (viii) "Waxy, heavy pour crude oil" means a crude oil with a pour point of 50°F or higher as determined by the American Society for Testing and Materials Standards D97-66, "Test for Pour Point of Petroleum Oils."

(oo) Fiberglass Insulation Manufacturing Plants.

1. No person shall cause, let, suffer, permit or allow the emission of particulate matter from any fiberglass insulation production line to exceed a concentration of 0.04 grains per standard dry cubic foot.
2. For the purpose of this subsection, "Fiberglass insulation production line" means any combination of equipment, devices or contrivances for the manufacture of fiberglass insulation. This does not include glass melting furnaces, equipment associated with the process which is defined herein as "Fuel-burning Equipment," equipment the primary purpose of which involves the handling, storing or packaging of the fiberglass insulation or equipment the primary purpose of which involves the handling, storing or conveying of raw products for input into the glass melting furnace.

(pp) Bulk Gasoline Plants.

1. After the compliance date specified in paragraph 6. of this subsection, no owner or operator of a bulk gasoline plant may permit the receiving or dispensing of gasoline by its stationary storage tanks unless:
 - (i) Each stationary storage tank is equipped with a submerged fill pipe, approved by the Director; or

- (ii) Each stationary storage tank is equipped with a fill line whose discharge opening is at the tank bottom.
 - (iii) Each stationary storage tank has a vapor balance system consisting of the following major components:
 - (I) A vapor space connection on the stationary storage tank equipped with fittings which are vapor tight and will automatically and immediately close upon disconnection so as to prevent release of gasoline or gasoline vapors; and
 - (II) A connecting pipe or hose equipped with fittings which are vapor tight and will automatically and immediately close upon disconnection so as to prevent release of gasoline or gasoline vapors.
- 2. After the compliance date specified in paragraph 6. of this subsection, no owner or operator of a bulk gasoline plant, or the owner or operator of a tank truck or trailer may permit the transfer of gasoline between the tank truck or trailer and stationary storage tank unless:
 - (i) The vapor balance system is in good working order and is connected and operating;
 - (ii) The gasoline transport vehicle is maintained to prevent the escape of fugitive vapors and gasses during loading operations;
 - (iii) A means is provided to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected; and
 - (iv) The pressure relief valves on storage vessels and tank trucks or trailers are set to release at 0.7 psia or greater unless restricted by state or local fire codes or the National Fire Prevention Association guidelines in which case the pressure relief valve must be set to release at the highest possible pressure allowed by these codes or guidelines.
- 3. The requirements of this subsection shall not apply to stationary storage tanks of less than 2,000 gallons.
- 4. Sources and persons affected under this subsection shall comply with the vapor collection and control system requirements of subsection 391-3-1-.02(2)(ss).

5. For the purpose of this subsection, the following definitions shall apply:

- (i) "Bottom filling" means the filling of a tank truck or stationary storage tank through an opening that is located at the tank bottom.
- (ii) "Bulk gasoline plant" means a gasoline storage and distribution facility with an average daily throughput of more than 4,000 gallons but less than 20,000 gallons which receives gasoline from bulk terminals by rail and/or trailer transport, stores it in tanks, and subsequently dispenses it via account trucks to local farms, businesses, and service stations.
- (iii) "Bulk gasoline terminal" means a gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck and has an average daily throughput of more than 20,000 gallons of gasoline.
- (iv) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4.0 psia or greater.
- (v) "Stationary Storage Tank" means all underground vessels and any aboveground vessels never intended for mobile use.
- (vi) "Submerged filling," means the filling of a tank truck or stationary tank through a pipe or hose whose discharge opening is not more than six inches from the tank bottom.
- (vii) "Vapor balance system" means a combination of pipes or hoses that create a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.

6. Compliance Dates.

- (i) All bulk gasoline plants located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale counties shall be in compliance.
- (ii) All bulk gasoline plants located in Catoosa, Richmond and Walker counties shall be in compliance with this subsection by May 1, 2006.

- (iii) All bulk gasoline plants located in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton counties shall be in compliance with this subsection by June 1, 2008.

(qq) VOC Emissions from Large Petroleum Dry Cleaners.

1. No person shall cause, let, permit, suffer or allow the emissions of VOC from a large petroleum dry cleaner facility to exceed 3.5 pounds per 100 pounds dry weight of articles dry cleaned.
2. The VOC content in all filtration waste shall be reduced to one pound or less per hundred pounds dry weight of articles dry cleaned before disposal and exposure to the atmosphere from a petroleum solvent filtration system; or
3. Install and operate a cartridge filtration system and drain the filter cartridges in the sealed housing for eight hours or more before their removal.
4. Each owner or operator of a large petroleum dry cleaner shall inspect all equipment for leaks every 15 days and repair all petroleum solvent vapor and liquid leaks within three working days after identifying the source of the leaks.
5. Each owner or operator of a large petroleum dry cleaner shall maintain sufficient records to demonstrate compliance and provide them to the Division upon request, for a period of two years.
6. For the purpose of this subsection, the following definitions shall apply:
 - (i) "Cartridge filter" means perforated canisters containing filtration paper and activated carbon that are used in the pressurized system to remove solid particles and fugitive dyes from soil-laden solvents.
 - (ii) "Large petroleum dry cleaner" means any facility engaged in the process of the cleaning of textile and fabric products in which articles are washed in a nonaqueous solution (solvent), then dried by exposure to a heated air stream and consumes 25 tons or more of a petroleum solvent annually.
 - (iii) "Solvent recovery dryer" means a class of dry cleaning dryers that employs a condenser to liquefy and recover solvent vapors evaporated in a closed loop recirculating stream of heated air.

(rr) Gasoline Dispensing Facility - Stage I.

1. Requirements: After the compliance date specified in subparagraph 16. of this subparagraph, no person may transfer or cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank subject to subparagraph (rr), unless:

(i) The stationary storage tank is equipped with all of the following:

(I) A submerged fill pipe; and

(II) A Division approved Gasoline Vapor Recovery System as noted below:

A. An Enhanced Stage I Gasoline Vapor Recovery System as defined in subparagraph 15.(iv) that shall remain in good working condition, such as keeping the vapor return opening free of liquid or solid obstructions, and that also shall be leak tight as determined by tests conducted in accordance with test procedures as approved by the Division; or

B. For existing gasoline dispensing facilities in Catoosa, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, Richmond, Rockdale, and Walker counties, a Stage I Gasoline Vapor Recovery System as defined in subparagraph 15.(x) that shall remain in good working condition; and

(III) Vents that shall be vertical and at least 12 feet in height from the ground and shall have a Pressure/Vacuum vent valve with settings as specified by applicable Stage I or II vapor recovery CARB executive order. In systems where vents have manifolds, the manifold may be less than 12 feet.

(ii) The vapors displaced from the gasoline stationary storage tank during filling are controlled by one of the following:

(I) A vapor-tight vapor return line from the gasoline stationary storage tank(s) to the delivery vessel for each product delivery line that is connected from the delivery vessel to the gasoline stationary storage tank(s) and a method or procedure that will ensure the vapor line(s) is connected before gasoline can be transferred into the gasoline stationary storage tank(s); or

- (II) If a manifold connects all gasoline stationary storage tanks vent lines, a vapor-tight vapor return line connected from a gasoline stationary storage tank being filled to the delivery vessel with sufficient return capacity to control vapors from all gasoline stationary storage tanks being filled at the time and to prevent release of said vapors from the vent line(s) or other gasoline stationary storage tank openings; however, no more than two tanks shall be filled at the same time per connected vapor-tight return line; or
 - (III) A refrigeration-condensation system or a carbon adsorption system is utilized and recovers at least 90 percent by weight of the organic compounds.
- 2. Applicability: The requirements contained in this subparagraph shall apply to all stationary storage tanks with capacities of 2,000 gallons or more which were in place before January 1, 1979, and stationary storage tanks with capacities of 250 gallons or more which were in place after December 31, 1978, located at gasoline dispensing facilities located in those counties of Barrow, Bartow, Carroll, Catoosa, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Paulding, Richmond, Rockdale, Spalding, Newton, Walker and Walton.
- 3. Applicability: Once a gasoline dispensing facility becomes subject to this rule, it will continue to be subject even if the gasoline average throughput rate falls below the applicability threshold.
- 4. Exemptions: The requirements of this subparagraph shall not apply to stationary storage tanks of less than 550 gallons capacity used exclusively for the fueling of implements of husbandry or to gasoline dispensing facilities that dispense no more than 10,000 gallons average monthly throughput rate of gasoline, provided the tanks are equipped with submerged fill pipes.
- 5. Stage I Gasoline Vapor Recovery Systems installed prior to January 1, 1993 that currently utilize a co-axial Stage I vapor recovery system in which the gasoline stationary storage tanks are not manifolded in any manner and that are utilized at a facility that is not required to have a Stage II vapor recovery system shall be exempted from installing a co-axial poppetted drop tube. All co-axial Stage I Gasoline Vapor Recovery Systems must be upgraded to Enhanced Stage I Gasoline Vapor Recovery Systems before May 1, 2012.

6. Certification and Recertification Testing Requirements: All Stage I Gasoline Vapor Recovery Systems and Enhanced Stage I Gasoline Vapor Recovery Systems at gasoline dispensing facilities shall be certified by the equipment owner as being properly installed and properly functioning in accordance with the applicable CARB Executive Order. Certification and recertification testing shall be conducted by a qualified technician who has a thorough knowledge of the system. Tests shall be conducted in accordance with test procedures as approved by the Division. The fill cap and vapor cap must be removed when performing certification testing.
7. Certification and Recertification Testing Requirements: Testing may be conducted by the Division or by an installation or testing company that meets the minimum criteria established by the Division for conducting such tests. In the case where a party other than the Division will be conducting the testing, the owner or operator shall notify the Division at least five business days in advance as to when and where the testing will occur, what party will conduct the testing, and the CARB Executive Order number associated with the system to be tested. For Enhanced Stage I Gasoline Vapor Recovery Systems, a certified and trained individual is required to install and test the System in accordance with the applicable CARB Executive Order.
8. Certification, recertification, and testing and compliance reporting for all Stage I gasoline vapor recovery systems shall be required according to the following schedule:
 - (i) Certification testing is required within 30 days of system installation for any Stage I gasoline vapor recovery systems approved by the Division after December 31, 2002.
 - (ii) After June 1, 2008, recertification testing will be required within 12 months following the initial certification or recertification for any Stage I Gasoline Vapor Recovery Systems approved by the Division.
9. Reporting Requirements: Compliance reporting shall be required within 30 days of the certification or recertification test(s) required by subparagraph 8. This report shall be submitted to the Division and shall include results of all tests conducted for certification or recertification, including failed test results.
10. Maintenance Requirements: The owner or operator of the gasoline dispensing facility shall maintain the Enhanced Stage I Gasoline Vapor Recovery System or Stage I Gasoline Vapor Recovery System in proper operating condition as specified by the manufacturer and free of defects

that could impair the effectiveness of the system. For the purposes of this subparagraph, the following is a list of equipment defects that substantially impair the effectiveness of the systems in reducing gasoline bulk transfer and fugitive vapor emissions:

- (i) Absence or disconnection of any component that is a part of the approved system;
- (ii) Pressure/vacuum relief valves or dry breaks and drain valves in the spill bucket that are inoperative; and
- (iii) Any visible product leaks.

11. Upon identification of any of the defects as described above, the owner or operator of the gasoline dispensing facility shall immediately schedule and implement repair, replacement or adjustment by the company's repair representative as necessary.
12. Recordkeeping Requirements: The following records shall be maintained on-site for two years:
 - (i) Maintenance records including any repaired or replaced parts and a description of the problems;
 - (ii) Compliance records including warnings or notices of violation issued by the Division; and
 - (iii) Gasoline throughput records that will allow the average monthly gasoline throughput rate to be continuously determined.
13. Record disposal may be approved by the Division upon a written request by the owner or operator of the gasoline dispensing facility. Approval may be granted on a case-by-case basis considering volume of records, number of times the records have been inspected by the Division, and the value of maintaining the records.
14. Compliance Inspections: Gasoline dispensing facilities equipped with Enhanced Stage I Gasoline Vapor Recovery Systems and Stage I Gasoline Vapor Recovery Systems shall be subject to annual compliance inspections and functional testing which include but are not limited to the following:
 - (i) Verification that all equipment is present and maintains a certified system configuration as defined in subparagraphs 15.(iv). or 15.(x), whichever is applicable.

- (ii) Inspection of all Stage I vapor recovery related files to ensure that the gasoline dispensing facility has complied with maintenance requirements and other record keeping requirements such as inspection, compliance and volume reports as required by subparagraphs 10., 11., 12., and 13.
- (iii) Observation of the use of equipment by facility operators and product suppliers.
- (iv) Verification that the facility has complied with the certification and/or recertification testing requirements as specified by subparagraphs 6., 7., and 8., whichever is applicable.

15. Definitions: For the purpose of this subparagraph, the following definitions shall apply:

- (i) "Average monthly throughput rate" means the average of the gallons pumped monthly for the most recent two year period of operation excluding any inactive period. If a facility has not been in operation for two years or does not have access to records for the most recent two years of operation, the Division shall determine the length of time to determine the average of the gallons pumped monthly.
- (ii) "CARB" means the California Air Resources Board.
- (iii) "Delivery vessel" means tank trucks or trailers equipped with a storage tank and used for the transport of gasoline from sources of supply to stationary storage tanks of gasoline dispensing facilities.
- (iv) "Enhanced Stage I Gasoline Vapor Recovery System" means:
 - (I) any Stage I gasoline vapor recovery system properly certified under current version of the CARB vapor recovery certification procedures and applicable executive order effective on or after April 1, 2001, and demonstrated efficiency of 98% collection of vapor; or
 - (II) any Stage I gasoline vapor recovery system whose design has been submitted to the Division, has passed any required certification tests, demonstrated an efficiency of 98% collection of vapors, and whose owner/operator has received a written approval from the Division. The submitted design shall include but may not be limited to

drawings detailing all components of the system and a written narrative describing the components and their use.

- (v) "Existing gasoline dispensing facility" means any applicable gasoline dispensing facility with an approved Stage I Gasoline Vapor Recovery System that was in operation on or before April 30, 2008.
- (vi) "Gasoline" means a petroleum distillate having a Reid vapor pressure of 4.0 psia or greater.
- (vii) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.
- (viii) "Major Modification" means the addition, replacement, or removal of a gasoline storage tank or a modification that causes the tank top of an underground storage tank to be unburied.
- (ix) "Reconstruction" means the replacement of any stationary gasoline storage tank.
- (x) "Stage I Gasoline Vapor Recovery System" means:
 - (I) any Stage I Gasoline Vapor Recovery System properly certified under the CARB vapor recovery certification procedures effective before April 1, 2001, excluding the coaxial poppetted drop tube requirement exempted by subparagraph 5.; or
 - (II) any Stage I Gasoline Vapor Recovery System whose design has been submitted to the Division, has passed any required certification tests, demonstrated an efficiency of 95% collection of vapor and whose owner/operator has received a written approval from the Division. The submitted design shall include but may not be limited to drawings detailing all components of the system and a written narrative describing the components and their use. Mixing of equipment components certified under separate certification procedures may be allowed when supported by manufacturer or independent third-party certification that the configuration meets or exceeds the applicable

performance standards and has received prior written approval from the Division.

- (xi) "Stationary storage tank" means all underground vessels and any aboveground vessels never intended for mobile use.
- (xii) "Submerged fill pipe" means any fill pipe with a discharge opening which is within a nominal distance of six inches from the tank bottom.

16. Compliance Dates

- (i) All gasoline dispensing facilities located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale counties shall be in compliance.
- (ii) All gasoline dispensing facilities located in Catoosa, Richmond and Walker counties that dispense more than 50,000 gallons of gasoline per month shall be in compliance with this subparagraph by May 1, 2006.
- (iii) All gasoline dispensing facilities located in Catoosa, Richmond and Walker counties that dispense 50,000 gallons or less of gasoline per month shall be in compliance with this subparagraph by May 1, 2007.
- (iv) All gasoline dispensing facilities that dispense 100,000 gallons average monthly throughput of gasoline or more per month located in Barrow, Bartow, Carroll, Hall, Spalding, Newton and Walton counties shall be in compliance with this subparagraph by June 1, 2008.
- (v) All gasoline dispensing facilities that dispense greater than or equal to 50,000 gallons and less than 100,000 gallons average monthly throughput of gasoline per month located in Barrow, Bartow, Carroll, Hall, Spalding, Newton and Walton counties shall be in compliance with this subparagraph by November 1, 2008.
- (vi) All gasoline dispensing facilities that dispense greater than 10,000 gallons and less than 50,000 gallons average monthly throughput of gasoline-per-month and are located in Barrow, Bartow, Carroll,

Hall, Spalding, Newton and Walton counties shall be in compliance with this subparagraph by March 1, 2009.

- (vii) Upon the effective date of this rule, all newly constructed or reconstructed gasoline dispensing facilities located in Barrow, Bartow, Carroll, Catoosa, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Paulding, Richmond, Rockdale, Spalding, Newton, Walker and Walton shall be in compliance with this subparagraph upon startup of gasoline dispensing operations.
- (viii) Upon the effective date of this rule, all existing gasoline dispensing facilities located in Catoosa, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, Richmond, Rockdale, and Walker counties that undergo major modification shall be in compliance with the requirements of an approved Enhanced Stage I Gasoline Vapor Recovery System as defined in subparagraph 15.(iv) upon completion of the modification.
- (ix) All existing gasoline dispensing facilities located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale counties shall be in compliance with the requirements of an approved Enhanced Stage I Gasoline Vapor Recovery System as defined in subparagraph 15.(iv) before May 1, 2012.

(ss) Gasoline Transport Vehicles and Vapor Collection Systems.

1. After the compliance date specified in paragraph 6. of this subparagraph, no person shall cause, let, permit, suffer, or allow the loading or unloading of gasoline from a gasoline transport vehicle of any size capacity unless:
 - (i) The tank sustains a pressure change of not more than three inches of water in five minutes when pressurized to 18 inches of water and evacuated to six inches of water as tested at least once per year in accordance with test procedures specified by the Division;
 - (ii) Displays a marking on the right front (passenger) side of the tank, in characters at least 2 inches high, which reads either P/V TEST DATE or EPA27 and the date on which the gasoline transport tank was last tested;

- (iii) The tank has no visible liquid leaks and no gasoline vapor leaks as measured by a combustible gas detector;
- (iv) The owner or operator of the gasoline transport vehicle has submitted to the Division within 30 days of the test date a data sheet in the format specified by the Division containing at a minimum the following information: name of person(s) or company that conducted the test, date of test, test results including a list of any repairs made to the transport vehicle to bring it into compliance and the manufacturer's vehicle identification number (VIN) of the tank truck or frame number of a trailer-mounted tank; and
- (v) The transport vehicle has been equipped with fittings which are vapor tight and will automatically and immediately close upon disconnection so as to prevent release of gasoline or gasoline vapors, with a vapor return line and hatch seal designed to prevent the escape of gasoline or gasoline vapors while loading.

2. The owner or operator of a vapor collection and vapor control system shall:

- (i) Design and operate the vapor collection and vapor control system and the gasoline loading equipment in a manner that prevents:
 - (I) Gauge pressure from exceeding 18 inches of water and vacuum from exceeding six inches of water in the gasoline tank truck;
 - (II) A reading equal to or greater than 100 percent of the lower explosive limit (LEL, measured as propane) at one inch from all points on the perimeter of a potential leak source when measured (in accordance with test procedures specified by the Division) during loading or unloading operations at gasoline dispensing facilities, bulk gasoline plants and bulk gasoline terminals; and
 - (III) Avoidable visible liquid leaks during loading and unloading operations at gasoline dispensing facilities, bulk gasoline plants and bulk gasoline terminals.
- (ii) Within 15 days, repair and retest a vapor collection or vapor control system that exceeds the limits in Subparagraph (i) above.

3. Applicability: The requirements of this subparagraph shall apply only to those gasoline transport vehicles which load or unload gasoline at bulk gasoline terminals, bulk gasoline plants, and gasoline dispensing facilities subject to VOC vapor control requirements contained under section 391-3-1-.02(2).
4. The Division may require a pressure/vacuum retest or leak check for any gasoline transport vehicle, vapor collection system, vapor control system, and/or gasoline loading equipment subject to this subparagraph. A gasoline transport vehicle, vapor collection system, vapor control system, and/or gasoline loading equipment for which the Division has required a pressure/vacuum retest or leak check shall:
 - (i) Cease loading and unloading operations within fourteen (14) days of the date of the initial retest or leak check request unless the retest or leak check has been completed to the satisfaction of the Division;
 - (ii) Provide written advance notification to the Division of the scheduled time and place of the test in order to provide the Division an opportunity to have an observer present; and
 - (iii) Supply a copy of the results of all such tests to the Division within 30 days of the test date.
5. For the purpose of this subparagraph, the following definitions shall apply:
 - (i) "Combustible Gas Detector" means a portable VOC gas analyzer with a minimum range of 0-100 percent of the LEL as propane.
 - (ii) "Gasoline" means a petroleum distillate having a Reid vapor pressure of 4.0 psia or greater.
 - (iii) "Gasoline Transport Vehicle" means any mobile storage vessel including tank trucks and trailers used for the transport of gasoline from sources of supply to stationary storage tanks of gasoline dispensing facilities, bulk gasoline plants or bulk gasoline terminals.
 - (iv) "Gasoline Vapor Leak" means a reading of 100 percent or greater of the Lower Explosive Limit (LEL) of gasoline when measured as propane at a distance of one inch.
 - (v) "Vapor Collection System" means a vapor transport system, including any piping, hoses and devices, which uses direct displacement by the gasoline being transferred to force vapors from

the vessel being loaded into either a vessel being unloaded or vapor control system or vapor holding tank.

- (vi) "Vapor Control System" means a system, including any piping, hoses, equipment and devices, that is designed to control the release of volatile organic compounds displaced from a vessel during transfer of gasoline.

6. Compliance Dates.

- (i) All gasoline transport vehicles and vapor collection systems operating in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale counties shall be in compliance.
- (ii) All gasoline transport vehicles and vapor collection systems operating in Catoosa, Richmond and Walker counties shall be in compliance with this subparagraph by May 1, 2006.
- (iii) All gasoline transport vehicles and vapor collection systems operating in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton counties shall be in compliance with this subparagraph by June 1, 2008.

(tt) **VOC Emissions from Major Sources.**

- 1. No person shall cause, let, permit, suffer or allow the emissions of VOC from any source to exceed the levels specified in paragraph 3. below unless such source has been approved by the Director as utilizing all reasonably available control technology in controlling those VOC emissions.
- 2. For the purpose of this subsection, "Reasonably Available Control Technology" means the utilization and/or implementation of water based or low solvent coatings, VOC control equipment such as incineration, carbon adsorption, refrigeration or other like means as determined by the Director to represent reasonably available control technology for the source category in question.
- 3. The requirements contained in this subsection shall apply to all such sources located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale which have potential VOC emissions exceeding 25 tons-per-year and to all such sources in the counties of Barrow, Bartow, Carroll, Hall,

Newton, Spalding, and Walton which have potential VOC emissions exceeding 100 tons-per-year.

4. Compliance Dates.

(i) All sources of VOC emissions subject to this subsection and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.

(ii) All sources of VOC emissions subject to this subsection located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton and in operation on or before October 1, 1999, shall comply with the following compliance schedule:

(I) A demonstration of appropriate reasonably available control technology for controlling VOC emissions from the source must be submitted to the Division no later than October 1, 2000. Each demonstration is subject to approval, denial, or modification by the Division.

(II) A final control plan and application for a permit to construct for the installation of VOC emission control systems and/or modification of coatings, solvents, processes, or equipment must be submitted to the Division no later than April 1, 2001.

(III) On-site construction of emission control systems and/or modification of coatings, solvents, processes, or equipment must be completed by March 1, 2003.

(IV) Full compliance with the applicable requirements of this subsection must be demonstrated through methods and procedures approved by Division on or before May 1, 2003.

(iii) All sources of VOC emissions subject to this subsection located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton and which begin initial operation after October 1, 1999, shall be in compliance upon startup.

(iv) All sources of VOC emissions subject to this subsection and located in Barrow County shall be in compliance by March 1, 2009.

5. For the purpose of determining applicability of this subsection, the emissions of VOC from any source shall exclude all VOC emissions subject

to any other more specific VOC requirements contained in other subsections of this Rule.

6. For all Reasonably Available Control Technology demonstrations approved or determined pursuant to this subsection, the Division shall issue a public notice which provides for an opportunity for public comment and an opportunity for a hearing on the determination.
7. All Reasonably Available Control Technology demonstrations, and any modifications or changes to those determinations, approved or determined by the Division pursuant to this subsection shall be submitted by the Division to the U.S. EPA as a revision to the state implementation plan. No Reasonably Available Control Technology demonstration, nor any modification or change to a demonstration, approved or determined by the Division pursuant to this subsection shall revise the state implementation plan or be used as a state implementation plan credit, until it is approved by the U.S. EPA as a state implementation plan revision.

(uu) Visibility Protection.

1. The Director shall provide written notice of any permit application or written advance notice of a permit application for a proposed major stationary source or major modification to an existing major stationary source of emissions from which may have an impact on visibility in a Class I area to the federal land manager and the federal official charged with direct responsibility for management of any land within any such area.
2. The Director shall provide such notice within 30 days after receiving an application or written advance notice from a source as described in paragraph 1. above. The notification of a permit application shall include an analysis of the proposed source's anticipated impact on visibility in any federal Class I area and all materials in the application. In addition, the Director shall provide the Federal Land Manager a 60-day notice of any public hearing on that permit application.
3. The Director shall consider any analysis performed and/or written comments made by the Federal Land Manager in any final determination regarding the issuance of the permit provided that such analysis and/or comments are received within 30 days of having been notified by the Division. Where such analysis does not demonstrate to the satisfaction of the Director that an adverse impact will occur, the Director shall explain his decision and give notice of where the explanation can be obtained.

4. The provisions of this paragraph shall apply regardless of whether the proposed facility is to be located in an attainment, unclassified or non-attainment area.
5. The Director may require the source to monitor visibility in any Class I Federal area near the proposed new stationary source or major modification for such purposes and by such means as the Director deems necessary and appropriate.
6. For the purpose of this paragraph, major stationary source or major modification to an existing source shall be defined as in 40 CFR 51.24, but only for the pollutants of particulate matter, sulfur dioxide and nitrogen oxides.
7. Prior to the issuance of any permit, the Director shall ensure that the source's emissions will be consistent with making reasonable progress towards the national visibility goal of preventing any future, and remedying any existing, impairment of visibility in mandatory Class I areas which impairment results from manmade air pollution. The Director may take into account the cost of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the useful life of the source.
8. For the purpose of this paragraph, "impact on visibility" means visibility impairment (reductions in visual range and atmospheric discoloration) which interferes with the management, protection, preservation or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairment, and must have these factors correlate with:
 - (i) Times of visitor use of the Federal Class I area; and
 - (ii) The frequency and timing of natural conditions that reduce visibility.

(vv) Volatile Organic Liquid Handling and Storage.

1. After the compliance date specified in section 3. of this subsection, no person subject to other VOC requirements contained in other subsections of this Rule may transfer or cause or allow the transfer of any volatile organic liquid other than gasoline from any delivery vessel into a stationary storage tank of greater than 4,000 gallons, unless the tank is equipped with submerged fill pipes.

2. For the purpose of this subsection, the following definitions shall apply:

- (i) "Delivery Vessel" means any tank truck or trailer equipped with a storage tank in use for the transport of volatile organic liquids from sources of supply to stationary storage tanks; and
- (ii) "Submerged Fill Pipe" means any fill pipe with a discharge opening which is within six inches of the tank bottom.

3. Compliance Dates.

- (i) All volatile organic liquid handling and storage facilities located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.
- (ii) All volatile organic liquid handling and storage facilities subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and in operation on or before October 1, 1999, shall be in compliance by May 1, 2003.
- (iii) All volatile organic liquid handling and storage facilities subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and which begin initial operation after October 1, 1999, shall be in compliance upon startup.
- (iv) All volatile organic liquid handling and storage facilities subject to this subsection and located in Barrow County shall be in compliance by March 1, 2009.

(ww) **Reserved.**

(xx) **Reserved.**

(yy) **Emissions of Nitrogen Oxides from Major Sources.**

- 1. No person shall cause, let, permit, suffer or allow the emissions of nitrogen oxides from any source to exceed the levels specified in paragraph 2. below unless such source has been approved by the Director as meeting the appropriate requirement for all reasonably available control technology in controlling those emissions of nitrogen oxides.
- 2. The requirements contained in this subsection shall apply to all such sources located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding,

and Rockdale which have potential emissions of nitrogen oxides, expressed as nitrogen dioxide, exceeding 25 tons-per-year and to all such sources in the counties of Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton which have potential emissions of nitrogen oxides, expressed as nitrogen dioxide, exceeding 100 tons-per-year.

3. Compliance Dates.

- (i) All sources of nitrogen oxides emissions subject to this subsection which have potential emissions of nitrogen oxides, expressed as nitrogen dioxide, exceeding 50 tons per year; were in operation on or before April 1, 2004; and are located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.
- (ii) All sources of nitrogen oxides emissions subject to this subsection located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton and in operation on or before October 1, 1999, shall comply with the following compliance schedule:
 - (I) A demonstration of appropriate reasonably available control technology for controlling emissions of nitrogen oxides from the source must be submitted to the Division no later than October 1, 2000. Each demonstration is subject to approval, denial, or modification by the Division.
 - (II) A final control plan and application for a permit to construct for the installation of nitrogen oxides emission control systems and/or modifications of process or fuel-burning equipment must be submitted to the Division no later than April 1, 2001.
 - (III) On-site construction of emission control systems and/or modification of process or fuel-burning equipment must be completed by March 1, 2003.
 - (IV) Full compliance with the applicable requirements of this subsection must be demonstrated through methods and procedures approved by Division on or before May 1, 2003.
- (iii) All sources of nitrogen oxides emissions subject to this subsection located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton and which begin initial operation after October 1, 1999, shall be in compliance.

- (iv) All sources of nitrogen oxides emissions subject to this subsection which have potential emissions, expressed as nitrogen dioxide, not exceeding 50 tons-per-year; were in operation on or before April 1, 2004; and are located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall comply with the following compliance schedule:
 - (I) A demonstration of appropriate reasonably available control technology for controlling emissions of nitrogen oxides from the source must be submitted to the Division no later than October 1, 2004. Each demonstration is subject to approval, denial, or modification by the Division.
 - (II) A final control plan and application for a permit to construct for the installation of nitrogen oxides emission control systems and/or modifications of process or fuel-burning equipment must be submitted to the Division no later than April 1, 2005.
 - (III) On-site construction of emission control systems and/or modification of process or fuel-burning equipment must be completed by March 1, 2007.
 - (IV) Full compliance with the applicable requirements of this subsection must be demonstrated through methods and procedures approved by Division on or before May 1, 2007.
 - (v) All sources of nitrogen oxide emissions subject to this subsection located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale and which begin initial operation after April 1, 2004, shall be in compliance upon startup.
 - (vi) All sources of nitrogen oxide emissions subject to this subsection and located in Barrow County shall be in compliance by March 1, 2009.
4. The requirements contained in this subsection shall not apply to individual equipment at the source which have potential emissions of nitrogen oxides, expressed as nitrogen dioxide, in quantities less than a de minimis level of one ton-per-year or to air pollution control devices which are installed to effect compliance with any requirement of this Chapter.

5. The requirements contained in this subsection shall not apply to individual equipment at the source which are subject to subsections (jjj), (lll), (mmm), or (nnn) of this section 391-3-1-.02(2).
6. For the purpose of determining applicability of this subsection, the emissions of nitrogen oxides from any source shall exclude all nitrogen oxides emissions subject to subsections (jjj), (lll), (mmm), or (nnn) of this section 391-3-1-.02(2).
7. For all Reasonably Available Control Technology demonstrations approved or determined pursuant to this subsection, the Division shall issue a public notice which provides for an opportunity for public comment and an opportunity for a hearing on the determination.
8. All Reasonably Available Control Technology demonstrations, and any modifications or changes to those determinations, approved or determined by the Division pursuant to this subsection shall be submitted by the Division to the U.S. EPA as a revision to the state implementation plan. No Reasonably Available Control Technology demonstration, nor any modification or change to a demonstration, approved or determined by the Division pursuant to this subsection shall revise the state implementation plan or be used as a state implementation plan credit, until it is approved by the U.S. EPA as a state implementation plan revision.

(zz) **[reserved]**

(aaa) **[reserved]**

(bbb) **[reserved]**

(ccc) **VOC Emissions from Bulk Mixing Tanks.**

1. After the compliance date specified in section 4. of this subsection, no person shall let, permit, suffer, or allow the operation of a mixing tank unless the following requirements for control of emissions of volatile organic compounds are satisfied:
 - (i) All portable and stationary mixing tanks used for the manufacture of any VOC containing material shall be equipped with covers which completely cover the tank except for an opening no larger than necessary to allow for safe clearance of the mixer shaft. The tank opening shall be covered at all times except when operator access is necessary.

- (ii) Free fall of VOC containing material into product containers shall be accomplished by utilization of drop tubes, fill pipes or low-clearance equipment design on filling equipment unless demonstrated to the Division impractical for a specific operation.
 - (iii) Detergents or non-VOC containing cleaners shall be utilized for both general and routine cleaning operations of floors, equipment, and containers unless the cleanup cannot be accomplished without the use of VOC containing cleaners.
 - (iv) All waste solvents shall be stored in closed containers or vessels, unless demonstrated to be a safety hazard, and shall be disposed or reclaimed such solvents in a manner approved by the Division.
- 2. For the purpose of this subsection, the following definitions shall apply:
 - (i) "Mixing Tanks" means any vessel in which resin, coating or other materials, or any combination thereof, are added to produce product blend.
- 3. The requirements of this subsection shall apply to facilities with potential VOC emissions exceeding 25 tons-per-year and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale and to facilities with potential VOC emissions exceeding 100 tons-per-year and located in the counties of Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton.
- 4. Compliance Dates.
 - (i) All sources subject to this subsection and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale shall be in compliance.
 - (ii) All sources subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and in operation on or before October 1, 1999, shall be in compliance by May 1, 2003.
 - (iii) All sources subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and which begin initial operation after October 1, 1999 shall be in compliance with this subsection upon startup.

- (iv) All sources subject to this subsection and located in Barrow County shall be in compliance by March 1, 2009.

(ddd) **VOC Emissions from Offset Lithography and Letterpress.**

1. No person shall cause, let, permit, suffer, or allow the operation of any offset lithography printing facility unless:
 - (i) Offset presses utilize fountain solutions containing 8 percent or less by volume VOCs; and
 - (ii) The owner or operator installs and operates a VOC emission reduction system for all heatset offset printing operations approved by the Director to have at least a 90 percent reduction efficiency and a capture system approved by the Director, or an equivalent VOC emission rate.
2. No person shall cause, let, permit, suffer, or allow the operation of any sheet-fed offset lithography printing facility unless the VOC content of the on-press (as-applied) fountain solution is:
 - (i) 5.0 percent alcohol or less (by weight); or
 - (ii) 8.5 percent alcohol or less (by weight) and the fountain solution is refrigerated to below 60°F (15.5°C); or
 - (iii) 5 percent alcohol substitute or less (by weight) and no alcohol in the fountain solution.
3. Sheet-fed offset lithography presses with a sheet size of 11 inches by 17 inches or smaller, and presses with a total fountain solution reservoir of less than 1 gallon are exempt.
4. No person shall cause, let, permit, suffer or allow the operation of any cold-set web-fed offset lithography printing facility unless the VOC content of the on-press (as applied) fountain solution is 5 percent alcohol substitute or less (by weight) and no alcohol in the fountain solution.
5. No person shall cause, let, permit, suffer, or allow the operation of any heatset web-fed offset lithography printing facility unless the VOC content of the on-press (as-applied) fountain solutions is:
 - (i) 1.6 percent alcohol or less (by weight); or

- (ii) 3.0 percent alcohol or less (by weight) and the fountain solution is refrigerated to below 60°F (15.5°C); or
 - (iii) 5.0 percent alcohol substitute or less (by weight) and no alcohol in the fountain solution.
- 6. For heatset web-fed offset lithographic and letterpress printing presses, the owner or operator shall install and operate a VOC emission reduction system for all dryers with a potential to emit greater than or equal to 25 tons of VOC emissions per year prior to controls.
 - (i) Control devices with an initial installation date on or before January 1, 2015, shall be approved by the Director to have at least a 90 percent reduction efficiency and a capture system approved by the Director.
 - (ii) Control devices with an initial installation date after January 1, 2015, shall be approved by the Director to have at least a 95 percent reduction efficiency and a capture system approved by the Director.
 - (iii) For situations where the inlet concentration is so low that 90 or 95 percent efficiency cannot be achieved, an outlet concentration of 20 ppmv as hexane on a dry basis may be used as an alternative.
 - (iv) Heatset presses used for book printing and heatset presses with a maximum web width of 22 inches or less are exempt from the requirements in of subparagraph 6.(i) through (iii).
 - (v) The following materials are exempt from the requirements of subparagraph 6.(i) through (iii):
 - (I) sheet-fed or coldset web-fed inks;
 - (II) sheet-fed or coldset web-fed varnishes; and
 - (III) waterborne coatings or radiation (ultra-violet light or electron beam) cured materials used on offset lithographic or letterpress presses.
- 7. All cleaners used for blanket washing, roller washing, plate cleaners, impression cylinder cleaners, rubber rejuvenators and other cleaners used for cleaning a press, press parts, or to remove dried ink from areas around

a press shall have a VOC composite vapor pressure less than 10 mm Hg at 20°Celsius or contain less than 70 weight percent VOC. For those tasks that cannot be carried out with low VOC composite vapor pressure cleaning materials or reduced VOC content cleaning materials, 110 gallons per year of cleaning materials that do not meet the requirements of this subsection may be used.

8. All cleaning materials and used shop towels are to be kept in closed containers.
9. For the purpose of this subsection, the following definitions shall apply:
 - (i) "Cleaning Materials" means the materials used to remove excess printing inks, oils, and residual paper from press equipment. These materials are typically mixtures of organic (often petroleum-based) solvents.
 - (ii) "Fountain Solution" means the mixture of water and additional ingredients such as etchant, gum arabic and dampening aid which coats the non-image areas of the printing plate.
 - (iii) "Letterpress printing" means a printing process in which the image area is raised relative to the non-image area and the past ink is transferred to the substrate directly from the image surface.
 - (iv) "Lithographic printing" means a printing process where the image and the non-image areas are chemically differentiated; the image area is oil receptive and non-image area is water receptive.
 - (v) "Offset lithography printing" means a printing process that transfers the ink film from the lithographic plate to an intermediary surface (blanket) which then transfers the ink film to the substrate.
 - (vi) "Sheet-fed" refers to the process in which the substrate is cut into sheets before being printed.
 - (vii) "Web-fed" refers to the process in which the substrate is supplied to the press in the form of rolls.
10. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (ddd) shall apply to facilities at which the potential emissions of volatile organic compounds from offset lithography printing equal or exceed 25 tons per year and are located in Cherokee,

Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

- (i) All applicable facilities shall comply with the provisions of subparagraphs 1. and 9.

11. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (ddd) shall apply to facilities at which the potential emissions of volatile organic compounds from offset lithography printing equal or exceed 100 tons per year and are located in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton Counties as follows:

- (i) All applicable facilities shall comply with the provisions of subparagraphs 1. and 9.

12. Applicability. Prior to January 1, 2015, all letterpress printing operations are subject to the applicability and control requirements of subparagraph 391-3-1-.02(2)(tt).

13. Applicability. On and after January 1, 2015, the requirements of this subparagraph (ddd) shall apply to facilities at which actual emissions of volatile organic compounds from offset lithographic printing and letter press printing, before controls, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

- (i) Individual heatset web offset lithographic printing presses and individual heatset web letterpress printing presses that have potential emissions of volatile organic compounds from the dryer, prior to controls, that equal or exceed 25 tons per year shall comply with the provisions of subparagraph 6;
- (ii) Individual heatset web offset lithographic printing presses that have potential emissions of volatile organic compounds from the dryer, prior to controls, that do not equal or exceed 25 tons per year and are located at facilities at which the potential emissions of volatile organic compounds from offset lithography printing equal or exceed 25 tons per year in Cherokee; Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties shall comply with the provisions of subparagraph 1.(ii);

- (iii) Individual heatset web offset lithographic printing presses that have potential emissions of volatile organic compounds from the dryer, prior to controls, that do not equal or exceed 25 tons per year and are located at facilities at which the potential emissions of volatile organic compounds from offset lithography printing equal or exceed 100 tons per year in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton Counties shall comply with the provisions of subparagraph 1.(ii);
 - (iv) All applicable facilities shall comply with the provisions of subparagraphs 2., 3., 4., 5., 7., 8., and 9;
 - (v) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 13.(i) or (iv) are subject to the compliance schedule specified in subparagraph 15.
14. Applicability: The requirements of subparagraph 13. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 10., 11., and 12. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraph 13. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.
15. Compliance Schedule:
- (i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014.**
 - (ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014.**
 - (iii) Full compliance with the applicable requirements specified in subparagraphs 13.(i) and (iv) must be completed before **January 1, 2015.**

(eee) **VOC Emissions from Expanded Polystyrene Products Manufacturing.**

1. Except as provided in sections 2., 3., and 4. of this section, after the compliance date specified in section 8. of this subsection, no person shall cause, let, permit, suffer, or allow the VOC emissions from an expandable polystyrene product manufacturing facility to exceed 0.015 lbs VOC/lb bead utilized.
2. No person shall cause, let, permit, suffer, or allow the operation of an expandable polystyrene cup manufacturing facility existing before November 1, 1987 unless the facility has installed and operates volatile organic compound emission reduction equipment on the pre-expanders having at least a 90.0 percent reduction efficiency and a capture system approved by the Director.
3. No person shall cause, let, permit, suffer, or allow the operation of an expandable polystyrene board insulation manufacturing facility existing before January 1, 1990 unless the facility has installed and operates volatile organic compound emission reduction equipment on the pre-expanders so as to achieve at least a 90.0 percent reduction efficiency and a capture system approved by the Director; or limits VOC emissions from the entire facility to no greater than 0.0175 lb VOC/lb bead utilized.
4. No person shall cause, let, permit, suffer, or allow the operation of an expandable polystyrene custom shape manufacturing facility existing before January 1, 1990, unless the facility utilizes a batch expander and reduced volatile expandable polystyrene bead containing no more than 4.5 percent initial VOC content. The monthly weighted average of all beads used shall not exceed 4.5 percent.
5. For the purposes of this subsection, VOC emitted after the average curing time shall not be considered to be emitted from the facility.
6. For the purpose of this subsection, the following definitions shall apply:
 - (i) "Expandable Polystyrene Products Manufacturing" means the manufacturing of products utilizing expandable polystyrene bead impregnated with a VOC blowing agent.
 - (ii) "Board Insulation Manufacturers" means producers of thermal insulation, display foam, or floatation products. Thermal insulation production usually requires densities as specified in ASTM C-578, the industry standard for both EPS and XPS insulation applications.

- (iii) "Custom Shape Manufacturers" means producers of a variety of different products ranging in density and size and based primarily on customer specifications.
 - (iv) "Pre-expander" means the system where initial expansion of the bead occurs.
 - (v) "Process" means the point from the opening of the gaylord to the end of the average curing time.
7. The requirements of this subsection shall apply to facilities with potential VOC emissions exceeding 25 tons per year and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale and to facilities with potential VOC emissions exceeding 100 tons per year and located in the counties of Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton.
8. Compliance Dates.
- (i) All sources subject to this subsection and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.
 - (ii) All sources subject to this subsection located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and in operation on or before October 1, 1999, shall be in compliance with this subsection by May 1, 2003.
 - (iii) All sources subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and which begin initial operation after October 1, 1999, shall be in compliance with this subsection upon startup.
 - (iv) All sources subject to this subsection and located in Barrow County shall be in compliance by March 1, 2009.

(fff) Particulate Matter Emissions from Yarn Spinning Operations.

1. No person shall cause, let, permit, suffer or allow the rate of particulate matter emissions from a yarn spinning operation with process input rates up to and including 30 tons per hour to equal or exceed the allowable rate of emissions calculated from the following equation.

$$E = 4.1P^{0.67}$$

where:

E = allowable emission rate in pounds per hour;

P = process input weight of raw or partially processed fiber in tons per hour.

2. For the purpose of this subparagraph, the term process, as it applies to the yarn spinning operation, shall include all of the activities from bale delivery, bale stripping, carding, drawing, spinning, twisting, to and including winding, conducted at the facility.

(ggg) Existing Municipal Solid Waste Landfills.

1. The provisions of this subsection apply to each existing municipal solid waste landfill that commenced construction, reconstruction or modification before May 30, 1991 and has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition. Physical or operational changes made to an existing municipal solid waste landfill solely to comply with this subsection are not considered construction, reconstruction, or modification and would not subject an existing municipal solid waste landfill to the requirements of 391-3-1-.02(8)(b)72. which are the Federal New Source Performance Standards for Municipal Solid Waste Landfills.
2. Definitions of all Terms used, but not defined in this subsection, have the meaning given them in 40 CFR Part 60 Subpart WWW, as amended. Terms not defined therein shall have the meaning given them in the federal Clean Air Act, the Georgia Air Quality Act or 40 CFR Part 60 Subparts A and B.
 - (i) The word "Administrator" as used in regulations adopted in this subsection shall mean the Director of the Georgia Environmental Protection Division.
3. For the purposes of implementing the requirements and provisions of the Emission Guidelines of 40 CFR 60 Subpart Cc for Existing Municipal Solid Waste Landfills, each existing municipal solid waste landfill meeting the conditions of paragraph 1. of this subsection shall comply with all of the applicable standards, requirements and provisions of 40 CFR Part 60 Subpart WWW, as amended, which is hereby incorporated and adopted by reference with the exceptions as follows:

- (i) Standards for air emissions from municipal solid waste landfills. The FR 60.752 apply as stated therein with the exception of the following:

- (I) In lieu of 40 CFR 60.752(a)(2), the following provision applies:

When an increase in the maximum design capacity of a landfill exempted from the provisions of 40 CFR 60.752(b) through 40 CFR 60.759 on the basis of the design capacity exemption in 40 CFR 60.752(a) results in a revised maximum design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, the owner or operator shall comply with the provision of 391-3-1-.02(8)(b)72. which are the Federal New Source Performance Standards for Municipal Solid Waste Landfills.

- (II) In lieu of 40 CFR 60.752(b)(2)(i)(B), the following provision applies:

The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40 CFR 60.753 through 40 CFR 60.758 proposed by the owner or operator. In addition, the collection and control system design plan must specify:

- (1) the date by which contracts for control system/process modifications shall be awarded, (which shall be no later than 20 months after the date the NMOC emissions rate is first calculated to meet or exceed 50 megagrams per year);
 - (2) the date by which on-site construction or installation of the air pollution control devices(s) or process changes will begin (which shall be no later than 24 months after the date the NMOC emissions rate is first calculated to meet or exceed 50 megagrams per year); and

(3) the date by which the construction or installation of the air pollution control devices(s) or process changes will be complete.

(III) In lieu of 40 CFR 60.752(c)(1) and (c)(2) which establishes the date that a landfill is subject to 40 CFR Parts 70 and 71, the following date applies:

I. June 23, 1997.

- (ii) Operational standards for collection and control systems. The provisions of 40 CFR 60.753 apply as stated therein.
- (iii) Test methods and procedures. The provisions of 40 CFR 60.754 apply as stated therein with the exception of 40 CFR 60.754(c), which does not apply.
- (iv) Compliance provisions. The provisions of 40 CFR 60.755 apply as stated therein.
- (v) Monitoring of operations. The provisions of 40 CFR 60.756 apply as stated therein.
- (vi) Reporting requirements. The provisions of 40 CFR 60.757 apply as stated therein with the exception of the following:
 - (I) In lieu of 40 CFR 60.757(a)(1), (a)(1)(i) and (a)(1)(ii), the following provision applies:

The initial design capacity report shall be submitted by October 1, 1997.

- (II) In lieu of 40 CFR 60.757(b)(1)(i), (i)(A) and (i)(B), the following provision applies:

The initial NMOC emission rate report shall be submitted by October 1, 1997 and may be combined with the initial design capacity report required in 40 CFR 60.757(a). Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in 40 CFR 60.757(b)(1)(ii) and 40 CFR 60.757(b)(3).

- (vii) Recordkeeping requirements. The provisions of 40 CFR 60.758 apply as stated therein.
 - (viii) Specifications for active collection systems. The provisions of 40 CFR 60.759 apply as stated therein.
- 4. Subparagraphs 1. through 3. are applicable PRIOR to the approval of Georgia's state plan implementing the revised Emission Guidelines for existing Municipal Solid Waste (MSW) Landfills (40 CFR Part 60 Subpart Cf).
- 5. Subparagraphs 6. through 8. are applicable AFTER the approval of Georgia's state plan implementing the revised Emission Guidelines for existing Municipal Solid Waste (MSW) Landfills (40 CFR Part 60 Subpart Cf).
- 6. The provisions of this subparagraph apply to each existing municipal solid waste landfill that commenced construction, reconstruction or modification on or before July 17, 2014 and has either accepted waste at any time since November 8, 1987 or has additional design capacity available for future waste deposition. Physical or operational changes made to an existing municipal solid waste landfill solely to comply with this subparagraph are not considered construction, reconstruction, or modification and would not subject an existing municipal solid waste landfill to the requirements of 391-3-1-.02(8)(b)89., 40 CFR Part 60 Subpart XXX Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014.
- 7. Definitions of all Terms used, but not defined in subparagraphs 6. through 8., have the meaning given them in 40 CFR Part 60 Subpart Cf. Terms not defined therein shall have the meaning given them in the federal Clean Air Act, the Georgia Air Quality Act or 40 CFR Part 60 Subparts A and B.
 - (i) Except as noted, the word "Administrator" as used in regulations adopted by reference in subparagraphs 6. through 8. shall mean the Director of the Georgia Environmental Protection Division. For 40 CFR 60.30f(c), 40 CFR 60.35f(a)(5) and 40 CFR 60.38f(j) the word "Administrator" shall mean the Administrator of the EPA.
- 8. For the purposes of implementing the requirements and provisions of the Emission Guidelines of 40 CFR Part 60 Subpart Cf for Existing Municipal Solid Waste Landfills, each existing municipal solid waste

landfill meeting the conditions of subparagraph 6. shall comply with all of the applicable standards, requirements and provisions of 40 CFR Part 60 Subpart Cf, which is hereby incorporated and adopted by reference with the exceptions as follows:

- (i) The requirements of the State to incorporate the provisions into an approvable state plan, and
- (ii) The provisions of 60.30f.
- (iii) In lieu of 40 CFR 60.33f(d)(2), the following provision applies:

When an increase in the maximum design capacity of a landfill exempted from the provisions of 40 CFR 60.33f through 40 CFR 60.40f on the basis of the design capacity exemption in 40 CFR 60.31f results in a revised maximum design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, due to reconstruction or modification, that was commenced after July 17, 2014, then the owner or operator shall comply with the provision of 391-3-1-.02(8)(b)89., 40 CFR Part 60 Subpart XXX Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014.

- (iv) In lieu of 40 CFR 60.38f(d)(2), the following provision applies:

- (I) The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40 CFR 60.34f through 40 CFR 60.39f proposed by the owner or operator. In addition, the collection and control system design plan must specify:

- I. The date by which contracts for control system/process modifications shall be awarded, which shall be no later than 20 months after the date the NMOC emissions rate is first reported to meet or exceed 34 megagrams per year, or the date the NMOC emissions rate is first reported to meet or exceed 50 megagrams per year for a landfill in the closed landfill subcategory, or the date when a surface emission concentration of 500 parts per million methane or greater is reported if conducting Tier 4 surface emissions monitoring;

II. The date by which on-site construction or installation of the air pollution control devices(s) or process changes will begin which shall be no later than 24 months after the date the NMOC emissions rate is first reported to meet or exceed 34 megagrams per year, or the date the NMOC emissions rate is first reported to meet or exceed 50 megagrams per year for a landfill in the closed landfill subcategory, or the date when a surface emission concentration of 500 parts per million methane or greater is reported if conducting Tier 4 surface emissions monitoring; and

III. The date by which the construction or installation of the air pollution control device(s) or process changes will be complete.

(II) Operational standards for collection and control systems. The provisions of 40 CFR 60.34f apply as stated therein.

(III) Test methods and procedures. The provisions of 40 CFR 60.35f apply as stated therein.

(IV) Compliance provisions. The provisions of 40 CFR 60.36f apply as stated therein.

(V) Monitoring of operations. The provisions of 40 CFR 60.37f apply as stated therein.

(VI) Reporting requirements. The provisions of 40 CFR 60.38f apply as stated therein. Except as provided in 7.(i) and 8.(iv).

(VII) Recordkeeping requirements. The provisions of 40 CFR 60.39f apply as stated therein.

(VIII) Specifications for active collection systems. The provisions of 40 CFR 60.40f apply as stated therein.

(hhh) Wood Furniture Finishing and Cleaning Operations.

1. Each owner or operator of a wood furniture finishing and cleaning operation shall limit VOC emissions from finishing operations by:

- (i) Using topcoats that contain no more than 0.8 pounds of VOC per pound of solids, as applied; or
- (ii) In lieu of complying with subsection (i), wood furniture finishing operations may comply by:
 - (I) Using a finishing system of sealers that contain no more than 1.9 pounds of VOC per pound of solids, as applied; and
 - (II) Using topcoats that contain no more than 1.8 pounds of VOC per pound of solids, as applied; or
- (iii) For wood furniture finishing operations that use acid-cured alkyd amino vinyl sealers and that use acid-cured alkyd amino conversion varnish topcoats:
 - (I) Using sealers that contain no more than 2.3 pounds of VOC per pound of solids, as applied; and
 - (II) Using topcoats that contain no more than 2.0 pounds of VOC per pound of solids, as applied; or
- (iv) For wood furniture finishing operations that do not use acid-cured alkyd amino vinyl sealers and that use acid-cured alkyd amino conversion varnish topcoats:
 - (I) Using sealers that contain no more than 1.9 pounds of VOC per pound of solids, as applied; and
 - (II) Using topcoats that contain no more than 2.0 pounds of VOC per pound of solids, as applied; or
- (v) For wood furniture finishing operations that use acid-cured alkyd amino vinyl sealers and that do not use acid-cured alkyd amino conversion varnish topcoats:
 - (I) Using sealers that contain no more than 2.3 pounds of VOC per pound of solids, as applied; and
 - (II) Using topcoats that contain no more than 1.8 pounds of VOC per pound of solids, as applied; or
- (vi) Using an averaging approach that demonstrates the wood furniture finishing operation meets the emission limits defined in

subsections (i), (ii), (iii), (iv) or (v), averaged on a daily basis throughout the facility; or

(vii) Using a control system that will achieve an equivalent reduction in emissions and meet the requirements of subsections (i), (ii), (iii), (iv) or (v) of this section; or

(viii) Using a combination of the methods presented in subsections (i), (ii), (iii), (iv), (v), (vi), and (vii).

2. Each owner or operator of a wood furniture finishing and cleaning operation shall limit VOC emissions by using strippable booth coating materials that contain no more than 0.8 pounds of VOC per pound of solids, as applied.
3. Each owner or operator of a wood furniture finishing and cleaning operation shall prepare and maintain a written work practice implementation plan that defines work practices for each wood furniture manufacturing operation and addresses each of the topics specified. The work practice implementation plan shall be submitted to the Division for approval by the compliance dates contained in section 7. This plan shall include: an operator training course; a leak inspection and maintenance plan; a cleaning and washoff solvent accounting system; a spray booth cleaning plan; a storage plan for finishing, cleaning and washoff materials; an application equipment requirement plan; a paint line and gun cleaning plan; and an outline of washoff operations.
4. Each owner or operator of a wood furniture finishing and cleaning operation shall maintain certified product data sheets for each sealer, topcoat, and strippable booth coating material that is used to meet the requirements of sections 1. and 2. of this rule. If solvent or other VOC is added to the finishing material before application, the affected source shall maintain documentation showing the VOC content of the finishing material in pounds of VOC-per-pound of solids, as applied.
5. For the purpose of this subsection the following definitions shall apply:
 - (i) "As applied" means the VOC and solids content of the finishing material that is actually used for coating the substrate. It includes the contribution of materials used for in-house dilution of the finishing material.
 - (ii) "Certified product data sheet" means documentation furnished by a coating supplier or an outside laboratory that provides the VOC

content by percent weight, the solids content by percent weight, and density of a finishing material, strippable booth coating, or solvent, measured using the EPA Method 24, or an equivalent or alternative method. The VOC content should represent the maximum VOC emission potential of the finishing material, strippable booth coating, or solvent.

- (iii) "Sealer" means a finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. Washcoats, which are used in some finishing systems to optimize aesthetics, are not sealers.
 - (iv) "Stain" means any color coat having a solids content by weight of no more than 8.0 percent that is applied in single or multiple coats directly to the substrate. This includes, but is not limited to, nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains, and toners.
 - (v) "Strippable booth coating" means a coating that:
 - (1) is applied to a booth wall to provide a protective film to receive overspray during finishing operations;
 - (2) that is subsequently peeled off and disposed; and
 - (3) by achieving (1) and (2), reduces or eliminates the need to use organic solvents to clean booth walls.
 - (vi) "Topcoat" means the last film-building finishing material applied in a finishing system. Non-permanent final finishes are not topcoats.
 - (vii) "Wood Furniture" means any product made of wood, a wood product such as rattan or wicker, or an engineered wood product such as particleboard that is manufactured under any of the following standard industrial classification codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, 2599, or 5712.
6. The requirements of this subsection shall apply to facilities with potential VOC emissions exceeding 25 tons-per-year and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale and to facilities with potential VOC emissions exceeding 100 tons-per-year and located in the

counties of Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton.

7. Compliance Dates.

- (i) All sources subject to this subsection and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.
- (ii) All sources subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and in operation on or before October 1, 1999, shall be in compliance with this subsection by May 1, 2003.
- (iii) All sources subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and which begin initial operation after October 1, 1999, shall be in compliance with this subsection upon startup.
- (iv) All sources subject to this subsection and located in Barrow County shall be in compliance by March 1, 2009.

(iii) **Hospital/Medical/Infectious Waste Incinerators.**

- 1. The provisions of this subparagraph apply to each hospital/medical/infectious waste incinerator (HMIWI) that commenced construction no later than December 1, 2008 or commenced modification no later than April 6, 2010 (hereinafter referred to as an "Existing HMIWI"). Physical or operational changes made to an Existing HMIWI solely to comply with this subparagraph are not considered construction or modification and would not subject an Existing HMIWI to the requirements of 391-3-1-.02(8)(b)73.
 - (i) A combustor is not subject to this subparagraph during periods when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste (all defined in 40 CFR 60.51c) is burned, provided the owner or operator of the combustor:
 - (I) Notifies the Director of an exemption claim; and
 - (II) Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste and/or chemotherapeutic waste is burned.

- (ii) Any co-fired combustor (defined in 40 CFR 60.51c) is not subject to this subparagraph if the owner or operator of the co-fired combustor:
 - (I) Notifies the Director of an exemption claim;
 - (II) Provides an estimate of the relative amounts of hospital waste, medical/infectious waste, and other fuels and wastes to be combusted; and
 - (III) Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.
 - (iii) Any combustor required to have a permit under section 3005 of the Solid Waste Disposal Act is not subject to this subparagraph.
 - (iv) Any combustor which meets the applicability requirements under subpart Cb, Ea, or Eb of 40 CFR Part 60 is not subject to this subparagraph.
 - (v) Any pyrolysis unit (defined in 40 CFR 60.51c) is not subject to this subparagraph.
 - (vi) Cement kilns firing hospital waste and/or medical/infectious waste are not subject to this subparagraph.
2. Each Existing HMIWI is subject to the permitting requirements of [391-3-1-.03\(10\)](#) "Title V Operating Permits."
3. Definitions of all Terms used, but not defined in this subparagraph, shall have the meaning given to them in 40 CFR Part 60, Subpart Ec, as amended on April 4, 2011. Terms not defined therein shall have the meaning given to them in the federal Clean Air Act or 40 CFR Part 60, Subparts A and B. For the purposes of this subparagraph the following definitions also apply:
- (i) Except as noted, the word "Administrator" as used in regulations adopted by reference in this subparagraph shall mean the Director of the Georgia Environmental Protection Division. For subparagraph (iii)6. the word "Administrator" shall mean the Administrator of the EPA.

4. For the purposes of implementing the requirements and provisions of the Emission Guidelines of 40 CFR 60, Subpart Ce for Existing HMIWIs, each Existing HMIWI shall comply with the standards, requirements and provisions of 40 CFR Part 60, Subpart Ec, as amended on April 4, 2011, which is hereby incorporated and adopted by reference, with the exceptions as follows:

- (i) The provisions of 40 CFR 60.50c apply to each Existing HMIWI as stated therein with the exception of the following:

- (I) In lieu of 40 CFR 60.50c(a), the following provision applies:

Except as provided in 40 CFR 60.50c(b) through (h), this subparagraph shall apply to each existing HMIWI, as identified in subparagraph 1.

- (II) In lieu of 40 CFR 60.50c(e), the following provision applies:

Any combustor which meets the applicability requirements under 40 CFR Part 60 Subparts Cb, Ea, or Eb is not subject to this subparagraph.

- (III) The provisions of 40 CFR 60.50c(j), (k), (l), (m), and (n) do not apply to an Existing HMIWI.

- (ii) Emission Limits. The provisions of 40 CFR 60.52c apply to each Existing HMIWI as stated therein with the exception of the following:

- (I) In lieu of 40 CFR 60.52c(a), the following provisions apply:

I. From an affected facility constructed on or before June 20, 1996 no owner or operator of an Existing HMIWI shall cause to be discharged into the atmosphere from that affected facility any gases that contain stack emissions in excess of the applicable limits found in Table 1B of 40 CFR Part 60, Subpart Ce.

II. From an affected facility constructed after June 20, 1996 but no later than December 1, 2008 no owner or operator of an Existing HMIWI shall cause to be discharged into the atmosphere from that affected facility any gases that contain stack emissions in excess of the applicable limits found in the more stringent of the requirements listed in Table 1B of 40

CFR Subpart Ce and Table 1A of 40 CFR Part 60,
Subpart Ec.

- (II) The provisions of 40 CFR 60.52c(c), (d), and (e) do not apply to an Existing HMIWI.
 - (iii) Operator Training. The provisions of 40 CFR 60.53c apply to each Existing HMIWI as stated therein.
 - (iv) Siting Requirements. The provisions of 40 CFR 60.54c do not apply to an Existing HMIWI.
 - (v) Waste Management Plan. The provisions of 40 CFR 60.55c apply to each Existing HMIWI as stated therein.
 - (vi) Compliance and Performance Testing. In lieu of 40 CFR 60.56c, Section 2.117.2 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants applies to each Existing HMIWI.
 - (vii) Monitoring Requirements. In lieu of 40 CFR 60.57c, Section 2.117.3 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants applies to each Existing HMIWI.
 - (viii) Reporting and Record Keeping Requirements. In lieu of 40 CFR 60.58c, Section 2.117.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants applies to each Existing HMIWI.
 - (ix) Table 1B of 40 CFR Part 60, Subpart Ec does not apply to an Existing HMIWI.
5. In keeping with subparagraph (iii)4., owners and operators of existing HMIWI units must comply with Georgia's state plan for existing HMIWI units, which is required by 40 CFR Part 60, Subpart Ce. The owner operator of each existing HMIWI unit shall comply with the requirements of 391-3-1-.02(2)(iii)4. upon approval of Georgia's state plan for existing HMIWI units by EPA.
6. The owner of an existing HMIWI unit must contact EPA with respect to the following subparagraphs (i) through (v) as specified in 40 CFR 60.50c(i).

- (i) The requirements of 40 CFR 60.56c(j) establishing operating parameters when using controls other than those listed in 40 CFR 60.56c(d)
- (ii) Approval of alternative methods of demonstrating compliance under 40 CFR 60.8 including:
 - (I) Approval of CEMS for PM, HCl, multi-metals, and Hg where used for purposes of demonstrating compliance,
 - (II) Approval of continuous automated sampling systems for dioxin/ furan and Hg where used for purposes of demonstrating compliance, and
 - (III) Approval of major alternatives to test methods;
- (iii) Approval of major alternatives to monitoring;
- (iv) Waiver of recordkeeping requirements; and
- (v) Performance test and data reduction waivers under 40 CFR 60.8(b)

(jjj) NO_x Emissions from Electric Utility Steam Generating Units.

1. Effective May 1, 1999, through September 30, 1999, no person shall cause, let, permit, suffer, or allow the emissions of NO_x from an affected unit under this subsection unless:
 - (i) The NO_x emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this section, averaged over all affected units on a maximum rated heat input capacity basis, be greater than the average allowable rate specified in subsection 1.(ii).
 - (ii) If the person does not comply with all alternative emission limits established under subsection 1.(i) above, the person shall demonstrate that the NO_x emissions, averaged over all affected units, do not exceed 0.34 lb/MMBTU heat input.
2. Effective May 1, 2000 through September 30, 2002, no person shall cause, let, permit, suffer, or allow the emissions of NO_x from an affected unit under this subsection unless:

- (i) The NO_x emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this section, averaged over all affected units on a maximum rated heat input capacity basis, be greater than the average allowable rate specified in subsection 2.(ii).
 - (ii) If the person does not comply with all alternative emission limits established under subsection 2.(i) above, the person shall demonstrate that the NO_x emissions, averaged over all affected units, do not exceed 0.30 lb/MMBTU heat input.
- 3. Effective May 1, 2003, no person shall cause, let, permit, suffer, or allow the emissions of NO_x from an affected unit under this subsection unless:
 - (i) The NO_x emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this section, averaged over all affected units using the highest 30 consecutive days of actual heat input for 1999, be greater than the average allowable rate specified in subsection 3.(ii).
 - (ii) If the person does not comply with all alternative emission limits established under subsection 3.(i) above, the person shall demonstrate that the NO_x emissions, averaged over all affected units, do not exceed 0.13 lb/MMBTU heat input.
- 4. Effective May 1, 2003, through September 30, 2006, no person shall cause, let, permit, suffer, or allow the emissions of NO_x from an affected unit under this subsection unless:
 - (i) The NO_x emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this section, averaged over all affected units using the highest 30 consecutive days of actual heat input for 1999, be greater than the average allowable rate specified in subsection 4.(ii).

- (ii) If the person does not comply with all alternative emission limits established under subsection 4.(i) above, the person shall demonstrate that the NOx emissions, averaged over all affected units, do not exceed 0.20 lb/MMBTU heat input.
- 5. Effective May 1, 2007, no person shall cause, let, permit, suffer, or allow the emissions of NOx from an affected unit under this subsection unless:
 - (i) The NOx emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this section, averaged over all affected units using the highest 30 consecutive days of actual heat input for 1999, be greater than the average allowable rate specified in subsection 5.(ii).
 - (ii) If the person does not comply with all alternative emission limits established under subsection 5.(i) above, the person shall demonstrate that the NOx emissions, averaged over all affected units, do not exceed 0.18 lb/MMBTU heat input.
- 6. Effective May 1, 2007, no person shall cause, let, permit, suffer, or allow the emissions of NOx from an affected unit under this subsection unless:
 - (i) The NOx emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this section, averaged over all affected units using the highest 30 consecutive days of actual heat input for 1999, be greater than the average allowable rate specified in subsection 6.(ii).
 - (ii) If the person does not comply with all alternative emission limits established under subsection 6.(i) above, the person shall demonstrate that the NOx emissions, averaged over all affected units, do not exceed 0.17 lb/MMBTU heat input.
- 7. The compliance period shall be based on a 30-day rolling average beginning May 1 and ending September 30 of each year.
 - (i) The first 30-day averaging period shall begin on May 1.

- (ii) The last 30-day averaging period shall end on September 30.
 - (iii) Affected units under this subsection shall be all coal-fired electric utility steam generating units with a maximum heat input greater than 250 MMBTU/hr.
8. The requirements contained in sections 1 and 2 of this subsection shall apply to all such sources located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale. The requirements contained in Section 3 of this subsection shall apply to all such sources located in the counties of Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gwinnett, Heard, Henry, Paulding, and Rockdale. The requirements contained in sections 4 and 5 of this subsection shall apply to all such sources located in the counties of Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gwinnett, Heard, Henry, Monroe, Paulding, Putnam, and Rockdale. The requirements contained in Section 6 of this subsection shall apply to sources located in Monroe County.

(kkk) VOC Emissions from Aerospace Manufacturing and Rework Facilities.

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the coating of aerospace vehicles or components to exceed:
 - (i) 2.9 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies primers. For general aviation rework facilities, the VOC limitation shall be 4.5 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies primers.
 - (ii) 3.5 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies topcoats (including self-priming topcoats). For general aviation rework facilities, the VOC limitation shall be 4.5 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies topcoats (including self-priming topcoats).
 - (iii) The VOC content limits listed in Table (kkk) -1 below expressed in pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies specialty coatings.

TABLE (kkk) -1 Specialty Coating VOC Limitations

Coating Type	VOC Content Limit (lb/gal)	VOC Content Limit (g/L)
Ablative Coating	5.0	600
Adhesion Promoter	7.4	890
Adhesive Bonding Primers:		
Cured at 250°F or below	7.1	850
Cured above 250°F	8.6	1030
Adhesives:		
	6.3	760
Commercial Interior Adhesive	8.5	1,020
Cyanoacrylate Adhesive	5.2	620
Fuel Tank Adhesive	3.0	360
Nonstructural Adhesive	7.4	890
Rocket Motor Bonding Adhesive	7.1	850
Rubber-based Adhesive	0.5	60
Structural Autoclavable Adhesive	7.1	850
Structural Nonautoclavable Adhesive		
Antichafe Coating	5.5	660
Bearing Coating	5.2	620
Caulking and Smoothing Compounds	7.1	850
Chemical Agent-Resistant Coating	4.6	550
Clear Coating	6.0	720
Commercial Exterior Aerodynamic Structure Primer	5.4	650
Compatible Substrate Primer	6.5	780

Corrosion Prevention Compound	5.9	710
Cryogenic Flexible Primer	5.4	645
Cryoprotective Coating	5.0	600
Dry Lubricative Material	7.3	880
Electric or Radiation-Effect Coating	6.7	800
Electrostatic Discharge and Electromagnetic Interference (EMI) Coating	6.7	800
Elevated Temperature Skydrol Resistant Commercial Primer	6.2	740
Epoxy Polyamide Topcoat	5.5	660
Fire-Resistant (Interior) Coating	6.7	800
Flexible Primer	5.3	640
Flight-Test Coatings:		
Missile or Single Use Aircraft	3.5	420
All Other	7.0	840
Fuel-Tank Coating	6.0	720
High-Temperature Coating	7.1	850
Insulation Covering	6.2	740
Intermediate Release Coating	6.3	750
Lacquer	6.9	830
Maskants:		
Bonding Maskant	10.3	1,230
Critical Use and Line Sealer Maskant	8.5	1,020
Seal Coat Maskant	10.3	1,230
Metallized Epoxy Coating	6.2	740
Mold Release	6.5	780
Optical Anti-Reflective Coating	6.3	750
Part Marking Coating	7.1	850
Pretreatment Coating	6.5	780

Rain Erosion-Resistant Coating	7.1	850
Rocket Motor Nozzle Coating	5.5	660
Scale Inhibitor	7.3	880
Screen Print Ink	7.0	840
Sealants:		
Extrudable/Rollable/Brushable Sealant	2.3	280
Sprayable Sealant	5.0	600
Silicone Insulation Material	7.1	850
Solid Film Lubricant	7.3	880
Specialized Function Coating	7.4	890
Temporary Protective Coating	2.7	320
Thermal Control Coating	6.7	800
Wet Fastener Installation Coating	5.6	675
Wing Coating	7.1	850

- (iv) 5.2 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies Type I chemical milling maskants.
 - (v) 1.3 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies Type II chemical milling maskants.
 - (vi) The following aerospace activities are exempt from the coating emission limits in subparagraphs 1.(i) through (v): touchup coating, aerosol coating, and the application of Department of Defense classified coatings; coatings used on space vehicles; and facilities that comply with the low volume usage exemption in subparagraph 10.
2. The emission limitations in subparagraph (kkk) shall be achieved by:
- (i) The application of low solvent coating technology where each and every coating meets the specified applicable limitation expressed in pounds of VOC per gallon of coating, excluding water and exempt solvents, stated in subparagraph 1.; or

- (ii) The application of low solvent coating technology where the monthly volume-weighted average VOC content of each specified coating type meets the specified applicable limitation expressed in pounds of VOC per gallon of coating, excluding water and exempt solvents, stated in subparagraph 1.; averaging is not allowed between primers, topcoats (including self-priming topcoats), specialty coating types, Type I milling maskants, and Type II milling maskants or any combination of the above coating categories; or
 - (iii) Control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that the control system has a VOC reduction efficiency of 81 percent or greater.
- 3. Each owner or operator of an aerospace manufacturing and/or rework operation shall apply all spray applied non-exempt primers, topcoats, and specialty coatings utilizing one or more of the spray application techniques specified below:
 - (i) High-volume low-pressure (HVLP) spraying;
 - (ii) Electrostatic spray application;
 - (iii) Airless spray application;
 - (iv) Air-assisted airless spray application; or
 - (v) Other coating application methods that achieve emission reductions equivalent to HVLP, electrostatic spray application, airless spray, or air-assisted airless spray application methods, as determined by the Director.
- 4. Each owner or operator of an aerospace manufacturing and/or rework operation shall ensure that all application devices used to apply primers, topcoats (including self-priming topcoats), and specialty coatings are operated according to company procedures, local specified operating procedures, and/or the manufacturer's specifications, whichever is most stringent, at all times. Equipment modified by the owner or operator shall maintain a transfer efficiency equivalent to HVLP, electrostatic spray application, airless spray application, or air-assisted airless spray application techniques.

5. Each owner or operator of an aerospace manufacturing and/or rework operation shall comply with the following housekeeping requirements for any affected cleaning operation. Aqueous cleaning solvents and hydrocarbon-based solvents which have a maximum composite vapor pressure of 7 mm Hg at 20°C are exempt from these requirements.
 - (i) Solvent-laden cloth, paper, or any other absorbent applicators used for cleaning shall be placed in bags or other closed containers upon completing their use. These bags and containers must be kept closed at all times except when depositing or removing these materials from the container. The bags and containers used must be of such a design so as to contain the vapors of the cleaning solvent. Cotton-tipped swabs used for very small cleaning operations are exempt from this requirement.
 - (ii) All fresh and spent cleaning solvents, except semi-aqueous solvent cleaners, used in aerospace cleaning operations shall be stored in closed containers.
 - (iii) Conduct the handling and transfer of cleaning solvents to or from enclosed systems, vats, waste containers, and other cleaning operation equipment that hold or store fresh spent cleaning solvents in such a manner that spills are minimized.
6. Each owner or operator of an aerospace manufacturing and/or rework operation utilizing hand-wipe cleaning operations (excluding the cleaning of spray gun equipment performed in accordance with subparagraph 7.) shall comply with one of the following:
 - (i) Utilize cleaning solvent solutions that are classified as an aqueous cleaning solvent and/or a hydrocarbon-based cleaning solvent with a maximum composite vapor pressure of 7 mm Hg at 20°C.
 - (ii) Utilize cleaning solvent solutions that have a composite vapor pressure of 45 mm Hg or less at 20°C.
7. Each owner or operator of an aerospace manufacturing and/or rework operation shall clean all spray guns used in the application of primers, topcoats (including self-priming topcoats), and specialty coatings utilizing one or more of the following techniques:
 - (i) Enclosed System: Spray guns shall be cleaned in an enclosed system that is closed at all times except when inserting or removing the spray gun. Cleaning shall consist of forcing cleaning solvent through the gun. If leaks are found, repairs shall be made

as soon as practicable, but no later than 15 days after the leak was found. If the leak is not repaired by the 15th day after detection, the cleaning solvent shall be removed and the enclosed cleaner shall be shut down until the leak is repaired or its use is permanently discontinued.

- (ii) Nonatomized Cleaning: Spray guns shall be cleaned by placing cleaning solvent in the pressure pot and forcing it through the gun with the atomizing cap in place. No atomizing air is to be used. The cleaning solvent from the spray gun shall be directed into a vat, drum, or other waste container that is closed when not in use.
 - (iii) Disassembled Spray Gun Cleaning: Spray guns shall be cleaned by disassembling and cleaning the components by hand in a vat, which shall remain closed at all times except in use. Alternatively, the components shall be soaked in a vat, which shall remain closed during the soaking period and when not inserting or removing components.
 - (iv) Atomizing cleaning: Spray guns shall be cleaned by forcing the cleaning solvent through the gun and directing the resulting atomized spray into a waste container that is fitted with a device designed to capture the atomized cleaning solvent emissions.
8. Each owner or operator of an aerospace manufacturing and/or rework operation that includes a flush cleaning operation shall empty the used cleaning solvents each time aerospace parts or assemblies, or components of a coating unit (with the exception of spray guns) are flush cleaned into an enclosed container or collection system that is kept closed when not in use or into a system with equivalent emission control approved by the Director. Hydrocarbon-based solvents which have a maximum composite vapor pressure of 7 mm Hg at 20°C and aqueous and semi-aqueous materials are exempt from the requirements of subparagraph (kkk).
9. The following activities are not regulated by subparagraph (kkk):
- (i) Research and development;
 - (ii) Quality control;
 - (iii) Laboratory testing activities;
 - (iv) Metal finishing;

- (v) Electrodeposition (except for the electrodeposition of paints);
- (vi) Composites processing (except for cleaning and coating of composite parts or components that become part of an aerospace vehicle or component as well as composite tooling that comes in contact with such composite parts or components prior to cure);
- (vii) Electronic parts and assemblies (except for cleaning and topcoating of completed assemblies);
- (viii) Manufacture of aircraft transparencies;
- (ix) Wastewater treatment operations;
- (x) Regulated activities associated with space vehicles designed to travel beyond the limit of the earth's atmosphere, including but not limited to satellites, space stations, and the space shuttle;
- (xi) Maintenance and rework of antique aerospace vehicles and components;
- (xii) Chemical milling;
- (xiii) Rework of aircraft or aircraft components if the holder of the Federal Aviation Administration (FAA) design approval, or the holder's licensee, is not actively manufacturing the aircraft or aircraft components;
- (xiv) Parts and assemblies not critical to the vehicle's structural integrity or flight performance;
- (xv) Primers, topcoats, specialty coatings, chemical milling maskants, strippers, and cleaning solvents that meet the definition of non-VOC material, as determined from manufacturer's representations, such as in a material safety data sheet or product data sheet, or testing, except that if an owner or operator chooses to include one or more non-VOC primer, topcoat, specialty coating, or chemical milling maskant in averaging under subparagraph 2.(ii);
- (xvi) Primers, topcoats, and specialty coatings that meet the definition of "classified national security information" in subparagraph 17.(xvii).

10. The requirements for primers, topcoats, specialty coatings, and chemical milling maskants in subparagraphs 1.(i), 1.(ii), 1.(iii), 1.(iv) and 1.(v) do not apply to the use of low-volume coatings in these categories for which the rolling twelve month total of each separate formulation used at a facility does not exceed 50 gallons, and the combined rolling twelve month total of all such primers, topcoats, specialty coatings, and chemical milling maskants used at a facility does not exceed 200 gallons. Primers, topcoats, and specialty coatings exempted under subparagraphs 9. and 11. are not included in the 50 and 200 gallon limits.
11. The following situations are exempt from the requirements of subparagraphs 3. and 4.:
 - (i) Any situation that normally requires the use of an airbrush or an extension on the spray gun to properly reach limited access spaces;
 - (ii) The application of coatings that contain fillers that adversely affect atomization with HVLP spray guns and that cannot be applied by any of the application methods specified in subparagraph 3.;
 - (iii) The application of coatings that normally have a dried film thickness of less than 0.0013 centimeter (0.0005 inches) and that cannot be applied by any of the application methods specified in subparagraph 3.;
 - (iv) The spray application of no more than 3.0 fluid ounces of coating in a single application (i.e., the total volume of a single coating formulation applied during any one day to any one aerospace vehicle or component) from a hand-held device with a paint cup capacity that is equal to or less than 3.0 fluid ounces (89 cubic centimeters). Using multiple small paint cups or refilling a small paint cup to apply more than 3.0 fluid ounces under the requirements of subparagraph (kkk) is prohibited. If a paint cup liner is used in a reusable holder or cup, then the holder or cup must be designed to hold a liner with a capacity of no more than 3.0 fluid ounces. For example, a 3.0 ounce liner cannot be used in a holder that can also be used with a 6.0 ounce liner under the requirements of subparagraph (kkk);
 - (v) The use of airbrush application methods for stenciling, lettering, and other identification markings;

- (vi) The use of hand-held non-refillable spray (aerosol) can application methods;
- (vii) Touchup and repair operations;
- (viii) Adhesives, sealants, maskants, caulking materials, and inks; and
- (ix) The application of coatings that contain less than 0.17 pounds of VOC per gallon of coating.

12. The following cleaning operations are exempt from the requirements of subparagraph 6.:

- (i) Cleaning during the manufacture, assembly, installation, maintenance, or testing of components of breathing oxygen systems that are exposed to the breathing oxygen;
- (ii) Cleaning during the manufacture, assembly, installation, maintenance, or testing of parts, subassemblies, or assemblies that are exposed to strong oxidizers or reducers (e.g., nitrogen tetroxide, liquid oxygen, or hydrazine);
- (iii) Cleaning and surface activation prior to adhesive bonding;
- (iv) Cleaning of electronic parts and assemblies containing electronic parts;
- (v) Cleaning of aircraft and ground support equipment fluid systems that are exposed to the fluid including air-to-air heat exchangers and hydraulic fluid systems;
- (vi) Cleaning of fuel cells, fuel tanks, and confined spaces;
- (vii) Surface cleaning of solar cells, coating optics, and thermal control surfaces;
- (viii) Cleaning during fabrication, assembly, installation, and maintenance of upholstery, curtains, carpet, and other textile materials used in the interior of the aircraft;
- (ix) Cleaning of metallic and non-metallic materials used in honeycomb cores during the manufacture or maintenance of these cores, and cleaning of the completed cores used in the

manufacture or maintenance of aerospace vehicles or components;

- (x) Cleaning of aircraft transparencies, polycarbonate, or glass substrates;
 - (xi) Cleaning and solvent usage associated with research and development, quality control, and laboratory testing;
 - (xii) Cleaning operations, using nonflammable liquids, conducted within five feet of energized electrical systems. Energized electrical systems means any AC or DC electrical circuit on an assembled aircraft once electrical power is connected, including interior passenger and cargo areas, wheel wells, and tail sections; and
 - (xiii) Cleaning operations identified as essential uses under the Montreal Protocol for which the U.S. EPA has allocated essential use allowances or exemptions.
13. Each owner or operator of an aerospace manufacturing and/or rework operation shall submit a monitoring plan to the Division that specifies the applicable operating parameter value, or range of values, to ensure ongoing compliance with subparagraph 2.(iii). The monitoring device shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's specifications.
14. Each owner or operator of an aerospace manufacturing and/or rework operation utilizing an enclosed spray gun cleaner shall visually inspect the seals and all other potential sources of leaks at least once per month. Each inspection shall occur while the spray gun cleaner is in operation.
15. Each owner or operator of an aerospace manufacturing and/or rework operation utilizing coatings specified in subparagraph 1. shall maintain the following records:
- (i) If following the compliance option in subparagraph 2.(i), a current list of each coating formulation including the specific category, VOC content as applied, and the annual amount used for each coating.
 - (ii) If following the compliance option in subparagraph 2.(ii), a current list of each coating formulation including the specific category, VOC content as applied, the monthly amount used for

each coating, and the calculated monthly volume-weighted average VOC content of each specified coating type expressed in pounds of VOC per gallon of coating, excluding water and exempt solvents.

- (iii) If following the compliance option in subparagraph 2.(iii), continuous records demonstrating the control device was operating at the required destruction efficiency at all times the coating process was in operation and records demonstrating the control device was achieving the required destruction efficiency while the coating process was in operation.
- (iv) If using the low volume usage exemption in subparagraph 10., a list of each separate formulation and quantity applied each month and the twelve-consecutive month total of each formulation and the twelve-consecutive month total of all materials exempted.

16. Each owner or operator of an aerospace manufacturing and/or rework operation utilizing cleaning solvents shall maintain the following records:

- (i) Maintain a current list of hand-wipe and flush cleaning solvents with documentation that demonstrates that the cleaning solvent complies with one of the composition requirements in subparagraph 6.(i) and for semi aqueous cleaning solvent used for flush cleaning. This list shall include the annual amount of each applicable solvent used.
- (ii) Maintain a current list of hand-wipe cleaning solvents with their respective vapor pressures or, for blended solvents, VOC composite vapor pressures for all vapor pressure compliant hand-wipe cleaning solvents listed in subparagraph 6.(ii). This list shall include the monthly amount of each applicable solvent used.
- (iii) Maintain a current list of all cleaning solvents with a vapor pressure greater than 45 mm Hg used in exempt hand-wipe cleaning operations. This list shall identify the applicable exemption(s) for each process and include the monthly amount of each applicable solvent used.
- (iv) Maintain a record of all leaks from enclosed gun cleaners, as found during the monthly inspection required by subparagraph

14.. The record shall include the identification of the leaking paint gun cleaner, the date the leak was discovered, and the date the leak was repaired.

17. For the purpose of subparagraph (kkk), the following definitions shall apply:

- (i) "Ablative coating" means a coating that chars when exposed to open flame or extreme temperatures, as would occur during the failure of an engine casing or during aerodynamic heating. The ablative char surface serves as an insulative barrier, protecting adjacent components from the heat or open flame.
- (ii) "Adhesion promoter" means a very thin coating applied to a substrate to promote wetting and form a chemical bond with the subsequently applied material.
- (iii) "Adhesive bonding primer" means a primer applied in a thin film to aerospace components for the purpose of corrosion inhibition and increased adhesive bond strength by attachment. There are two categories of adhesive bonding primers: primers with a design cure at 250°F or below and primers with a design cure above 250°F.
- (iv) "Aerosol coating" means a coating applied by means of a hand-held, pressurized container, which is non-refillable or which utilizes non-refillable propellant canisters and which expels an adhesive or a coating in a finely divided spray when a valve on the container is depressed.
- (v) "Aerospace facility" means any facility that produces, reworks, or repairs in any amount any commercial, civil, or military aerospace vehicle or component. Regulated activities include coating, chemical milling, solvent use, and repainting operations.
- (vi) "Aerospace vehicle or component" means any fabricated part, processed part, assembly of parts, or completed unit, with the exception of electronic components, of any aircraft.
- (vii) "Aircraft transparency" means the aircraft windshield, canopy, passenger windows, lenses and other components which are constructed of transparent materials.

- (viii) "Airless and air-assisted airless spray" mean any coating spray application technology that relies solely on the fluid pressure of the coating to create an atomized coating spray pattern and does not apply any atomizing compressed air to the coating before it leaves the spray gun nozzle. Air-assisted airless spray uses compressed air to shape and distribute the fan of atomized coating, but still uses fluid pressure to create the atomized coating.
- (ix) "Antichafe coating" means a coating applied to areas of moving aerospace components that may rub during normal operations or installation.
- (x) "Antique aerospace vehicle or component" means an aircraft or component thereof that was built at least 30 years ago. An antique aerospace vehicle would not routinely be in commercial or military service in the capacity for which it was designed.
- (xi) "Aqueous cleaning solvent" means a cleaning solvent in which water is the primary ingredient (greater than 80 percent by weight of cleaning solvent solution as applied must be water). Detergents, surfactants, and bioenzyme mixtures and nutrients may be combined with the water along with a variety of additives such as organic solvents (e.g., high boiling point alcohols), builders, saponifiers, inhibitors, emulsifiers, pH buffers, and antifoaming agents. Aqueous solutions must have a flash point greater than 93°C (200°F) (as reported by the manufacturer) and the solution must be miscible with water.
- (xii) "Bearing coating" means a coating applied to an antifriction bearing, a bearing housing, or the area adjacent to such a bearing in order to facilitate bearing function or to protect base material from excessive wear. A material shall not be classified as a bearing coating if it can also be classified as a dry lubricative material or a solid film lubricant.
- (xiii) "Bonding maskant" means a temporary coating used to protect selected areas of aerospace parts from strong acid or alkaline solutions during processing for bonding.
- (xiv) "Caulking and smoothing compounds" means semi-solid materials which are applied by hand application methods and are used to aerodynamically smooth exterior vehicle surfaces or fill cavities such as bolt hole accesses. A material shall not

be classified as a caulking and smoothing compound if it can be classified as a sealant.

- (xv) "Chemical agent-resistant coating (CARC)" means an exterior topcoat designed to withstand exposure to chemical warfare agents or the decontaminants used on these agents.
- (xvi) "Chemical milling maskants" means a coating that is applied directly to aluminum components to protect surface areas when chemical milling the component with a Type I or Type II etchant. Type I chemical milling maskants are used with a Type I etchant and Type II chemical milling maskants are used with a Type II etchant. This definition does not include bonding maskants, critical use and line sealer maskants, and seal coat maskants. Additionally, maskants that must be used with a combination of Type I or Type II etchants and any of the above types of maskants are also not included in this definition. (See also Type I and Type II etchant definitions.)
- (xvii) "Classified National Security Information" means information that has been determined pursuant to Executive Order 13526, "Classified National Security Information," December 29, 2009 or any successor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form. The term "Classified Information" is an alternative term that may be used instead of "Classified National Security Information."
- (xviii) "Cleaning operation" means collectively spray-gun, hand-wipe, and flush cleaning operations.
- (xix) "Cleaning solvent" means a liquid material used for hand-wipe, spray gun, or flush cleaning. This definition does not include solutions that contain no VOCs (i.e., VOC content less than 1.0 weight percent).
- (xx) "Clear coating" means a transparent coating applied over a colored opaque coating, metallic substrate, or placard to give improved gloss and protection to the color coat. In some cases, a clearcoat refers to any transparent coating without regard to substrate.
- (xxi) "Coating" means a material that is applied to a substrate for decorative, protective, or functional purposes. Such materials

include, but are not limited to, paints, sealants, liquid plastic coatings, caulks, inks, adhesives, and maskants. Decorative, protective, or functional materials that consist only of protective oils for metal, acids, bases, or any combination of these substances; paper film or plastic film which may be precoated with an adhesive by the film manufacturer; or pre-impregnated composite sheets are not considered coatings for the purposes of subparagraph (kkk). Materials in handheld non-refillable aerosol containers, touch-up markers, and marking pens are also not considered coatings for the purposes of subparagraph (kkk). A liquid plastic coating means a coating made from fine particle-size polyvinyl chloride (PVC) in solution (also referred to as a plastisol).

- (xxii) "Coating operation" means using a spray booth, tank, or other enclosure or any area, such as a hangar, for applying a single type of coating (e.g., primer); using the same spray booth for applying another type of coating (e.g., topcoat) constitutes a separate coating operation for which compliance determinations are performed separately.
- (xxiii) "Coating unit" means a series of one or more coating applicators and any associated drying area and/or oven wherein a coating is applied, dried, and/or cured. A coating unit ends at the point where the coating is dried or cured, or prior to any subsequent application of a different coating. It is not necessary to have an oven or flashoff area to be included in this definition.
- (xxiv) "Commercial exterior aerodynamic structure primer" means a primer used on aerodynamic components and structures that protrude from the fuselage, such as wings and attached components, control surfaces, horizontal stabilizers, vertical fins, wing-to-body fairings, antennae, landing gear, and doors, for the purpose of extended corrosion protection and enhanced adhesion.
- (xxv) "Commercial interior adhesive" means materials used in the bonding of passenger cabin interior components. These components must meet FAA fireworthiness requirements.
- (xxvi) "Compatible substrate primer" means either compatible epoxy primer or adhesive primer.

- (xxvii) "Corrosion prevention compound" means a compound that provides corrosion protection by displacing water and penetrating mating surfaces, forming a protective barrier between the metal surface and moisture. Coatings containing oils or waxes are excluded from this category.
- (xxviii) "Critical use and line sealer maskant" means a temporary coating, not covered under other maskant categories, used to protect selected areas of aerospace parts from strong acid or alkaline solutions such as those used in anodizing, plating, chemical milling and processing of magnesium, titanium, or high-strength steel, high-precision aluminum chemical milling of deep cuts, and aluminum chemical milling of complex shapes. Materials used for repairs or to bridge gaps left by scrubbing operations are also included in this category.
- (xxix) "Cryogenic flexible primer" means a primer designed to provide corrosion resistance, flexibility, and adhesion of subsequent coating systems when exposed to loads up to and surpassing the yield point of the substrate at cryogenic temperatures (-275°F and below).
- (xxx) "Cryoprotective coating" means a coating that insulates cryogenic or subcooled surfaces to limit propellant boil-off, maintain structural integrity of metallic structures during ascent or reentry, and prevent ice formation.
- (xxxi) "Cyanoacrylate adhesive" means a fast-setting, single component adhesive that cures at room temperature. Also known as "super glue."
- (xxxii) "Depainting operation" means the use of a chemical agent, media blasting, or any other technique to remove permanent coatings from the outer surface of an aerospace vehicle or components. The depainting operation includes washing of the aerospace vehicle or component to remove residual stripper, media, or coating residue.
- (xxxiii) "Dry lubricative material" means a coating consisting of lauric acid, cetyl alcohol, waxes, or other noncross linked resin-bond materials that act as a dry lubricant.

- (xxxiv) "Electric or radiation-effect coating" means a coating or coating system engineered to interact, through absorption or reflection, with specific regions of the electromagnetic energy spectrum, such as the ultraviolet, visible, infrared, or microwave regions. Uses include, but are not limited to, lighting strike protection, electromagnetic pulse (EMP) protection, and radar avoidance. Coatings that have been designated as "classified" by the Department of Defense are exempt.
- (xxxv) "Electrostatic discharge and electromagnetic interference (EMI) coating" means a coating applied to space vehicles, missiles, aircraft radomes, and helicopter blades to disperse static energy or reduce electromagnetic interference.
- (xxxvi) "Elevated-temperature Skydrol-resistant commercial primer" means a primer applied primarily to commercial-type aircraft that must withstand immersion in phosphate-ester (PE) hydraulic fluid (Skydrol 500b or equivalent) at the elevated temperature of 150°F for 1,000 hours.
- (xxxvii) "Epoxy polyamide topcoat" means a coating used where harder films are required or in some areas where engraving is accomplished in camouflage colors.
- (xxxviii) "Exempt solvent" means a specified organic compound that has been determined by the EPA to have negligible photochemical reactivity and is listed in 40 CFR 51.100 and/or [391-3-1-.01\(IIII\)](#).
- (xxxix) "Fire-resistant (interior) coating" means for civilian aircraft, fire-resistant coatings are used on passenger cabin interior parts that are subject to the FAA fire-worthiness requirements. For military aircraft, fire-resistant interior coatings are used on parts that are subject to the flammability requirements of MIL-STD-1630A and MIL-A-87721. For space applications, these coatings are used on parts that are subject to the flammability requirements of SE-R-0006 and SSP 30233.
- (xl) "Flexible primer" means a primer that meets flexibility requirements such as those needed for adhesive bond primer fastener heads or on surfaces expected to contain fuel. The flexible coating is required because it provides a compatible,

flexible substrate over bonded sheet rubber and rubber-type coatings as well as a flexible bridge between fasteners, skin, and skin-to-skin joints on outer aircraft skins.

- (xli) "Flight test coating" means a coating applied to aircraft other than missiles or single-use aircraft prior to flight testing to protect the aircraft from corrosion and to provide required marking during flight test evaluation.
- (xlii) "Flush cleaning" means the removal of contaminants such as dirt, grease, and coatings from an aerospace vehicle or component or coating equipment by passing solvent over, into, or through the item being cleaned. The solvent may simply be poured into the item cleaned and then drained, or be assisted by air or hydraulic pressure, or by pumping. Hand-wipe cleaning operations where wiping, scrubbing, mopping, or other hand actions used are not included in this definition.
- (xliii) "Fuel tank adhesive" means a non-rubber based adhesive used to bond components exposed to fuel and which must be compatible with fuel tank coatings.
- (xliv) "Fuel tank coating" means a coating applied to fuel tank components for the purpose of corrosion and/or bacterial growth inhibition and to assure sealant adhesion in extreme environmental conditions.
- (xlv) "General aviation" means that segment of civil aviation that encompasses all facets of aviation except air carriers, commuters, and military. General aviation includes charter and corporate-executive transportation, instruction, rental, aerial application, aerial observation, business, pleasure, and other special uses.
- (xlvi) "General aviation rework facility" means any aerospace facility with the majority of its revenues resulting from the reconstruction, repair, maintenance, repainting, conversion, or alteration of general aviation aerospace vehicles or components.
- (xlvii) "Hand-wipe cleaning operation" means removing contaminants such as dirt, grease, oil, and coatings from an aerospace vehicle or component by physically rubbing it with

a material such as a rag, paper, or cotton swab that has been moistened with a cleaning solvent.

- (xlviii) "High temperature coating" means a coating designed to withstand temperatures of more than 350°F.
- (xlix) "High volume low pressure (HVLP) spray equipment" means spray equipment that is used to apply coating by means of a spray gun that operates at 10.0 psig of atomizing air pressure or less at the air cap.
- (l) "Hydrocarbon-based cleaning solvent" means a cleaning solvent that is composed of a mixture of photochemically reactive hydrocarbons and oxygenated hydrocarbons and have a maximum vapor pressure of seven mm Hg at 20°C. These cleaners also contain no hazardous air pollutants.
- (li) "Insulation covering" means material that is applied to foam insulation to protect the insulation from mechanical or environmental damage.
- (lii) "Intermediate release coating" means a thin coating applied beneath topcoats to assist in removing the topcoats in depainting operations and generally to allow the use of less hazardous depainting methods.
- (liii) "Lacquer" means a clear or pigmented coating formulated with a nitrocellulose or synthetic resin to dry by evaporation without a chemical reaction. Lacquers are resolvable in their original solvent.
- (liv) "Leak" means any visible leakage, including misting and clouding.
- (lv) "Metallized epoxy coating" means a coating that contains relatively large quantities of metallic pigmentation for appearance and/or added protection.
- (lvi) "Mold release" means a coating applied to a mold surface to prevent the molded piece from sticking to the mold as it is removed.

- (lvii) "Non-VOC material" means a primer, topcoat, specialty coating, chemical milling maskant, cleaning solvent, or stripper that contains no more than 1.0 percent by mass VOC.
- (lviii) "Nonstructural adhesive" means an adhesive that bonds nonload bearing aerospace components in noncritical applications and is not covered in any other specialty adhesive categories.
- (lix) "Optical antireflection coating" means a coating with a low reflectance in the infrared and visible wavelength ranges that is used for antireflection on or near optical and laser hardware.
- (lx) "Part marking coating" means coatings or inks used to make identifying markings on material, components, and/or assemblies. These markings may be either permanent or temporary.
- (lxi) "Pretreatment coating" means an organic coating that contains at least 0.5 percent acids by weight and is applied directly to metal or composite surfaces provide surface etching, corrosion resistance, adhesion, and ease of stripping.
- (lxii) "Primer" means the first layer and any subsequent layers of identically formulated coating applied to the surface of an aerospace vehicle or component. Primers are typically used for corrosion prevention, protection from the environment, functional fluid resistance, and adhesion of subsequent coatings. Primers that are defined as specialty coatings are not included under this definition.
- (lxiii) "Rain erosion-resistant coating" means a coating or coating system used to protect leading edges of parts such as flaps, stabilizers, radomes, engine inlet nacelles, etc., against erosion caused by rain impact during flight.
- (lxiv) "Research and development" means an operation whose primary purpose is for research and development of new processes and products and that is conducted under the close supervision of technically trained personnel and is not involved in the manufacture of final or intermediate products for commercial purposes, except in a de minimis manner.

- (lxv) "Rocket motor bonding adhesive" means an adhesive used in rocket motor bonding applications.
- (lxvi) "Rocket motor nozzle coating" means a catalyzed epoxy coating system used in elevated temperature applications on rocket motor nozzles.
- (lxvii) "Rubber-based adhesive" means a quick setting contact cement that provide a strong, yet flexible bond between two mating surfaces that may be of dissimilar materials.
- (lxviii) "Scale Inhibitor" means a coating that is applied to the surface of a part prior to thermal processing to inhibit the formation of scale.
- (lxix) "Screen print ink" means an ink used in screen printing processes during fabrication of decorative laminates and decals.
- (lxx) "Sealant" means a material used to prevent the intrusion of water, fuel, air, or other liquids or solids from certain areas of aerospace vehicles or components.
- (lxxi) "Seal coat maskant" means an overcoat applied over a maskant to improve abrasion and chemical resistance during production operations.
- (lxxii) "Self-priming topcoat" means a topcoat that is applied directly to an uncoated aerospace vehicle or component for purposes of corrosion prevention, environmental protection, and functional fluid resistance. More than one layer of identical coating formulation may be applied to the vehicle or component.
- (lxxiii) "Semi-aqueous cleaning solvent" means a solution in which water is a primary ingredient (greater than 60 percent by weight of the solvent solution as applied must be water).
- (lxxiv) "Silicone insulation material" means an insulating material applied to exterior metal surfaces for protection from high temperatures caused by atmospheric friction or engine exhaust. These materials differ from ablative coatings in that they are not "sacrificial."

- (lxxv) "Solid film lubricant" means a very thin coating consisting of a binder system containing as its main pigment material one or more of the following: molybdenum, graphite, polytetrafluoroethylene (PTFE), or other solids that act as a dry lubricant between faying surfaces.
- (lxxvi) "Specialty coating" means a coating that, even though it meets the definition of a primer, topcoat, or self-priming topcoat, has additional performance criteria beyond those of primers, topcoats, and self-priming topcoats for specific applications. These performance criteria may include, but are not limited to, temperature or fire resistance, substrate compatibility, antireflection, temporary protection or marking, sealing, adhesively joining substrates, or enhanced corrosion protection.
- (lxxvii) "Specialized function coating" means a coating that fulfills extremely specific engineering requirements that are limited in application and are characterized by low volume usage. This category excludes coatings covered in other Specialty coating categories.
- (lxxviii) "Spray-applied coating operation" means coatings that are applied using a device that creates an atomized mist of coating and deposits the coating on a substrate. For the purposes of subparagraph (kkk), spray-applied coatings do not include the following materials or activities:
- (I) Coatings applied from a hand-held device with a paint cup capacity that is equal to or less than 3.0 fluid ounces (89 cubic centimeters) in which no more than 3.0 fluid ounces of coating is applied in a single application (i.e., the total volume of a single coating formulation applied during any one day to any one aerospace vehicle or component). Under this definition, the use of multiple small paint cups and the refilling of a small paint cup to spray apply more than 3.0 fluid ounces of a coating is a spray-applied coating operation. Under this definition, the use of a paint cup liner in a reusable holder or cup that is designed to hold a liner with a capacity of more than 3.0 fluid ounces is a spray-applied coating operation.

(II) Application of coating using powder coating, hand-held non-refillable aerosol containers, or non-atomizing application technology, including but not limited to paint brushes, rollers, flow coating, dip coating, electrodeposition coating, web coating, coil coating, touch-up markers, marking pens, trowels, spatulas, daubers, rags, sponges, mechanically and/or pneumatic-driven syringes, and inkjet machines.

(III) Application of adhesives, sealants, maskants, caulking materials, and inks.

(lxxix) "Spray gun" means a device that atomizes a coating or other material and projects the particulates or other material onto a substrate.

(lxxx) "Stripper" means a liquid that is applied to an aerospace vehicle or component to remove permanent coatings such as primers, topcoats, and specialty coatings.

(lxxxi) "Structural autoclavable adhesive" means an adhesive used to bond load-carrying aerospace components that is cured by heat and pressure in an autoclave.

(lxxxii) "Structural nonautoclavable adhesive" means an adhesive used to bond load-carrying aerospace components that is cured under ambient conditions.

(lxxxiii) "Surface preparation" means the removal of contaminants from the surface of an aerospace vehicle or component or the activation or reactivation of the surface in preparation for the application of a coating.

(lxxxiv) "Temporary protective coating" means a coating applied to provide scratch or corrosion protection during manufacturing, storage, or transportation. Two types include peelable protective coatings and alkaline removable coatings. These materials are not intended to protect against strong acid or alkaline solutions.

- (lxxxv) "Thermal control coating" means a coating formulated with specific thermal conductive or radiative properties to permit temperature control of the substrate.
- (lxxxvi) "Topcoat" means a coating that is applied over a primer on a aerospace vehicle or component for appearance, identification, camouflage, or protection. Topcoats that are defined as specialty coatings are not included under this definition.
- (lxxxvii) "Touch-up and repair coating" means a coating used to cover minor coating imperfections appearing after the main coating operation.
- (lxxxviii) "Touch-up and repair operation" means that portion of the coating operation that is the incidental application of coating used to cover minor imperfections in the coating finish or to achieve complete coverage. This definition includes out-of-sequence or out-of-cycle coating.
- (lxxxix) "Type I etchant" means a chemical milling etchant that contains varying amounts of dissolved sulfur and does not contain amines.
- (xc) "Type II etchant" means a chemical milling etchant that is a strong sodium hydroxide solution containing amines.
- (xci) "Wet fastener installation coating" means a primer or sealant applied by dipping, brushing, or daubing to fasteners that are installed before the coating is cured.
- (xcii) "Wing coating" means a corrosion-resistant topcoat that is resilient enough to withstand the flexing of the wings.

18. Applicability.

- (i) The requirements of subparagraph (kkk) shall apply to all aerospace facilities with potential emissions of volatile organic compounds exceeding 100 tons per year, except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale, where facilities with potential emissions of volatile organic compounds exceeding 25 tons per year are subject to subparagraph (kkk).

- (ii) Effective January 1, 2015, the requirements of subparagraph (kkk) shall apply to all aerospace facilities with potential emissions of volatile organic compounds exceeding 25 tons per year in Barrow, Bartow, Carroll, Hall, Newton, Spalding, or Walton County. The requirements of this subparagraph (ii) will no longer be applicable if the counties specified in this subparagraph (ii) are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in these counties or the counties specified in subparagraph (i) above, the requirements of this subparagraph (ii) will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

19. Compliance Dates.

- (i) All aerospace facilities subject to subparagraph (kkk) and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.
- (ii) All aerospace facilities subject to subparagraph (kkk); located outside Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale counties; and in operation on or before October 1, 1999, shall be in compliance by January 1, 2001.
- (iii) All aerospace facilities subject to subparagraph (kkk); located outside Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale counties; and which begin initial operation after October 1, 1999, shall be in compliance upon startup.
- (iv) All aerospace facilities subject to subparagraph (kkk) and utilizing specialty coatings that begin operation after the effective date of this rule shall be in compliance upon startup. All aerospace facilities subject to subparagraph (kkk) and utilizing specialty coatings that are in operation on or before the effective date of this rule shall be in compliance on or before March 31, 2019.

(III) NOx Emissions From Fuel-Burning Equipment.

1. No person shall cause, let, suffer, permit, or allow the emission of nitrogen oxides (NO_x) from an affected unit under this subparagraph that is installed or modified on or after May 1, 1999, to exceed 30 ppm at 3% oxygen on a dry basis.
2. The requirements of this subparagraph shall apply during the period May 1 through September 30 of each year.
3. All affected units subject to this subparagraph shall be in compliance on or before May 1, 2000.
4. The requirements contained in Subparagraph 1. shall apply to all such affected units as defined in subparagraph 5.(i) that are located in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton.
5. For the purpose of this subparagraph, the following definitions apply:
 - (i) "Affected Unit" means fuel-burning equipment with a maximum design heat input capacity equal to or greater than 10 MMBTU/hr and less than or equal to 250 MMBTU/hr.
 - (ii) "Annual Capacity Factor" as used in this subparagraph means the ratio between the actual heat input to the fuel-burning equipment from fuels other than wood during a period of 12 consecutive calendar months and the potential heat input to the fuel-burning equipment from all fuels had the fuel-burning equipment been operated 8,760 hours during that 12-month period at the maximum design heat input capacity.
 - (iii) "Modified" as used in subparagraph 1. shall be as defined in 40 CFR 60.14.
 - (iv) "Wood" means wood, wood residue, bark, or any derivative fuel or residue thereof, in any form, including, but not limited to, sawdust, sanderdust, wood chips, scraps, slabs, millings, shavings, and processed pellets made from wood or other forest residues.
6. The requirements of this subparagraph do not apply to the following:

- (i) Fuel-burning equipment, which was permitted under [391-3-1-.03\(1\)](#) on or before May 1, 1999, or which was brought onto the facility on or before May 1, 1999.
- (ii) Duct burners associated with combined cycle gas turbines.
- (iii) Fuel-burning equipment located in any of the following counties: Banks, Butts, Chattooga, Clarke, Dawson, Floyd, Gordon, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Troup, and Upson that combusts either:
 - (I) wood alone; or
 - (II) wood in combination with any other fuel and has annual capacity factor for the other fuels of 10 percent (0.10) or less and is subject to an enforceable requirement limiting operation of the equipment to an annual capacity factor for the other fuels of 10 percent (0.10) or less.

(mmm) **NO_x Emissions from Stationary Gas Turbines and Stationary Engines used to Generate Electricity.**

- 1. No person shall cause, let, suffer, permit, or allow the emission of nitrogen oxides (NO_x), from any stationary gas turbine or any stationary engine used to generate electricity whose nameplate capacity is greater than or equal to 100 kilowatts (KWe) and is less than or equal to 25 megawatts (MWe), to exceed the following:
 - (i) For stationary engines in operation before April 1, 2000:

160 ppm @ 15% O₂, dry basis
 - (ii) For stationary engines installed or modified on or after April 1, 2000:

80 ppm @ 15% O₂, dry basis
 - (iii) For stationary gas turbines in operation on or after January 1, 1999 and before October 1, 1999:

42 ppm @ 15% O₂, dry basis

- (iv) For stationary gas turbines installed or modified on or after October 1, 1999:

30 ppm @ 15% O₂, dry basis

- 2. The requirements of this subsection shall apply during the period May 1 through September 30 of each year.

3. Compliance Dates.

- (i) For stationary engines in operation before April 1, 2000, the affected unit shall comply with the applicable standard under paragraph 1 above by May 1, 2003.
- (ii) For stationary engines installed or modified on or after April 1, 2000, the affected unit shall comply with the applicable standard under paragraph 1 upon startup of the affected unit.
- (iii) For stationary gas turbines in operation on or after January 1, 1999 and before October 1, 1999, the affected unit shall comply with the applicable standard under paragraph 1 above by May 1, 2000.
- (iv) For stationary gas turbines in installed or modified on or after October 1, 1999, the affected unit shall comply with the applicable standard under paragraph 1 upon startup of the affected unit.

4. For the purpose of this subsection, the following definitions apply:

- (i) "Emergency standby stationary gas turbines and stationary engines" means any stationary gas turbine or stationary engine that operates only when electric power from the local utility is not available and which operates less than 200 hours per year.
- (ii) "Modified" shall be as defined in 40 CFR 60.14.
- (iii) "Stationary engine" means any spark or compression ignited internal combustion engine which is either attached to a foundation at a facility or is portable equipment located at a specific facility.
- (iv) "Stationary gas turbine" means any gas turbine that is gas and/or liquid fueled with or without power augmentation. It is

either attached to a foundation at a facility or is portable equipment located at a specific facility.

5. Exemptions.

The following units are exempt from the provisions of this subsection:

- (i) Stationary engines used to power portable rock crushing plants.
 - (ii) Stationary engines used directly and exclusively for agricultural operation necessary for the growing of crops or the raising of fowl or animals.
 - (iii) Stationary gas turbines and stationary engines not connected to an electrical generator.
 - (iv) Laboratory engines or gas turbines used for research and testing purposes.
 - (v) Engines or gas turbines operated by the manufacturer or distributor of such equipment for purposes of performance verification and testing at the production facility.
 - (vi) Portable, temporary generators used for special events (i.e. county fair, circus) provided the event does not last more than 14 days.
 - (vii) Nonroad engines as defined in 40 CFR 89.2.
6. The requirements contained in this subsection shall apply to all such sources located in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton.
7. Emergency standby stationary gas turbines and stationary engines which meet the definition stated in paragraph 4.(i) are not subject to the emission limitations of paragraph 1.

8. Stationary engines at data centers that meet all of the following criteria are not subject to the emission limitations in subparagraph 1:
 - (i) Operate only for routine testing and maintenance, when electric power from the local utility is not available, or during internal system failures;
 - (ii) Total annual operation for the engine is less than 500 hours per year;
 - (iii) Operation for routine testing and maintenance during the months of May through September occurs only between 10 p.m. to 4 a.m. Operation for routine testing and maintenance during the months of January through April and October through December may be done during any time of day; and
 - (iv) The facility maintains records of all operation, including the reason for the operation.

(nnn) NOx Emissions from Large Stationary Gas Turbines.

1. No person shall cause, let, suffer, permit, or allow the emission of nitrogen oxides (NOx), from any stationary gas turbine whose nameplate capacity is greater than 25 megawatts (MWe), to exceed the following:
 - (i) For stationary gas turbines permitted under [391-3-1-.03\(1\)](#) before April 1, 2000:

30 ppm @ 15% O₂, dry basis
 - (ii) [reserved]
 - (iii) For stationary gas turbines permitted under [391-3-1-.03\(1\)](#) on or after April 1, 2000:

6 ppm @ 15% O₂, dry basis
2. The requirements of this subsection shall apply during the period May 1 through September 30 of each year.
3. Compliance Dates.
 - (i) Stationary gas turbines subject to paragraph 1.(i) above shall comply by May 1, 2003.

- (ii) Stationary gas turbines subject to paragraph 1.(iii) above shall be in compliance upon startup.
- 4. The requirements contained in subparagraph 1.(iii) of this subsection shall not apply to individual units which are subject to [391-3-1-.03\(8\)\(c\)14.](#) or [391-3-1-.03\(8\)\(c\)15.](#)
- 5. By no later than May 1, 2003, the owner/operator of an affected unit may submit actual operating performance data on the affected unit, with the emission reduction technologies, as approved by the Director, in place and optimized on the affected unit, sufficient to allow the Director to determine if the NOx emission limit in subparagraph 1.(i) is technically achievable taking into account the cost and feasibility of available control options. Based on the Director's review of the data provided, this rule may be modified.
- 6. The requirements contained in this subsection shall apply to all such sources located in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton.
- 7. Exemptions.

The following units are exempt from the provisions of this subsection provided that they only operate under the following conditions:

- (i) Units operating for purposes of routine testing, to maintain operability, not to exceed three (3) hours per month.
- (ii) Units operating under one of the following emergency conditions. For the purpose of restarting the steam-electric generating units when all steam-electric generating units at a facility are down and off-site power is not available (also known as a "Black Start"). Or, when power problems on the grid would necessitate implementing manual load shedding procedures for retail customers (Note: This does not apply to special rate structure conditions).

(ooo) **Reserved.**

(ppp) **Commercial and Industrial Solid Waste Incineration Units.**

1. The provisions of this subparagraph apply to each commercial and industrial solid waste incinerator (CISWI) unit that commenced construction on or before June 4, 2010, or commenced modification or reconstruction after June 4, 2010 but no later than August 7, 2013 (hereinafter referred to as "existing CISWI unit").
 - (i) For the purposes of this subparagraph, a "CISWI unit" means any unit that meets the definition of "Commercial and industrial solid waste incineration (CISWI) unit" in 40 CFR Part 60, Subpart DDDD. The types of CISWI units include the following: incinerators; air curtain incinerators; small, remote incinerators; waste-burning kilns; and energy recovery units. Physical or operational changes made at an existing CISWI unit solely to comply with this subparagraph are not considered construction, reconstruction, or modification and would not subject an existing CISWI unit to the requirements of Georgia rule 391-3-1-.02(8)(b)75.
 - (ii) The following units are exempt from the requirements of this subparagraph:
 - (I) This subparagraph exempts the types of units described in subparagraphs I. through XI., but some units are required to provide notifications. Air curtain incinerators are exempt from the requirements in this subparagraph except for the provisions in 40 CFR 60.2805, 60.2860, and 60.2870.
 - I. Pathological waste incineration units. Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low level radioactive waste, and/or chemotherapeutic waste as defined in 40 CFR 60.2875 are not subject to this subpart if you meet the two requirements specified in subparagraphs I.A. and B.
 - A. Notify the Administrator that the unit meets these criteria.
 - B. Keep records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, and/ or chemotherapeutic

waste burned, and the weight of all other fuels and wastes burned in the unit.

- II. Municipal waste combustion units. Incineration units that are subject to 40 CFR Part 60, Subpart Ea (Standards of Performance for Municipal Waste Combustors); 40 CFR Part 60, Subpart Eb (Standards of Performance for Large Municipal Waste Combustors); 40 CFR Part 60, Subpart Cb (Emission Guidelines and Compliance Time for Large Municipal Combustors); 40 CFR Part 60, Subpart AAAA (Standards of Performance for Small Municipal Waste Combustion Units); or 40 CFR Part 60, Subpart BBBB (Emission Guidelines for Small Municipal Waste Combustion Units).
- III. Medical waste incineration units. Incineration units regulated under 40 CFR Part 60, Subpart Ec (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996) or 40 CFR Part 60, Subpart Ce (Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators).
- IV. Small power production facilities as specified below.
 - A. The unit qualifies as a small power-production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).
 - B. The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.
 - C. You submit documentation to the Director and notify the EPA Administrator that the qualifying small power production facility is combusting homogenous waste.

- D. You maintain the records specified in 40 CFR 60.2740(v).

V. Cogeneration facilities as specified below.

- A. The unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)).
- B. The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.
- C. You submit documentation to the Director and notify the EPA Administrator that the qualifying cogeneration facility is combusting homogenous waste.
- D. You maintain the records specified in 40 CFR 60.2740(w).

VI. Hazardous waste combustion units. Units for which you are required to get a permit under section 3005 of the Solid Waste Disposal Act.

VII. Materials recovery units. Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters.

VIII. Air curtain incinerators. Air curtain incinerators that burn only the materials listed in paragraphs VIII.A. through C. of this section are only required to meet the requirements under "Air Curtain Incinerators" (40 CFR 60.2810 through 60.2870).

- A. 100 percent wood waste.
- B. 100 percent clean lumber.

C. 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

IX. Sewage treatment plants. Incineration units regulated under Subpart O of 40 CFR Part 60 (Standards of Performance for Sewage Treatment Plants).

X. Sewage sludge incineration units. Incineration units combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter that are subject to 40 CFR Part 60, Subpart LLLL (Standards of Performance for Sewage Sludge Incineration Units) or 40 CFR Part 60, Subpart MMMM (Emission Guidelines for Sewage Sludge Incineration Units).

XI. Other solid waste incineration units. Incineration units that are subject to 40 CFR Part 60, Subpart EEEE (Standards of Performance for Other Solid Waste Incineration Units) or 40 CFR Part 60, Subpart FFFF (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units).

2. Each existing CISWI unit shall comply with the model rule standards, requirements, and provisions of 40 CFR Part 60, Subpart DDDD (Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units), as amended June 23, 2016, which are hereby incorporated and adopted by reference.

(i) For the purposes of implementing the requirements and provisions of 40 CFR Part 60, Subpart DDDD, the following provisions are hereby incorporated and adopted by reference:

(I) 40 CFR 60.2575 through 40 CFR 60.2615, Increments of Progress except that in 40 CFR 60.2580, "table 1 of this subpart" is replaced with " 391-3-1-.02(2)(ppp)6. "; and in 40 CFR 60.2595, "for that increment of progress in table 1 of this subpart" is replaced with "in 391-3-1-.02(2)(ppp)6. ".

- (II) 40 CFR 60.2620 through 40 CFR 60.2630, Waste Management Plan except that in 40 CFR 60.2625, "table 1 of this subpart for submittal of the final control plan" is replaced with " 391-3-1-.02(2)(ppp)6. ".
- (III) 40 CFR 60.2635 through 40 CFR 60.2665, Operator Training and Qualification.
- (IV) 40 CFR 60.2670 through 60.2680, Emission Limitations and Operating Limits.
- (V) 40 CFR 60.2690 through 60.2695, Performance Testing.
- (VI) 40 CFR 60.2700 through 60.2706, Initial Compliance Requirements except that in 40 CFR 60.2705(a), "table 1 of this subpart" is replaced with " 391-3-1-.02(2)(ppp)6. ".
- (VII) 40 CFR 60.2710 through 60.2725, Continuous Compliance Requirements.
- (VIII) 40 CFR 60.2730 through 60.2735, Monitoring.
- (IX) 40 CFR 60.2740 through 60.2800, Recordkeeping and Reporting with the exception of the following:
 - I. In 40 CFR 60.2755, "table 1 of this subpart for submittal of the final control plan" is replaced with " 391-3-1-.02(2)(ppp)6. ".
 - II. In lieu of 40 CFR 60.2795(b)(1)&(2):
 - A. Within 60 days after the date of completing each performance test as required by this subparagraph, each owner or operator must submit the results of the performance test required by this subparagraph to the Director. Performance test results required to be submitted to EPA must follow provision 40 CFR 60.2795(b)(1).
 - B. Within 60 days after the date of completing each CEMS performance evaluation test, as defined in this subparagraph and required by this subparagraph, each owner or operator

must submit the relative accuracy test audit (RATA) data, to the Director. RATA data required to be submitted to EPA must follow provision 40 CFR 60.2795(b)(2).

(X) 40 CFR 60.2805, Title V Operating Permits.

(XI) 40 CFR 60.2810 through 60.2870, Air Curtain Incinerators except that in 40 CFR 60.2820, "table 1 of this subpart" is replaced with " 391-3-1-.02(2)(ppp)6. "; and in 40 CFR 60.2835, "for that increment of progress in table 1 of this subpart" is replaced with " 391-3-1-.02(2)(ppp)6. ".

(XII) 40 CFR 60.2875, Definitions.

(XIII) 40 CFR Part 60 Subpart DDDD Tables 2 through 9 except that in Table 5, in the Due Date column for the Waste Management Plan report, "table 1 for the submittal of the final control plan" is replaced with " 391-3-1-.02(2)(ppp)6. ".

3. The owner of an existing CISWI unit must contact EPA with respect to the authorities specified in 40 CFR Part 60.2542.
4. Each Existing CISWI unit is subject to the permitting requirements of [391-3-1-.03\(10\)](#) "Title V Operating Permits".
5. Definitions of all terms used, but not defined in this subparagraph, shall have the meaning given to them in 40 CFR Part 60, Subpart DDDD, as amended. Terms not defined therein shall have the meaning given to them in the federal Clean Air Act or 40 CFR Part 60, Subparts A and B. For the purposes of this subparagraph the following definitions also apply:
 - (i) Except as noted, the word "Administrator" as used in regulations adopted by reference in this subparagraph shall mean the Director of the Georgia Environmental Protection Division. For subparagraph (ppp)3. the word "Administrator" shall mean the Administrator of the EPA.
 - (ii) The term "Air Curtain Incinerator" as used in regulations adopted in this subparagraph shall mean an incinerator that operates by

forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. (Air curtain incinerators are not to be confused with conventional combustion devices with enclosed fireboxes and controlled air technology such as mass burn, modular, and fluidized bed combustors.)

(iii) The term "You" means the owner or operator of a CISWI unit subject to this rule.

6. In keeping with subparagraph (ppp)2., owners and operators of existing CISWI units must comply with Georgia's state plan for existing CISWI units, which is required by 40 CFR Part 60, Subpart DDDD. The owner operator of each existing CISWI unit shall comply with the requirements of 391-3-1-.02(2)(ppp)2. upon approval of Georgia's state plan for existing CISWI units by EPA.

(qqq) VOC Emissions from Extruded Polystyrene Products Manufacturing Utilizing a Blowing Agent.

1. No person shall cause, let, permit, suffer, or allow the three-month rolling average VOC emissions from an existing extruded polystyrene (XPS) products manufacturing facility that utilizes a blowing agent, to exceed 0.8 lbs per 100 lbs of raw material processed during any month. Compliance with this limit shall be calculated as follows:

$$\text{Final VOC Emissions} = (\text{Facility VOC Emissions})/(\text{Raw Material})$$

2. No person shall cause, let, permit, suffer, or allow the three-month rolling average VOC emissions from any new or reconstructed extruded polystyrene (XPS) products manufacturing facility that utilizes a blowing agent, to exceed 0.3 lbs per 100 lbs of raw material processed during any month. Compliance with this limit shall be calculated as follows:

$$\text{Final VOC Emissions} = (\text{Facility VOC Emissions})/(\text{Raw Material})$$

3. For the purposes of subparagraphs 1 and 2 above, the VOC emissions from the product manufacturing operations and the post-manufacturing operations are to be calculated as follows:

$$\text{Facility VOC Emissions} =$$

$$\sum_{i=1}^n$$

$$B_i(1 - OCE_i) +$$

$$\sum_{i=1}^n$$

$$C_i(1 - OCE_i) +$$

$$\sum_{i=1}^p$$

$$E_i(1 - OCE_i)$$

$$B = A - C - D$$

A = VOC Blowing Agent Used (pounds per any consecutive three-month period)

B = VOC Emissions Primary Extrusion, Roll Storage, and Thermoforming (Uncontrolled) for each control device (pounds per any consecutive three-month period)

C = VOC in the Reclaim Material (pounds per any consecutive three-month period)

D = VOC in the Final Product (pounds per any consecutive three-month period)

E = VOC Emissions from Finished Goods Warehouses (Uncontrolled) (pounds per any consecutive three-month period)

OCE = Overall Control Efficiency of a control device = [(CE)/100*(DE)/100*(UT)/100]

CE = Capture Efficiency of a Control Device (percent VOC captured)

DE = Destruction Efficiency of a Control Device (percent VOC destruction)

UT = Percentage of operating time for the control device (for the consecutive three-month period)

n = Total number of control device systems associated with primary extrusion, roll storage, and thermoforming

m = Total number of control device systems associated with the reclaim system

p = Total number of control device systems associated with the finished goods warehouses

4. Exemptions.

- (i) The provisions of subparagraphs 1 and 2 above shall not apply to Extruded Polystyrene Products Manufacturing facilities at any single site that processes less than 200 pounds per day of raw material.
- (ii) The provisions of subparagraphs 1 and 2 above shall not apply to any single site that contains one or more XPS post-manufacturing operations and does not contain any XPS product manufacturing operations.

5. Any owner or operator subject to subparagraphs 1 or 2 above shall maintain a record of operations, including but not limited to the amount of raw material processed, the equipment used, the type of blowing agent used, and operation and maintenance records of all VOC emission control systems such as temperature, pressure, flow rate, and other measures to demonstrate compliance with subparagraphs 1 or 2, as applicable. Such records shall be maintained in a format specified by the Division and shall be retained on site for a period of five years from the date of record and shall be made available to the Division upon request.

6. For the purpose of this rule, the following definitions shall apply:

- (i) "Affected Facility" means the entire Extruded Polystyrene (XPS) manufacturing operations and post-manufacturing operations at a single site.
- (ii) "Blowing Agent" means a liquid, gaseous or solid material that facilitates the formation of a cellular product from raw polymeric material.

- (iii) "Existing Extruded Polystyrene (XPS) Products Manufacturing Facility" means any such facility that begins initial operation on or before April 16, 2003.
- (iv) "Extruded Polystyrene (XPS) Products Manufacturing Facility" means a series of processes, where a blowing agent is injected into an extruded polystyrene resin and processed through cup, block, or shape molding into low-density, closed cell, cellular products. XPS products include but are not limited to insulation board, product and food packaging material. For the purposes of the applicability thresholds in subparagraph 7 below, all of the potential VOC emissions from the affected facility at a single site should be counted toward the emission thresholds. XPS product manufacturing facility includes all product manufacturing operations as well as post-manufacturing operations.
- (v) "Facility VOC Emissions" means VOC emissions from the product manufacturing operation and the post-manufacturing operation during any consecutive three-month period as calculated per subparagraph 3 above.
- (vi) "Final VOC Emissions" means VOC emission calculations that are expressed in pounds VOC emitted from the facility per 100 pounds of raw material processed during any consecutive three-month period as calculated per subparagraphs 1 and 2 above.
- (vii) "New Extruded Polystyrene (XPS) Products Manufacturing Facility" means any such facility that begins initial operation after April 16, 2003.
- (viii) "Product Manufacturing Operation" means every step of the processing of a polymeric material from the delivery of the raw material, up until the storage of the final cellular product.
- (ix) "Post-Manufacturing Operation" means the storage of the final cellular product.
- (x) "Raw Material" means all polystyrene (including recycle polystyrene from reclaim systems), additives, and blowing agent used in the manufacture of polymeric cellular products during any consecutive three-month period.
- (xi) "Reconstructed" means the replacement or addition of components at an existing affected facility in which the fixed

capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable affected facility.

- (xii) "Reconstructed Extruded Polystyrene (XPS) Products Manufacturing Facility" means any existing facility that is reconstructed after April 16, 2003.
- (xiii) "Single Site" means any stationary source or group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control.

7. The requirements of this rule shall apply to all Extruded Polystyrene (XPS) Products Manufacturing facilities, at a single site, with potential VOC emissions from product manufacturing and post-manufacturing operations equal to or exceeding 25 tons per year in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale. In the counties of Bartow, Carroll, Hall, Newton, Spalding and Walton, facilities, at a single site, with potential VOC emissions from product manufacturing and post-manufacturing operations equal to or exceeding 100 tons per year are subject to this rule.

8. Compliance Dates.

- (i) All existing facilities shall be subject to the following compliance schedule:
 - (I) Existing facilities shall submit a letter to the Division no later than May 1, 2003, indicating the option they are considering to comply with the limit in subparagraph 1. These options shall be either installation and use of additional VOC emission control systems or a blowing agent substitution.
 - (II) Existing facilities that choose to install and operate additional VOC emission control systems shall do the following:
 - 1. An application for a permit to construct for the installation of VOC emission control systems shall be submitted no later than November 1, 2003.

2. Full compliance with the limit in subparagraph 1 above shall be demonstrated no later than November 1, 2004.

(III) Existing facilities that choose a blowing agent substitution shall do the following:

1. Two six-month progress reports shall be submitted to the Division no later than November 1, 2003, and May 1, 2004.
2. Full compliance with the limit in subparagraph one above shall be demonstrated no later than November 1, 2004.
3. If the facility cannot comply with the limit, then an application for a permit to construct for the installation of VOC emission control systems shall be submitted no later than November 1, 2004, and full compliance with the limit in subparagraph 1 above shall be demonstrated no later than January 1, 2006.
 - (i) All new or reconstructed facilities shall be subject to the limit in subparagraph 2 upon startup.

(rrr) NOx Emissions from Small Fuel-Burning Equipment.

1. The owner or operator of an affected unit as defined in subparagraph 4. shall:
 - (i) Perform an annual tune-up of each affected unit, no earlier than February 1 and no later than May 1 of each calendar year. The annual tune-up shall be performed using the manufacturer's recommended settings for reduced NOx emissions, or using a NOx analyzer so that NOx emissions are minimized in a manner consistent with good combustion practices and safe fuel-burning equipment operation.
 - (ii) Fire only natural gas, LPG or propane in an affected unit during the calendar months of May through September of each year. If an

affected unit is not equipped to fire LPG or propane, the owner or operator shall be excused from this requirement only during periods of natural gas curtailment as defined in subparagraph 5.

- (iii) Maintain records of all tune-ups required to be performed in accordance with subparagraph 1.(i). These records shall indicate the date and time the tune-up was performed, state what burner settings were implemented to minimize NO_x emissions, and explain how those settings were determined. All documents and calculations used to determine reduced NO_x fuel-burning equipment settings shall be kept as part of the tune-up, maintenance and adjustments records. All records required by this subparagraph shall be retained available for inspection or submittal either in written or electronic form for at least five years from the date of record.
- 2. The owner or operator shall cause all affected units in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale County to be in compliance with the requirements of this paragraph on or before May 15, 2005, and the owner or operator shall cause all affected units in Barrow, Bartow, Carroll, Hall, Newton, Spalding or Walton County to be in compliance with the requirements of this paragraph on or before March 1, 2009.
 - 3. As an alternative to complying with the requirements of this paragraph, the owner or operator of any affected emissions unit(s) may elect to comply with the requirements of paragraph 391-3-1-.02(2)(yy).
 - 4. For the purposes of this paragraph, the term "affected unit" means individual fuel burning equipment that:
 - (i) is not subject to the requirements of paragraphs 391-3-1-.02(2)(jjj) or 391-3-1-.02(2)(lll); and
 - (ii) is located at a facility having (from all emission sources combined) potential emissions of nitrogen oxides, expressed as nitrogen dioxide, exceeding 25 tons-per-year in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale County or any facility having (from all emission sources combined) potential emissions of nitrogen oxides, expressed as nitrogen dioxide, exceeding 100 tons-per-year in Barrow, Bartow, Carroll, Hall, Newton, Spalding or Walton County; and

- (iii) has potential emissions (from the individual fuel burning equipment) of nitrogen oxides, expressed as nitrogen dioxide, equal to or exceeding one ton per year; and either
 - (iv) was installed before May 1, 1999 and has a maximum design heat input capacity of less than 100 million BTU-per-hour, or
 - (v) was installed on or after May 1, 1999 and has a maximum design heat input capacity of less than 10 million BTU-per-hour.
5. For the purposes of this paragraph, the term "natural gas curtailment" means any period during which the supply of natural gas is not available for firing in an affected unit, for reasons beyond the control of and not related to any action or decision of the owner or operator.
 6. An affected unit shall be exempt from the requirements of subparagraph 1, provided the owner or operator submits such documentation as specified in the facility's air quality permit confirming that the affected unit will not be operated during the months of May through September.

(sss) **Multipollutant Control for Electric Utility Steam Generating Units.**

1. **Effective December 31, 2008**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:
 - (i) Plant Bowen Unit 4 unless such source is equipped and operated with selective catalytic reduction and flue gas desulfurization.
 - (ii) Plant Bowen Unit 3 unless such source is equipped and operated with selective catalytic reduction and flue gas desulfurization.
 - (iii) Plant Wansley Unit 1 unless such source is equipped and operated with selective catalytic reduction and flue gas desulfurization.
 - (iv) Plant Hammond Unit 1 unless such source is equipped and operated with flue gas desulfurization.
 - (v) Plant Hammond Unit 2 unless such source is equipped and operated with flue gas desulfurization.
 - (vi) Plant Hammond Unit 3 unless such source is equipped and operated with flue gas desulfurization.

- (vii) Plant Hammond Unit 4 unless such source is equipped and operated with selective catalytic reduction and flue gas desulfurization.
 - (viii) Plant Yates Unit 1 unless such source is equipped and operated with flue gas desulfurization.
- 2. **Effective June 1, 2009**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:
 - (i) Plant Bowen Unit 2 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).
 - (ii) Plant Scherer Unit 2 unless such source is equipped and operated with sorbent injection and a baghouse.
 - (iii) Plant Scherer Unit 3 unless such source is equipped and operated with sorbent injection and a baghouse.
- 3. **Effective December 31, 2009**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:
 - (i) Plant Scherer Unit 1 unless such source is equipped and operated with sorbent injection and a baghouse.
 - (ii) Plant Wansley Unit 2 unless such source is equipped and operated with selective catalytic reduction and flue gas desulfurization.
- 4. **Effective April 30, 2010**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:
 - (i) Plant Scherer Unit 4 unless such source is equipped and operated with sorbent injection and a baghouse.
- 5. **Effective June 1, 2010**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:
 - (i) Plant Bowen Unit 1 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

6. **Effective July 1, 2011**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:
 - (i) Plant Scherer Unit 3 unless such source is equipped and operated with selective catalytic reduction, flue gas desulfurization, sorbent injection, and a baghouse; provided that the owner or operator is not required to operate the selective catalytic reduction system during the months of January through April and October through December of each year.
7. **Effective December 31, 2011**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:
 - (i) [reserved]
 - (ii) Plant McDonough Unit 2 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).
8. **Effective April 30, 2012**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:
 - (i) Plant McDonough Unit 1 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).
9. **Effective December 31, 2012**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:
 - (i) Plant Scherer Unit 4 unless such source is equipped and operated with selective catalytic reduction, flue gas desulfurization, sorbent injection, and a baghouse, provided that the owner or operator is not required to operate the selective catalytic reduction system during the months of January through April and October through December of each year.
10. **Effective October 1, 2013**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

- (i) Plant Branch Unit 2 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

11. **Effective December 31, 2013**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

- (i) [reserved]
- (ii) Plant Scherer Unit 2 unless such source is equipped and operated with selective catalytic reduction, flue gas desulfurization, sorbent injection, and a baghouse, provided that the owner or operator is not required to operate the selective catalytic reduction system during the months of January through April and October through December of each year.
- (iii) [reserved]

12. **Effective December 31, 2014**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

- (i) [reserved]
- (ii) [reserved]
- (iii) Plant Scherer Unit 1 unless such source is equipped and operated with selective catalytic reduction, flue gas desulfurization, sorbent injection, and a baghouse; provided that the owner or operator is not required to operate the selective catalytic reduction system during the months of January through April and October through December of each year.

13. **Effective April 16, 2015**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

- (i) Plant Yates Unit 6 unless such source is operated as a natural gas-fired electric utility steam generating unit or is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

- (ii) Plant Yates Unit 7 unless such source is operated as a natural gas-fired electric utility steam generating unit or is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).
- (iii) Plant Yates Units 2, 3, 4, and 5 unless such sources are operated as natural gas-fired electric steam generating units.
- (iv) Plant Branch Unit 1 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).
- (v) Plant Branch Unit 3 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).
- (vi) Plant Branch Unit 4 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).
- (vii) Plant Yates Unit 1 unless such source is operated as a natural gas-fired electric utility steam generating unit and is equipped and operated with flue gas desulfurization when burning coal.

14. [reserved]

15. [reserved]

16. **Effective January 1, 2018**, should the annual heat input (from coal combustion) of the following unit or group of units exceed the levels specified in each Subparagraphs 16.(i) through 16.(iii), the owner/operator will comply with the requirements specified in Subparagraph 16.(v):

- (i) Plant Kraft Units 1, 2, and 3 with a total annual heat input of 17,911,898 million Btu;
- (ii) Plant McIntosh Unit 1 with a total annual heat input of 14,557,638 million Btu;
- (iii) Plant Mitchell Unit 3 with a total annual heat input of 8,621,580 million Btu;
- (iv) [reserved]

- (v) The owner/operator shall evaluate the economic and technical feasibility of additional mercury controls on the applicable unit(s) specified in Subparagraphs 16.(i) through 16.(iii), and submit a report on their findings to the Division no later than September 1 of the calendar year following the calendar year that the annual heat input exceeded the applicable level specified in Subparagraphs 16.(i) through 16.(iii).
- (vi) The Division will review the report submitted in accordance with Subparagraph 16.(v) and determine if additional mercury controls are required and, if additional mercury controls are required, establish deadlines for submission of a permit application(s) to the Division and for start-up of such mercury controls.
- (vii) The Division will document the results of its evaluation conducted in accordance with Subparagraph 16.(vi) and notify the owner and/or operator within a timely fashion whether additional mercury controls are required.

17. **Control Equipment Monitoring Design:** For the anticipated range of operations of the affected units specified in Subparagraphs 1. through 13., the designated representative shall follow the procedures given in Section 2.124 of the Division's **Procedures for Testing and Monitoring Sources of Air Pollutants** for the establishment of optimized operating parameters for the applicable control equipment installed as required in Subparagraphs 1. through 13.
18. **Alternative Control Technology:** The owner/operator of an affected unit specified in Subparagraphs 1. through 13. may operate alternative control technology or alternative method of emissions reductions from that which is specified in the applicable Subparagraphs 1. through 13. if the following requirements are met:
 - (i) The Division has approved the operation of the alternative control technology or the alternative method of emission reductions as being capable of achieving reductions of NO_x, SO₂ and/or mercury emissions equivalent to or greater than the control technology requirement specified in applicable Subparagraphs 1. through 13. for an individual emissions unit or the respective plant site as a whole; and
 - (ii) The owner/operator has obtained the appropriate permit(s) from the Division prior to operating the alternative control technology.

19. **The owner or operator** of any electric utility steam generating unit subject to this subsection may submit a request to the Director to delay implementation of any of the controls required by Subparagraphs 1. through 13. for a specific electric utility steam generating unit if there is a delay caused by reasonably unforeseen circumstances beyond the control of the owner operator. Any delay allowed under this subparagraph is subject to review and approval by the Division. Reasonably unforeseen circumstances beyond the control of the owner or operator shall include, without limitation, the following:
- (i) Failure to secure timely and necessary federal, state or local approvals, responses, notifications or permits to install the controls, provided that such approvals or permits have been timely and diligently sought;
 - (ii) Act of God, act of war, insurrection, civil disturbance, flood or other extraordinary weather conditions, vandalism, contractor or supplier strikes or bankruptcy, or unanticipated breakage or accident to machinery or equipment despite diligent maintenance; and
 - (iii) Any other delay caused by unforeseeable circumstances beyond the reasonable control of owner or operator as reasonably determined by the Director.
20. **On and after the effective date** of each Subparagraph 1. through 13. for an affected unit, the applicable owner or operator is not required to operate the required control technology under the following conditions:
- (i) Restarting an electric utility steam generating unit when all electric utility steam generating units [as listed in Subparagraphs 1. through 13.] at a facility are down and off-site power is not available (also known as a "Black Start").
 - (ii) Periods of startup of an electric utility steam generating unit provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.
 - (iii) Periods of shutdown of an electric utility steam generating unit provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.
 - (iv) Periods of scheduled and/or preventative maintenance of control technology equipment if such maintenance cannot reasonably be

performed during a scheduled outage of the respective electric utility steam generating unit.

- (v) Periods of malfunction of electric utility steam generating unit and/or control technology equipment provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.
- (vi) Periods when the owner/operator is required to conduct the Relative Accuracy Test Audit and any other necessary periodic quality assurance procedures on the Continuous Emissions Monitoring System located on the bypass stack pursuant to 40 CFR Part 75 or the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants**.
- (vii) Periods when the owner/operator is required to conduct any performance tests on the bypass stack as required by state or federal air quality rules, air quality operating permits, or as ordered by the Division.
- (viii) Division-approved periods of research and development of emission control technologies, provided that the unit does not exceed other applicable emission limits. For purposes of this subparagraph, the owner/operator shall submit a request for approval under this subparagraph at least 120 days prior to such date as well as including the following items:
 - (1) length of time of research and development (R&D) period;
 - (2) identification of steps to take to minimize emissions in accordance with best operational practices during R&D period;
 - (3) for periods of R&D lasting more than 48 hours during any 5-day period, a demonstration that any increase in emissions resulting from the R&D project that are above that which is allowed by this subparagraph (sss) will not cause or significantly contribute to a violation of any national ambient air quality standard or prevent compliance with any other applicable provisions.

(ix) Any other occasion not covered by Subparagraphs 20.(i) through (viii), as approved by the Division.

21. **The requirements** of Subparagraph 20 do not relieve the owner or operator from the requirement to comply with any other applicable requirements of Georgia Rules for Air Quality Control Chapter 391-3-1.

22. **Technology and Mercury Impact Review - Periodic Evaluation:** The Director shall submit a report to the Georgia Department of Natural Resources Board by December 31, 2023. The report shall constitute an evaluation of available and relevant information to determine if additional reductions of mercury emissions from electric utility steam generating units are necessary or appropriate. This report shall include an evaluation that includes, but is not limited to, the following:

- (i) mercury concentrations in fish tissue in water bodies in the State and any changes or trends of such concentrations over time;
- (ii) the sources of mercury (including air, land, and water sources) that might influence in-state mercury concentrations in fish tissue;
- (iii) the state of the science regarding the relationship among sources of mercury, mercury speciation and mercury concentrations in fish tissue in water bodies in the State;
- (iv) the health impact of mercury contamination in fish tissue;
- (v) technically- and economically-feasible controls for the reduction of mercury emissions from coal-fired EGUs or other sources;
- (vi) whether additional reductions of mercury from coal-fired electric utility steam generating units or other sources and/or whether additional time or study is appropriate and necessary in light of items (i) through (v);
- (vii) recommendations for any necessary revisions to Paragraph (sss) or other actions as needed to address other sources; and
- (viii) recommendations for an appropriate timeline for the development of any such additional regulations; provided, however, that implementation and operation of any such additional controls shall be required no earlier than January 1, 2027.

23. **Effective January 1, 2013**, no person shall cause, let, permit, suffer or allow the operation of the following units affected except as specified below:

- (i) Plant Branch Units 3 and 4, combined, shall not emit more than 11,165 tons of nitrogen oxides annually in 2013, 2014, and 2015 only.
- (ii) Plant Branch Units 3 and 4, combined, shall not emit more than 52,988 tons of sulfur dioxide annually in 2013, 2014, and 2015 only.

24. **Definitions.** For the purpose of this subparagraph (sss), the following definitions apply:

- (i) "Affected Unit" means electric utility steam generating units at Plants Bowen 1, 2, 3, and 4; Plants Branch Units 1, 2, 3, and 4; Plant Hammond Units 1, 2, 3, and 4; Plant McDonough Units 1 and 2; Plant Scherer Units, 1, 2, 3, and 4; Plant Wansley Units 1 and 2; and Plant Yates Units 1, 2, 3, 4, 5, 6, and 7.
- (ii) The definition of natural gas-fired electric utility steam generating unit specified in 40 CFR 63.10042 is hereby incorporated and adopted by reference.

(ttt) [reserved]

(uuu) **SO₂ Emissions from Electric Utility Steam Generating Units.**

- 1. Effective January 1, 2010, no person shall cause, let, permit, suffer or allow any gases which contain sulfur dioxide in excess of 10 percent (0.10) of the potential combustion concentration (90 percent reduction) from the following affected unit: Plant Yates Unit 1.
- 2. Effective on the dates established below, no person shall cause, let, permit, suffer or allow any gases which contain sulfur dioxide in excess of 5 percent (0.05) of the potential combustion concentration (95 percent reduction) from the following affected units: Plant Bowen Units 1 through 4, Plant Branch Units 1 through 4, Plant Hammond Units 1 through 4, Plant McDonough Units 1 and 2, Plant Scherer Units 1 through 4, Plant Wansley Units 1 and 2, and Yates Units 6 and 7.

The limit established in this subparagraph shall become effective beginning:

- (i) January 1, 2010, for Plant Bowen Units 2, 3 and 4, and Plant Wansley Units 1 and 2.
 - (ii) July 1, 2011, for Plant Scherer Unit 3.
 - (iii) January 1, 2012, for Plant Bowen Unit 1, Plant Hammond Units 1, 2, 3, and 4, and Plant McDonough Unit 2.
 - (iv) May 1, 2012, for Plant McDonough Unit 1.
 - (v) January 1, 2013, for Plant Scherer Unit 4.
 - (vi) October 1, 2013, for Plant Branch Unit 2.
 - (vii) January 1, 2014, for Plant Scherer Unit 2.
 - (viii) January 1, 2015, for Plant Scherer Unit 1.
 - (ix) April 16, 2015, for Plant Yates Units 6 and 7, and Plant Branch Units 1, 3, and 4.
 - (x) [reserved]
 - (xi) [reserved]
3. Compliance with Subparagraphs 1 and 2 shall be determined on a 30-day rolling average basis. The first 30-day averaging period for each Affected Unit shall begin on the effective date specified in Subparagraphs 1 and 2.
4. The requirements of Subparagraphs 1 and 2 do not apply during the following periods:
- (i) Restarting an Electric Utility Steam Generating Unit specified in subparagraphs 1 or 2 when all Electric Utility Steam Generating Units at a facility are down and off-site power is not available (also known as a "Black Start").
 - (ii) Periods of startup of an Electric Utility Steam Generating Unit provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.
 - (iii) Periods of shutdown of an Electric Utility Steam Generating Unit provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.

- (iv) Periods of scheduled and/or preventative maintenance of control technology equipment if such maintenance cannot reasonably be performed during a scheduled outage of the respective Electric Utility Steam Generating Unit.
- (v) Periods of malfunction of an Electric Utility Steam Generating Unit and/or control technology equipment provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.
- (vi) Periods when the owner/operator is required to conduct the Relative Accuracy Test Audit and any other necessary periodic quality assurance procedures on the Continuous Emissions Monitoring System located on the bypass stack pursuant to 40 CFR Part 75 or the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants**.
- (vii) Periods when the owner/operator is required to conduct any performance tests on the bypass stack as required by State or Federal air quality rules, air quality operating permits, or as ordered by the Division.
- (viii) Division-approved periods of research and development of emission control technologies, provided that the unit does not exceed other applicable emission limits. For purposes of this subparagraph, the owner/operator shall submit a request for approval under this subparagraph at least 120 days prior to such date, as well as include the following items:
 - (1) length of time of research and development (R&D) period;
 - (2) identification of steps to take to minimize emissions in accordance with best operational practices during R&D period;
 - (3) for periods of R&D lasting more than 48 hours during any 5-day period, a demonstration that any increase in emissions resulting from the R&D project that are above that which is allowed by this subparagraph (uuu) will not cause or significantly contribute to an violation of any national ambient air quality standard or prevent compliance with any other applicable provisions.

5. For the purpose of this subsection, the following definitions apply:
- (i) "Potential combustion concentration" means the theoretical sulfur dioxide emissions (lb/MMBtu heat input) that would result from combusting fuel without using emission control systems.
 - (ii) "Affected Unit" means electric utility steam generating units Plant Bowen Units 1, 2, 3, and 4; Plant Branch Units 1, 2, 3, and 4; Plant Hammond Units 1, 2, 3, and 4; Plant McDonough Units 1 and 2; Plant Wansley Units 1 and 2; Plant Scherer Units 1, 2, 3, and 4; and Plant Yates Units 1, 6, and 7, except when operated as a natural gas-fired electric utility steam generating unit. The definition of natural gas-fired electric generating unit notwithstanding, Plant Yates Unit 1 shall be treated as an affected unit whenever it burns any coal.
 - (iii) The definition of natural gas-fired electric steam generating units specified in 40 CFR 63.10042 is hereby incorporated and adopted by reference.

(vvv) **VOC Emissions from Surface Coating of Miscellaneous Plastic Parts and Products.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of miscellaneous plastic parts and products that does not fall under subparagraphs 2., 3., 4., 5., 6., 7., and/or 8. of this subsection to exceed:
 - (i) 2.3 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a general one-component coating. If any coating delivered to the coating application system contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.35 pounds VOC per gallon of coating solids delivered to the coating application system.
 - (ii) 2.8 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a military specification (1-pack) coating. If any coating delivered to the coating application system contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.52 pounds VOC per gallon of coating solids delivered to the coating application system.
 - (iii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating application system that applies one or more of the following coatings: general multi-component; extreme-

performance (2-pack) coating; metallic coating; and military specification (2-pack) coating. If any coating delivered to the coating application system contains more than 3.5 pounds VOC per gallon, the solids equivalent limit shall be 6.67 pounds VOC per gallon of coating solids delivered to the coating application system.

- (iv) 5.7 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a multi-colored coating. If any coating delivered to the coating application system contains more than 5.7 pounds VOC per gallon, the solids equivalent limit shall be 25.3 pounds VOC per gallon of coating solids delivered to the coating application system.
 - (v) 6.3 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a mold-seal coating. If any coating delivered to the coating application system contains more than 6.3 pounds VOC per gallon, the solids equivalent limit shall be 43.7 pounds VOC per gallon of coating solids delivered to the coating application system.
 - (vi) 6.7 pounds per gallon of coating, excluding water, delivered to a coating application system that applies an electric dissipating coating, shock-free coating, optical coating, or vacuum metalizing coating. If any coating delivered to the coating application system contains more than 6.7 pounds VOC per gallon, the solids equivalent limit shall be 74.7 pounds VOC per gallon of coating solids delivered to the coating application system.
2. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of automobiles and trucks at a facility that is not an automobile or light-duty truck manufacturing facility using baked coatings for interior and exterior parts to exceed:
- (i) 3.5 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a non-flexible primer. If any non-flexible primer coating delivered to the coating application system contains more than 3.5 pounds VOC per gallon, the solids equivalent limit shall be 6.67 pounds VOC per gallon of coating solids delivered to the coating application system.
 - (ii) 4.0 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a clear coat. If any clear

coat coating delivered to the coating application system contains more than 4.0 pounds VOC per gallon, the solids equivalent limit shall be 8.76 pounds VOC per gallon of coating solids delivered to the coating application system.

- (iii) 4.3 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a base coat or non-base coat/clear coat. If any one of these coatings delivered to the coating application system contains more than 4.3 pounds VOC per gallon, the solids equivalent limit shall be 8.76 pounds VOC per gallon of coating solids delivered to the coating application system.
 - (iv) 4.5 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a flexible primer. If any coating delivered to the coating application system contains more than 4.5 pounds VOC per gallon, the solids equivalent limit shall be 11.58 pounds VOC per gallon of coating solids delivered to the coating application system.
3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of automobiles and trucks at a facility that is not an automobile or light-duty truck manufacturing facility using air dried coatings for exterior parts to exceed:
- (i) 4.0 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a clear coat. If any coating delivered to the coating application system contains more than 4.0 pounds VOC per gallon, the solids equivalent limit shall be 11.58 pounds VOC per gallon of coating solids delivered to the coating application system.
 - (ii) 4.8 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a primer. If any coating delivered to the coating application system contains more than 4.8 pounds VOC per gallon, the solids equivalent limit shall be 13.80 pounds VOC per gallon of coating solids delivered to the coating application system.
 - (iii) 4.0 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a base coat or a non-basecoat/clear coat. If any coating delivered to the coating application system contains more than 4.0 pounds VOC per gallon, the solids equivalent limit shall be 13.4 pounds VOC per

gallon of coating solids delivered to the coating application system.

4. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of automobile and trucks at a facility that is not an automobile or light-duty truck manufacturing facility using air dried coatings for interior parts to exceed:
 - (i) 5.0 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a coating. If any coating delivered to the coating application system contains more than 5.0 pounds VOC per gallon, the solids equivalent limit shall be 15.59 pounds VOC per gallon of coating solids delivered to the coating application system.
5. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of automobile and trucks at a facility that is not an automobile or light-duty truck manufacturing facility using touchup and repair coatings to exceed:
 - (i) 5.2 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a coating. If any coating delivered to the coating application system contains more than 5.2 pounds VOC per gallon, the solids equivalent limit shall be 17.72 pounds VOC per gallon of coating solids delivered to the coating application system.
6. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of business machines to exceed:
 - (i) 2.2 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a fog coat. If any coating delivered to the coating application system contains more than 2.2 pounds VOC per gallon, the solids equivalent limit shall be 3.14 pounds VOC per gallon of coating solids delivered to the coating application system.
 - (ii) 2.9 pounds per gallon of coating, excluding water, delivered to a coating application system that applies one or more of the following coatings: primer. topcoat. texture coat. touchup and repair. If any coating delivered to the coating application system contains more than 2.9 pounds VOC per gallon, the solids equivalent limit shall be 4.80 pounds VOC per gallon of coating solids delivered to the coating application system.

7. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of miscellaneous motor vehicle plastic parts and products at a facility that is not an automobile or light-duty truck manufacturing facility to exceed:
 - (i) 1.7 pounds per gallon of coating, excluding water, delivered to a coating application system that applies the following motor vehicle materials: gasket/gasket sealing material and bedliner.
 - (ii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating application system that applies the following motor vehicle materials: cavity wax, sealer, deadener, underbody coating, trunk interior coating, and lubricating wax/compound.
8. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of automobile and trucks at a facility that is not an automobile or light-duty truck manufacturing facility using red or black coatings to exceed 1.15 times the applicable limit in this subsection except in the case of touch-up and repair coatings in which the applicable limit shall apply.
9. Each owner or operator of a facility that coats plastic parts shall ensure that all coating application systems utilize one or more of the application techniques stated below:
 - (i) Electrostatic spray application;
 - (ii) High volume low pressure (HVLP) spraying;
 - (iii) Flow/curtain application;
 - (iv) Roll coating;
 - (v) Dip coat application including electrodeposition;
 - (vi) Airless spray;
 - (vii) Air-assisted airless spray; or
 - (viii) Other coating application methods that achieve transfer efficiency equivalent to HVLP or electrostatic spray application methods, as determined by the Director.
10. Each owner or operator of a facility that coats plastic parts shall comply with the following work practice standards:

- (i) store all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;
 - (ii) ensure that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste materials are kept closed at all times except when depositing or removing these materials;
 - (iii) minimize spills of VOC-containing coatings, thinners, and coating-related waste materials; and
 - (iv) convey VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed containers or pipes.
11. Each owner or operator of a facility that coats plastic parts shall comply with the following housekeeping requirements for any affected cleaning operation:
- (i) store all VOC-containing cleaning materials and used shop towels in closed containers;
 - (ii) ensure that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;
 - (iii) minimize spills of VOC-containing cleaning materials;
 - (iv) convey VOC-containing cleaning materials from one location to another in closed containers or pipes; and
 - (v) minimize VOC emission from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.
12. The VOC limits specified in this subsection do not apply to the following types of plastics coatings and/or coating operations:
- (i) Touch-up and repair coatings;
 - (ii) Stencil coatings applied on clear or transparent substrates;
 - (iii) Clear or translucent coatings;

- (iv) Coatings applied at a paint manufacturing facility while conducting performance tests on the coatings;
- (v) Any individual coating category used in volumes less than 50 gallons in any one year, if substitute compliant coatings are not available, provided that the total usage of all such coatings does not exceed 200 gallons per year, per facility;
- (vi) Reflective coating applied to highway cones;
- (vii) Mask coatings that are less than 0.5 millimeter thick (dried) and the area coated is less than 25 square inches;
- (viii) EMI/RFI shielding coatings; and
- (ix) Heparin-benzalkonium chloride (HBAC)-containing coatings applied to medical devices, provided that the total usage of all such coatings does not exceed 100 gallons per year, per facility.

The recommended application methods and work practice standards specified in this subsection still apply.

- 13. Airbrush operations using five gallons or less per year of coating are exempt from the application technique requirements of this subsection but must comply with the VOC limits and work practices specified.
- 14. The VOC limits specified in this subsection do not apply to the coating of plastic parts of automobiles and trucks or the coating of plastic parts of business machines of the following types of coatings and/or coating operations:
 - (i) Texture coatings;
 - (ii) Vacuum metalizing coatings;
 - (iii) Gloss reducers;
 - (iv) Texture topcoats;
 - (v) Adhesion primers;
 - (vi) Electrostatic preparation coatings;
 - (vii) Resist coatings; and

(viii) Stencil coatings.

The application methods and work practice standards specified in this subsection still apply.

15. All VOC emissions from solvent washings shall be considered in the emission limitations unless the solvent is directed into containers that prevent evaporation into the atmosphere.
16. The emission limits in this subsection shall be achieved by:
 - (i) the application of low solvent coating technology where each and every coating meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in paragraphs 1., 2., 3., 4., 5., 6., 7., and 8. of this subsection; or
 - (ii) the application of low-solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit expressed in pounds VOC per gallon of coating solids stated in paragraphs 1., 2., 3., 4., 5., 6., and 8. of this subsection. Averaging across lines is not allowed; or
 - (iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit, expressed in pounds VOC per gallon of coating solids stated in paragraphs 1., 2., 3., 4., 5., 6., and 8. of this subsection; and
 - (iv) for motor vehicle plastic parts, compliance may be achieved only as stated in subparagraph 7. of this section. There is no solids equivalent limit for such coatings.
17. Definitions: For the purpose of this subsection, the following definitions apply:
 - (i) "2-pack coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst, before application to form an acceptable dry film. 2-pack coating may also be known as a "two-component coating".

- (ii) "Adhesion primer" means a coating that is applied to a polyolefin part to promote the adhesion of a subsequent coating. An adhesion prime is clearly identified as an adhesion prime or adhesion promoter on its accompanying material safety data sheet.
- (iii) "Air brush operations" means the application of a coating with a small, air-operated tool.
- (iv) "Air-dried coating" means a coating that is dried by the use of air or forced warm air at temperatures up to 194°F.
- (v) "Baked Coating" means a coating that is cured at a temperature at or above 90°C (194°F).
- (vi) "Base Coat" means an initial coat of paint, generally after a primer, that is applied for protection or as a background color.
- (vii) "Bedliner" means a multi-component coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to a cargo bed after the application of topcoat to provide additional durability and chip resistance.
- (viii) "Black coating" means a coating which meets both of the following criteria:
 - (1) maximum lightness: 23 units; and
 - (2) saturation: less than 2.8, where saturation equals the square root of $A^2 + B^2$. These criteria are based on Cielab color space, 0/45 geometry. For spherical geometry, specular included, maximum lightness is 33 units.
- (ix) "Business machine" means a device that uses electronic or mechanical methods to process information, perform calculations, print or copy information or convert sound into electrical impulses for transmission, including devices listed in standard industrial classification numbers 3572, 3573, 3579, and 3661 and photocopy machines, a subcategory of standard industrial classification number 3861.
- (x) "Cavity wax" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied

into the cavities of the vehicle primarily for the purpose of enhancing corrosion protection.

- (xi) "Clear coating" means a coating which lacks color and opacity or is transparent and uses the undercoat as a reflectant base or undertone color;
- (xii) "Coating application system" means all operations and equipment which applies, conveys, and dries a surface coating including, but not limited to, spray booths, flow coaters, flashoff areas, air dryers and ovens.
- (xiii) "Coating of plastic parts of automobiles and trucks" means the coating of any plastic part that is or shall be assembled with other parts to form an automobile or truck.
- (xiv) "Coating of plastic parts of business machines" means the coating of any plastic part that is or shall be assembled with other parts to form a business machine.
- (xv) "Deadener" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to selected vehicle surfaces primarily for the purpose of reducing the source of road noise in the passenger compartment.
- (xvi) "Electric dissipating coating" means a coating that rapidly dissipates a high-voltage electric charge.
- (xvii) "Electrostatic prep coat" means a coating that is applied to a plastic part solely to provide conductivity for the subsequent application of a primer, a topcoat, or other coating through the use of electrostatic application methods. An electrostatic prep coat is clearly identified as an electrostatic prep coat on its accompanying material safety data sheet.
- (xviii) "EMI/RFI shielding coating" means a coating used on plastic electronics enclosures to reduce or eliminate electromagnetic or radio frequency interference.
- (xix) "Extreme-performance coating" means a coating used on a plastic surface where the coated surface is, in its intended use, subject to the following:

- (a) chronic exposure to corrosive, caustic or acidic agents, chemicals, chemical fumes, chemical mixtures or solutions; or
 - (b) repeated exposure to temperatures in excess of 250°F; or
 - (c) repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial grade solvents, cleansers or scouring agents. Extreme-performance coatings include, but are not limited to, coatings applied to locomotives, railroad cars, farm machinery, and heavy duty trucks.
- (xx) "Flexible coating" means any coating including but not limited to primer, base coat, clear coat or topcoat that is required to comply with engineering specifications for impact resistance, mandrel bend, or elongation as defined by the original equipment manufacturer.
- (xxi) "Fog coat" means a coating that is applied to a plastic part for the purpose of color matching without masking a molded-in texture. A fog coat shall not be applied at a thickness of more than 0.5 mils of coating solids.
- (xxii) "Gasket/sealing material" means a fluid, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to coat a gasket or replace and perform the same function as a gasket. Automobile and light-duty truck gasket/gasket sealing material includes room temperature vulcanization (RTV) seal material.
- (xxiii) "Gloss reducer" means a coating that is applied to a plastic part solely to reduce the shine of the part. A gloss reducer shall not be applied at a thickness of more than 0.5 mils of coating solids.
- (xxiv) "Lubricating wax/compound" means a protective lubricating material, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to vehicle hubs and hinges.

(xxv) "Metallic coating" means a coating which contains more than five grams of metal particles per liter of coating as applied. "Metal particles" are pieces of a pure elemental metal or combination of elemental metals.

(xxvi) "Miscellaneous plastic parts and products" means surface coating of products manufactured by the following industrial source categories: large farm machinery, small farm machinery, small appliances, commercial machinery, industrial machinery, fabricated plastic products and any other industrial category which coats plastic parts or products under the Standard Industry Classification Code Major Groups 33, 34, 35, 36, 37, 38, 40, and 41. The miscellaneous plastic parts and products source category does not include:

- (I) automobiles and light-duty trucks;
- (II) metal cans;
- (III) flat metal sheets and strips in the form of rolls or coils;
- (IV) magnet wire for use in electrical machinery;
- (V) metal furniture;
- (VI) large appliances;
- (VII) aerospace manufacturing and rework operations;
- (VIII) automobile refinishing;
- (IX) customized top coating of automobiles and trucks, if production is less than 35 vehicles per day;
- (X) exterior of marine vessels;
- (XI) gel coats applied to fiber reinforced plastic (fiberglass composite) products removed from the mold or used as in-mold coatings in the production of fiberglass parts;
- (XII) fiberglass boat manufacturing materials; and
- (XIII) miscellaneous industrial adhesives.

- (xxvii) "Military specification coating" means a coating which has a formulation approved by a United States Military Agency for use on military equipment.
- (xxviii) "Mold-seal coating" means the initial coating applied to a new mold or a repaired mold to provide a smooth surface which, when coated with a mold release coating, prevents products from sticking to the mold.
- (xxix) "Multi-colored coating" means a coating which exhibits more than one color when applied and is packaged in a single container and applied in a single coat.
- (xxx) "Multi-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film.
- (xxxi) "Non-flexible Coating" means any coating that does not meet the definition of "flexible coating" as specified in this subsection.
- (xxxii) "One-component coating" or "1-pack coating" means a coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner, necessary to reduce the viscosity, is not considered a component.
- (xxxiii) "Optical coating" means a coating applied to an optical lens.
- (xxxiv) "Primer" means the first layer and any subsequent layers of identically-formulated coating applied to the surface of a plastic part or product. Primers are typically used for corrosion prevention, protection from the environment, functional fluid resistance, and adhesion of subsequent coatings.
- (xxxv) "Red coating" means a coating which meets all of the following criteria:
 - (I) Yellow limit: the hue of hostaperm scarlet.
 - (II) Blue limit: the hue of monastrel red-violet.

- (III) Lightness limit for metallics: 35 percent aluminum flake.
 - (IV) Lightness limit for solids: 50 percent titanium dioxide white.
 - (V) Solid reds: hue angle of -11 to 38 degrees and maximum lightness of 23 to 45 units.
 - (VI) Metallic reds: hue angle of -16 to 35 degrees and maximum lightness of 28 to 45 units.
 - (VII) These criteria are based on Cielab color space, 0/45 geometry. For spherical geometry, specular included, the upper limit is 49 units. The maximum lightness varies as the hue moves from violet to orange. This is a natural consequence of the strength of the colorants, and real colors show this effect.
- (xxxvi) "Sealer" means a high viscosity material, used at a facility that is not an automobile or light-duty truck assembly coating facility, that is generally, but not always, applied in the paint shop after the body has received an electrodeposition primer coating and before the application of subsequent coatings (e.g., primer-surfacer). The primary purpose of automobile and light-duty truck sealer is to fill body joints completely so that there is no intrusion of water, gases or corrosive materials into the passenger area of the body compartment. Such materials are also referred to as sealant, sealant primer, or caulk.
- (xxxvii) "Repair coating" means a coating used to re-coat portions of a previously coated product which has sustained mechanical damage to the coating following normal coating operations.
- (xxxviii) "Resist coat" means a coating that is applied to a plastic part before metallic plating to prevent deposits of metal on portions of the plastic part.
- (xxxix) "Shock-free coating" means a coating applied to electrical components to protect the user from electric shock. The coating has characteristics of being of low capacitance, high

resistance, and having resistance to breaking down under high voltage.

- (xl) "Stencil coating" means an ink or a pigmented coating which is rolled or brushed onto a template or stamp in order to add identifying letters, symbols and/or numbers.
- (xli) "Texture coating" means a coating that is applied to a plastic part which, in its finished form, consists of discrete raised spots of the coating.
- (xlii) "Topcoat" means any final coating applied to a plastic part or product.
- (xliii) "Touch-up coating" means a coating used to cover minor coating imperfections appearing after the main coating operation.
- (xliv) "Translucent coating" means a coating which contains binders and pigment and is formulated to form a colored, but not opaque, film.
- (xlv) "Transfer efficiency" means the weight (or volume) of coating solids adhering to the surface being coated divided by the total weight (or volume) of coating solids delivered to the applicator.
- (xlvi) "Trunk interior coating" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to the trunk interior to provide chip protection.
- (xlvii) "Underbody coating" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to the undercarriage or firewall to prevent corrosion and/or provide chip protection.
- (xlviii) "Vacuum-metalizing coating" means the undercoat applied to the substrate on which the metal is deposited or the overcoat applied directly to the metal film. Vacuum metalizing/physical vapor deposition (PVD) is the process whereby metal is vaporized and deposited on a substrate in a vacuum chamber.

18. Applicability: On and after January 1, 2015, the requirements of this subparagraph (vvv) shall apply to facilities at which the potential emissions of volatile organic compounds from all surface coating of miscellaneous plastic parts and products categories covered in subparagraphs 1. through 8. of this subparagraph equal or exceed 10 tons per year and are located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton counties. Any physical or operational changes that are necessary to comply with the provisions specified in this subparagraph are subject to the compliance schedule specified in subparagraph 20. Prior to January 1, 2015, such facilities shall comply with the provisions of subparagraph 391-3-1-.02(2)(tt), if applicable.
19. Applicability: The requirements of this Subparagraph (vvv) will no longer be applicable by the compliance deadlines if the counties specified in subparagraph 18. are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of this Subparagraph (vvv) will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.
20. Compliance Schedule:
 - (i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.
 - (ii) On-site construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.
 - (iii) Full compliance with the applicable requirements specified this subparagraph (vvv) must be completed before **January 1, 2015**.

(www) **Sewage Sludge Incineration Units.**

1. The provisions of this subparagraph apply to each sewage sludge incineration (SSI) unit that is located at a wastewater treatment facility and that commenced construction on or before October 14, 2010 (hereinafter referred to as "existing SSI unit"). Physical or operational changes made at an existing SSI unit solely to comply with this

subparagraph are not considered construction, reconstruction, or modification and would not subject an existing SSI unit to the requirements of 40 CFR Part 60, Subpart LLLL, which contains the "Standards of Performance for Sewage Sludge Incineration Units for Which Construction is Commenced After October 14, 2010".

2. For the purposes of implementing the requirements and provisions of 40 CFR Part 60, Subpart MMMM (Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units), each existing SSI unit shall comply with the model rule standards, requirements, and provisions of 40 CFR Part 60, Subpart MMMM, as promulgated March 21, 2011, which are hereby incorporated and adopted by reference.
 - (i) For the purposes of implementing the requirements and provisions of 40 CFR Part 60, Subpart MMMM, the following provisions are hereby incorporated and adopted by reference. The emission limits and standards apply at all times and during periods of malfunction. The operating limits apply at all times that sewage sludge is in the combustion chamber.
 - (I) 40 CFR 60.5085 through 40 CFR 60.5125, Increments of Progress with the exception of 40 CFR 60.5090 and Table 1 which do not apply to an Existing SSI.
 - (II) 40 CFR 60.5130 through 40 CFR 60.5160, Operator Training and Qualification.
 - (III) 40 CFR 60.5240 and 60.5245, Title V Operating Permits.
 - (IV) 40 CFR Part 60, Subpart MMMM Tables 2 through 6 and 60.5181.
 - (ii) With the following exceptions:
 - (I) Emission Limits, Emission Standards, and Operating Limits and Requirements. In lieu of 40 CFR 60.5165 through 60.5180, Sections 2.130.2 through 2.130.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants shall apply to each existing SSI unit.
 - (II) Initial and Continuous Compliance Requirements. In lieu of 40 CFR 60.5185 through 60.5215, Sections 2.130.2 through 2.130.4 of the Georgia Department of Natural

Resources Procedures for Testing and Monitoring Sources of Air Pollutants shall apply to each existing SSI unit.

(III) Performance Testing, Monitoring, and Calibration Requirements. In lieu of 40 CFR 60.5220 through 60.5225, Sections 2.130.2 through 2.130.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants shall apply to each existing SSI unit.

(IV) Record keeping and Reporting Requirements. In lieu of 40 CFR 60.5230 and 60.5235, Sections 2.130.2 through 2.130.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants shall apply to each existing SSI unit.

3. In keeping with subparagraph 2., owners and operators of existing SSI units must comply with Georgia's state plan for existing SSI units, which is required by 40 CFR Part 60, Subpart M. The owner or operator of each existing SSI unit shall comply with the requirements of 391-3-1-.02(2)(www) 2. upon approval of Georgia's state plan for existing SSI units by EPA.
4. Each existing SSI unit is subject to the permitting requirements of [391-3-1-.03\(10\)](#) "Title V Operating Permits".
5. Definitions of all terms used but not defined in this subparagraph shall have the meaning given to them in 40 CFR Part 60, Subpart M, as promulgated on March 21, 2011. Terms not defined therein shall have the meaning given to them in the federal Clean Air Act or 40 CFR Part 60, Subparts A and B. For the purposes of this subsection the following definitions also apply:
 - (i) Except as noted, the word "Administrator" as used in regulations adopted by reference in this subparagraph shall mean the Director of the Georgia Environmental Protection Division. For subparagraph (www)6. the word "Administrator" shall mean the Administrator of the EPA.
 - (ii) The term "You" means the owner or operator of an affected sewage sludge incineration unit subject to this rule.

6. The owner of an existing SSI facility must contact EPA with respect to the following subparagraphs (i) through (vii) as specified in 40 CFR 60.5050.
 - (i) Approval of alternatives to the emission limits and standards in Tables 2 and 3 to 40 CFR Part 60, Subpart M and operating limits established under provisions of 40 CFR 60.5175 or 60.5190.
 - (ii) Approval of major alternatives to test methods.
 - (iii) Approval of major alternatives to monitoring.
 - (iv) Approval of major alternatives to recordkeeping and reporting.
 - (v) The requirements in provision 40 CFR 60.5175.
 - (vi) The requirements in provision 40 CFR 60.5155(b)(2).
 - (vii) Performance test and data reduction waivers under provision 40 CFR 60.8(b).

(xxx) **Reserved.**

(yyy) **VOC Emissions from the Use of Miscellaneous Industrial Adhesives.**

1. No person shall cause, let, permit, suffer or allow the emissions of VOC from the use of miscellaneous industrial adhesives with general adhesive application processes to exceed:
 - (i) 0.3 pounds per gallon of adhesive or adhesive primer, excluding water, when used with one of the following substrates: metal; wood.
 - (ii) 1.0 pounds per gallon of adhesive or adhesive primer, excluding water, when used with porous material (except wood) substrates.
 - (iii) 1.7 pounds per gallon of adhesive or adhesive primer, excluding water, when used with reinforced plastic composite substrates.
 - (iv) 2.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used with flexible vinyl or rubber substrates.
 - (v) 2.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used with a substrate not specified in paragraphs 1.(i) through 1.(iv).

2. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the use of miscellaneous industrial adhesives with specialty adhesive application processes to exceed:
- (i) 0.8 pounds per gallon of adhesive or adhesive primer, excluding water, when used with one of the following: structural glazing; tire repair.
 - (ii) 1.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used in ceramic tile installation.
 - (iii) 1.3 pounds per gallon of adhesive or adhesive primer, excluding water, when used with one of the following: cove base installation; indoor floor covering installation.
 - (iv) 1.4 pounds per gallon of adhesive or adhesive primer, excluding water, when used with waterproof resorcinol glue.
 - (v) 1.7 pounds per gallon of adhesive or adhesive primer, excluding water, when used with multipurpose construction.
 - (vi) 2.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used with one of the following: contact bond adhesive; outdoor floor covering installation; motor vehicle adhesive; single-ply roof membrane installation/repair (except ethylene propylenediene monomer (EPDM) roof membrane installation/repair).
 - (vii) 3.3 pounds per gallon of adhesive or adhesive primer, excluding water, when used with plastic solvent welding (containing acrylonitrile-butadiene-styrene or ABS).
 - (viii) 4.2 pounds per gallon of adhesive or adhesive primer, excluding water, when used with plastic solvent welding (except ABS).
 - (ix) 5.5 pounds per gallon of adhesive or adhesive primer, excluding water, when used with perimeter-bonded sheet vinyl (floor covering installation).
 - (x) 6.3 pounds per gallon of adhesive or adhesive primer, excluding water, when used with motor vehicle weatherstrip adhesive.
 - (xi) 6.5 pounds per gallon of adhesive or adhesive primer, excluding water, when used with thin metal laminating.

- (xii) 7.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used with one of the following: metal to urethane/rubber molding or casting; sheet rubber lining installation.
3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the use of miscellaneous industrial adhesives with adhesive primer application processes to exceed:
- (i) 7.5 pounds per gallon of adhesive or adhesive primer, excluding water, when used as motor vehicle glass bonding primer.
 - (ii) 5.4 pounds per gallon of adhesive or adhesive primer, excluding water, when used as a plastic solvent welding adhesive primer.
 - (iii) 2.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used as an adhesive primer for an application process not specified in paragraphs 3.(i) through 3.(ii).
4. All volatile organic compounds containing materials applied by each miscellaneous industrial adhesive application process shall be used in one of the following application methods in conjunction with using low volatile organic compound adhesives or adhesive primers:
- (i) Electrostatic spray;
 - (ii) High Volume-Low Pressure (HVLP) spray;
 - (iii) Flow coat;
 - (iv) Roll coat or hand application, including non-spray application methods similar to hand or mechanically-powered caulking gun, brush, or direct hand application;
 - (v) Dip coat (including electrodeposition);
 - (vi) Airless spray;
 - (vii) Air-assisted airless spray; or
 - (viii) Other adhesive application method capable of achieving a transfer efficiency equivalent to or better than achieved by HVLP spraying.

5. The VOC emission limits and the recommended application methods of this subsection do not apply to the following adhesives and adhesives primer application processes:

- (i) Adhesives or adhesive primers being tested or evaluated in any research and development, quality assurance, or analytical laboratory.
- (ii) Adhesives or adhesive primers used in the assembly, repair, or manufacture of aerospace or undersea-based weapon systems.
- (iii) Adhesives or adhesive primers used in medical equipment manufacturing operations.
- (iv) Cyanoacrylate adhesive application processes.
- (v) Aerosol adhesive and aerosol adhesive primer application processes.
- (vi) Processes using polyester bonding putties to assemble fiberglass parts at fiberglass boat manufacturing facilities and at other reinforced plastic composite manufacturing facilities.
- (vii) Processes using adhesives and adhesive primers that are supplied to the manufacturer in containers with a net volume of 16 ounces or less, or a net weight of one pound or less,

The recommended work practice standards specified in this subsection still apply.

6. The emission limits in this subsection shall be achieved by the application of adhesive or adhesive primer where each and every adhesive meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in paragraphs 1., 2., and 3. of this subsection; or

7. Any miscellaneous industrial adhesive application process subject to this subsection, which chooses to use control equipment for adhesive application processes rather than to comply with the emission limits and requirements established in paragraphs 1., 2., 3., and 4. of this subsection, shall install control equipment with an overall control efficiency of at least 85 percent or use a combination of adhesives and add-on control equipment on an application process to meet limits established in paragraph 1. of this subsection.

8. If an adhesive is used to bond dissimilar substrates together in general adhesive application processes, then the applicable substrate category with the highest volatile organic compounds emission limit shall be established as the limit for such application.
9. For the purpose of this subsection; the following definitions apply:
 - (i) "Acrylonitrile-butadiene-styrene" or "ABS welding" means any process to weld acrylonitrile-butadiene-styrene pipe.
 - (ii) "Adhesive" means any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.
 - (iii) "Adhesive primer" means any product intended by the manufacturer for application to a substrate, prior to the application of an adhesive, to provide a bonding surface.
 - (iv) "Adhesive primer application process" means any one of the following: motor vehicle glass bonding primer; plastic solvent welding adhesive primer; single-ply roof membrane adhesive primer; other adhesive primer.
 - (v) "Aerosol adhesive" means an adhesive or adhesive primer packaged as an aerosol product in which the spray mechanism is permanently housed in a non-refillable can designed for handheld application without the need for ancillary hoses or spray equipment.
 - (vi) "Air-assisted airless spray" means a system that consists of an airless spray gun with a compressed air jet at the gun tip to atomize the adhesive.
 - (vii) "Airless spray" means the application of an adhesive through an atomizing nozzle at high pressure (1,000 to 6,000 pounds per square inch) by a pump force.
 - (viii) "Ceramic tile installation adhesive" means any adhesive intended by the manufacturer for use in the installation of ceramic tiles.
 - (xi) "Contact bond adhesive" means an adhesive that:
 - (1) is designed for application to both surfaces to be bonded together,

- (2) is allowed to dry before the two surfaces are placed in contact with each other,
 - (3) forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other, and
 - (4) does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. Contact bond adhesive also does not include rubber cements that are primarily intended for use on paper substrates. Contact bond adhesive also does not include vulcanizing fluids that are designed and labeled for tire repair only.
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- (xii) "Cove base" means a flooring trim unit, generally made of vinyl or rubber, having a concave radius on one edge and a convex radius on the opposite edge that is used in forming a junction between the bottom wall course and the floor or to form an inside corner.
 - (xiii) "Cove base installation adhesive" means any adhesive intended by the manufacturer to be used for the installation of cove base or wall base on a wall or vertical surface at floor level.
 - (xiv) "Cyanoacrylate adhesive" means any adhesive with a cyanoacrylate content of at least 95 percent by weight.
 - (xv) "Dip coating" means application where substrates are dipped into a tank containing the adhesive. The substrates are then withdrawn from the tank and any excess adhesive is allowed to drain.
 - (xvii) "Electrostatic spray" means application where the adhesive and substrate are oppositely charged.
 - (xviii) "EPDM roof membrane" means a prefabricated single sheet of elastomeric material composed of ethylene propylenediene monomer (EPDM) and that is field applied to a building roof using one layer or membrane material.

- (xix) "Flexible vinyl" means non-rigid polyvinyl chloride plastic with a 5 percent by weight plasticizer content.
- (xx) "Flow coating" means conveying the substrate over an enclosed sink where the adhesive is applied at low pressure as the item passes under a series of nozzles.
- (xxi) "General adhesive application processes" means the use of adhesive on any one of the following substrates: reinforced plastic composite; flexible vinyl; metal; porous material (except wood); rubber; wood; other substrates.
- (xxii) "HVLP" means a system with specialized nozzles that provide better air and fluid flow at lower air pressure, shape spray pattern, and guide high volumes of atomized adhesive particles to the substrate using lower air pressure (10 pounds per square inch or less at the spray cap).
- (xxiii) "Indoor floor covering installation adhesive" means any adhesive intended by the manufacturer for use in the installation of wood flooring, carpet, resilient tile, vinyl tile, vinyl backed carpet, resilient sheet and roll or artificial grass. Adhesives used to install ceramic tile and perimeter bonded sheet flooring with vinyl backing onto a non-porous substrate, such as flexible vinyl, are excluded from this category.
- (xxv) "Metal to urethane/rubber molding or casting adhesive" means any adhesive intended by the manufacturer to bond metal to high density or elastomeric urethane or molded rubber materials, in heater molding or casting processes, to fabricate products such as rollers for computer printers or other paper handling equipment.
- (xxvi) "Miscellaneous industrial adhesive application" means an application process which consists of a series of one or more adhesive applicators and any associated drying area and/or oven wherein an adhesive is applied, dried, and/or cured. An application process ends at the point where the adhesive is dried or cured, or prior to any subsequent application of a different adhesive. It is not necessary for an application process to have an oven or flash-off area.
- (xxvii) "Motor vehicle adhesive" means an adhesive, including glass bonding adhesive, used at a facility that is not an automobile

or light-duty truck assembly coating facility, applied for the purpose of bonding tow vehicle surfaces together without regard to the substrates involved.

- (xxviii) "Motor vehicle glass bonding primer" means a primer, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to a windshield or other glass, or to body openings, to prepare the glass or body opening for the application of glass bonding adhesives or the installation of adhesive bonded glass. Motor vehicle glass bonding primer includes glass bonding/cleaning primers that perform both functions (cleaning and priming of the windshield or other glass, or body openings) prior to the application of adhesive or the installation of adhesive bonded glass.
- (xxix) "Motor vehicle weatherstrip adhesive" means an adhesive, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to weatherstripping materials for the purpose of bonding the weatherstrip material to the surface of the vehicle.
- (xxx) "Multipurpose construction adhesive" means any adhesive intended by the manufacturer for use in the installation or repair of various construction materials, including but not limited to drywall, subfloor, panel, fiberglass reinforced plastic (FRP), ceiling tile and acoustical tile.
- (xxxi) "Outdoor floor covering installation adhesive" means any adhesive intended by the manufacturer for use in the installation of floor covering that is not in an enclosure and that is exposed to ambient weather conditions during normal use.
- (xxxii) "Panel installation" means the installation of plywood, pre-decorated hardboard (or tileboard), fiberglass reinforced plastic, and similar pre-decorated or non-decorated panels to studs or solid surfaces using an adhesive formulated for that purpose.
- (xxxiii) "Perimeter bonded sheet vinyl installation" means the installation of sheet flooring with vinyl backing onto a nonporous substrate using an adhesive designed to be applied only to a strip of up to four inches wide around the perimeter of the sheet flooring.

- (xxxiv) "Plastic solvent welding adhesive" means any adhesive intended by the manufacturer for use to dissolve the surface of plastic to form a bond between mating surfaces.
- (xxxv) "Plastic solvent welding adhesive primer" means any primer intended by the manufacturer for use to prepare plastic substrates prior to bonding or welding.
- (xxvi) "Plastics" means synthetic materials chemically formed by the polymerization of organic (carbon-based) substances. Plastics are usually compounded with modifiers, extenders, and/or reinforcing agents and are capable of being molded, extruded, cast into various shapes and films, or drawn into filaments.
- (xxxvii) "Porous material" means a substance that has tiny openings, often microscopic, in which fluids may be absorbed or discharged, including, but not limited to, paper and corrugated paperboard. For the purpose of this section, porous material does not include wood.
- (xl) "Reinforced plastic composite" means a composite material consisting of plastic reinforced with fibers.
- (xli) "Roll coating", "brush coating", and "hand application" means application of high viscosity adhesives onto small surface area.
- (xlii) "Rubber" means any natural or manmade rubber substrate, including but not limited to, styrene-butadiene rubber, polychloroprene (neoprene), butyl rubber, nitrile rubber, chlorosulfonated polyethylene and ethylene propylene diene terpolymer.
- (xliii) "Sheet rubber lining installation" means the process of applying sheet rubber liners by hand to metal or plastic substrates to protect the underlying substrate from corrosion or abrasion. These operations also include laminating sheet rubber to fabric by hand.
- (xliv) "Single-ply roof membrane" means a prefabricated single sheet or rubber, normally ethylene-propylenediene terpolymer, that is field applied to a building roof using one layer of membrane material. For the purposes of this section, single-ply roof membrane does not include membranes prefabricated from ethylene-propylenediene monomer (EPDM).

- (xlv) "Single-ply roof membrane installation and repair adhesive" means any adhesive labeled for use in the installation or repair of single-ply roof membrane. Installation includes, as a minimum, attaching the edge of the membrane to the edge of the roof and applying flashings to vents, pipes and ducts that protrude through the membrane. Repair includes gluing the edges of torn membrane together, attaching a patch over a hole and reapplying flashings to vents, pipes or ducts installed through the membrane.
- (xlvi) "Single-ply roof membrane adhesive primer" means any primer labeled for use to clean and promote adhesion of the single-ply roof membrane seams or splices prior to bonding.
- (xlvii) "Specialty adhesive application processes" means any one of the following: ceramic tile installation; contact bond adhesive; cove base installation; floor covering installation (indoor); floor covering installation (outdoor); floor covering installation (perimeter bonded sheet vinyl); metal to urethane/rubber molding or casting; motor vehicle adhesive; motor vehicle weatherstrip adhesive; multipurpose construction; plastic solvent welding (ABS); plastic solvent welding (except ABS); sheet rubber lining installation; single-ply roof membrane installation/repair (except EPDM); structural glazing; thin metal laminating; tire repair; and waterproof resorcinol glue.
- (xlviii) "Structural glazing" means a process that includes the application of adhesive to bond glass, ceramic, metal, stone or composite panels to exterior building frames.
- (xlix) "Thin metal laminating adhesive" means any adhesive intended by the manufacturer for use in bonding multiple layers of metal to metal or metal to plastic in the production of electronic or magnetic components in which the thickness of the bond line(s) is less than 0.25 millimeters.
- (l) "Tire repair" means a process that includes expanding a hole, tear, fissure or blemish in a tire casing by grinding or gouging, applying adhesive and filling the hole or crevice with rubber.
- (li) "Waterproof resorcinol glue" means a 2-part resorcinol-resin-based adhesive designed for applications where the bond line must be resistant to conditions of continuous immersion in fresh or salt water.

10. Applicability: On and after January 1, 2015, the requirements of this Subparagraph (yyy) shall apply:
- (i) to facilities at which the actual emissions of volatile organic compounds from all miscellaneous industrial adhesive application processes at a facility equal or exceed 2.7 tons per 12-month rolling period for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton counties;
 - (ii) the facility is not subject to Georgia Rules 391-3-1-.02(2)(t), (u), (v), (w), (x), (y), (z), (jj), (ll), (mm), (ddd), or (kkk); and
 - (iii) any physical or operational changes that are necessary to comply with the provisions specified in this subparagraph are subject to the compliance schedule specified in Subparagraph 12.

Prior to January 1, 2015, facilities that meet the applicability provisions of subparagraphs 10.(i) and (ii) shall comply with the provisions of Subparagraph 391-3-1-.02(2)(tt), if applicable.

11. Applicability: The requirements of this Subparagraph (yyy) will no longer be applicable by the compliance deadlines if the counties specified in subparagraph 10. are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of this Subparagraph (yyy) will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

12. Compliance Schedule:

- (i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014.**
- (ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014.**

- (iii) Full compliance with the applicable requirements specified in this Subparagraph (yyy) must be completed before **January 1, 2015**.

(zzz) VOC Emissions from the Fiberglass Boat Manufacturing.

1. No person shall cause, let, permit, suffer or allow the emissions of monomer VOC from open molding resin and gel coat operations to exceed the limit specified by Equation 1 of this section, based on a 12-month rolling average.

Equation 1:

$$\text{Monomer VOC Limit} = 46(M_R) + 159(M_{PG}) + 291(M_{CG}) + 54(M_{TR}) + 214(M_{TG})$$

where:

Monomer VOC Limit = total allowable monomer VOC that can be emitted from the open molding operations included in the average, kilograms per 12 consecutive-month period.

M_R = mass of production resin used in the previous 12 consecutive months, excluding any materials that are exempt (megagrams).

M_{PG} = mass of pigmented gel coat used in the previous 12 consecutive months, excluding any materials that are exempt (megagrams).

M_{CG} = mass of clear gel coat used in the previous 12 consecutive months, excluding any materials that are exempt (megagrams).

M_{TR} = mass of tooling resin used in the previous 12 consecutive months, excluding any materials that are exempt (megagrams).

M_{TG} = mass of tooling gel coat used in the previous 12 consecutive months, excluding any materials that are exempt (megagrams).

2. The emission limit specified by Equation 1 of this subsection shall be achieved by one or more of the options listed in paragraphs 2.(i) through 2.(iii) of this subsection:
 - (i) Emissions averaging option: Demonstrate that emissions from the open molding resin and gel coat operations included in the average meet the emission limit specified by Equation 1 of this subsection

using the procedures described in subparagraph 3. of this subsection.

- (I) Compliance with this option is based on a 12-month rolling average; and
 - (II) Those operations and materials not included in the emissions average must comply with either paragraph 2.(ii) or 2.(iii) of this subsection.
- (ii) Compliant materials option: Demonstrate compliance by using resins and gel coats that meet the monomer VOC content requirements specified in subparagraph 4. of this subsection.
- (I) Compliance with this option is based on a 12-month rolling average.
- (iii) Add-on control option: Use an enclosure and add-on control device, and demonstrate that the resulting emissions meet the emission limit specified by Equation 1 of this subsection.
- (I) Compliance with this option is based on control device performance testing and control device monitoring.

3. Emissions Averaging Option:

- (i) Compliance using this option is demonstrated on a 12-month rolling average basis and is determined at the end of every month (12 times per year).
- (ii) At the end of the first twelfth month after initial operation and at the end of every subsequent month, use Equation 2 of this subsection to demonstrate that the monomer VOC emissions from those operations included in the average do not exceed the emission limit specified by Equation 1 of this subsection for the same 12-month period. (Include terms in Equation 1 and Equation 2 of this subsection only for those operations and materials included in the average.)

Equation 2:

Monomer VOC emissions =

$$(PV_R)(M_R) + (PV_{PG})(M_{PG}) + (PV_{CG})(M_{CG}) + (PV_{TR})(M_{TR}) + (PV_{TG})(M_{TG})$$

where:

Monomer VOC emissions = Monomer VOC emissions calculated using the monomer VOC emission equations for each operation included in the average (kilograms).

PV_R = Weighted-average monomer VOC emission rate for production resin used in the past 12 months (kilograms per megagram).

M_R = Mass of production resin used in the past 12 months (megagrams).

PV_{PG} = Weighted-average monomer VOC emission rate for pigmented gel coat used in the past 12 months (kilograms per megagram).

M_{PG} = Mass of pigmented gel coat used in the past 12 months (megagrams).

PV_{CG} = Weighted-average monomer VOC emission rate for clear gel coat used in the past 12 months (kilograms per megagram).

M_{CG} = Mass of clear gel coat used in the past 12 months (megagrams).

PV_{TR} = Weighted-average monomer VOC emission rate for tooling resin used in the past 12 months (kilograms per megagram).

M_{TR} = Mass of tooling resin used in the past 12 months (megagrams).

PV_{TG} = Weighted-average monomer VOC emission rate for tooling gel coat used in the past 12 months (kilograms per megagram).

M_{TG} = Mass of tooling gel coat used in the past 12 months (megagrams).

- (iii) At the end of every calendar month, use Equation 3 of this subsection to compute the weighted average monomer VOC emission rate for each open molding resin and gel coat operation included in the average:

Equation 3:

$$PV_{OP} = \left[\frac{\sum_{i=1}^n [(M_i)(PV_i)]}{\sum (M_i)} \right]$$

where:

PV_{OP} = Weighted-average monomer VOC emission rate for each open molding operation (PV_R , PV_{PG} , PV_{CG} , PV_{TR} , PV_{TG}) included in the average, kilograms of monomer VOC per megagram of material applied.

M_i = Mass of resin or gel coat used within an operation in the past 12 months, megagrams.

n = Number of different open molding resins and gel coats used within an operation in the past 12 months.

PV_i = The monomer VOC emission rate for resin or gel coat used within an operation in the past 12 months, kilograms of monomer VOC per megagram of material applied.

- (iv) The monomer VOC emission rate (PV_i) from the atomization of production resin or tooling resin is computed by the following equation:

$$[(0.014)(\text{Resin VOC}\%^{2.425})]$$

- (v) The monomer VOC emission rate (PV_i) from the atomization plus vacuum bagging with roll-out of production resin or tooling resin is computed by the following equation:

$$[(0.01185)(\text{Resin VOC}\%^{2.425})]$$

- (vi) The monomer VOC emission rate (PV_i) from the atomization plus vacuum bagging without roll-out of production resin or tooling resin is computed by the following equation:

$$\left[(0.00945)(\text{Resin VOC}\%^{2.425})\right]$$

- (vii) The monomer VOC emission rate (PV_i) from the non-atomization of production resin or tooling resin is computed by the following equation:

$$\left[(0.014)(\text{Resin VOC}\%^{2.275})\right]$$

- (viii) The monomer VOC emission rate (PV_i) from the non-atomization plus vacuum bagging with roll-out of production resin or tooling resin is computed by the following equation:

$$\left[(0.0110)(\text{Resin VOC}\%^{2.275})\right]$$

- (ix) The monomer VOC emission rate (PV_i) from the non-atomization plus vacuum bagging without roll-out of production resin or tooling resin is computed by the following equation:

$$\left[(0.0076)(\text{Resin VOC}\%^{2.275})\right]$$

- (x) The monomer VOC emission rate (PV_i) from the application of any pigmented gel coat, clear gel coat or tooling gel coat is computed by the following equation:

$$\left[(0.445)(\text{Gel Coat VOC}\%^{1.675})\right]$$

4. Compliant Coating Option: For each open molding operation complying using the compliant materials option:

- (i) The monomer VOC content requirements are specified in paragraphs 4.(i)(I) through 4.(i)(VII).
 - (I) The weighted-average monomer VOC content requirement for spray atomized production resin operations is 28 percent (weight percent).
 - (II) The weighted-average monomer VOC content requirement for nonatomized production resin operations is 35 percent (weight percent).

- (III) The weighted-average monomer VOC content requirement for pigmented gel coat operations applied using any method is 33 percent (weight percent).
 - (IV) The weighted-average monomer VOC content requirement for clear coat gel operations using any method is 48 percent (weight percent).
 - (V) The weighted-average monomer VOC content requirement for atomized tool resin operations is 30 percent (weight percent).
 - (VI) The weighted-average monomer VOC content requirement for nonatomized tooling resin operations is 39 percent (weight percent).
 - (VII) The weighted-average monomer VOC content requirement for tooling gel coat operations applied using any method is 40 percent (weight percent).
- (ii) Compliance using the monomer VOC content requirements listed in paragraph 4.(i)(I) through 4.(i)(VII) is based on a 12-month rolling average that is calculated at the end of every month.
 - (iii) At the end of the first twelfth month and at the end of every subsequent month, if all resins and gel coats used in an operation have monomer VOC contents no greater than the applicable monomer VOC content limits specified in paragraph 4.(i)(I) through 4.(i)(VII), then:
 - (I) Compliance with the emission limit specified by Equation 1 of this subsection for the particular operation is achieved; and
 - (II) There is no need to complete the calculations required by paragraph 4.(iv) for that operation.
 - (iv) If compliance as specified in subparagraph 4.(iii) is not achieved, calculate the weighted-average monomer VOC content for all resins and gel coats [excluding filled resins] used in the previous 12 months at the end of every month using Equation 4:

Equation 4:

Weighted-Average Monomer VOC Content (%) =

$$\left[\frac{\sum_{i=1}^n [(M_i)(VOC_i)]}{\sum_{i=1}^n M_i} \right]$$

where:

M_i = Mass of open molding resin or gel coat used in the past 12 months in an operation (megagrams).

VOC_i = Monomer VOC content, by weight percent, of open molding resin or gel coat used in the past 12 months in an operation.

n = Number of different open molding resins or gel coats used in the past 12 months in an operation.

- (v) The monomer VOC emissions from the use of filled production resins and filled tooling resins shall be calculated using Equation 5:

(I) Equation 5:

$$(PV_F) = (PV_U) \left[\frac{(100 - \% \text{ Filler})}{100} \right]$$

where:

PV_F = The as-applied monomer VOC emission rate for the filled production resin or tooling resin (kilograms monomer VOC per megagram of filled material).

PV_U = The monomer VOC emission rate for the neat (unfilled) resin, before filler is added, as calculated using paragraphs 3.(iv) through 3.(x), whichever is applicable.

% Filler = The weight-percent of filler in the as-applied filled resin system.

- (II) The value of PV_F calculated by Equation 5 shall not exceed 46 kilograms of monomer VOC per megagram of filled resin, as applied, if the filled resin used is a production resin.
 - (III) The value of PV_F calculated by Equation 5 shall not exceed 54 kilograms of monomer VOC per megagram of filled resin, as applied, if the filled resin used is a tooling resin.
 - (IV) The facility shall use the value of PV_F calculated using Equation 5 if the facility is including a filled resin in Equation 3 of this subsection.
5. Add-On Control Option: If product performance requirements or other needs dictate the use of higher monomer VOC materials than those that would meet the recommended emission limits specified in subparagraph 4. of this subsection, a fiberglass boat manufacturing facility shall:
- (i) Install and operate a thermal oxidizer as an add-on control device and meet the operating limits specified in Table 4 of 40 CFR Part 63 Subpart VVV, as amended, that apply to the emission capture system and thermal oxidizer.
 - (ii) Use of an add-on control device other than a thermal oxidizer, or monitoring an alternative parameter and complying with a different operating limit must be approved by the Director.
6. The non-monomer VOC content of filled resins shall not exceed 5 percent (weight percent) for all resins and gel coats included in VOC limits described in paragraphs 1. through 5. of this subsection.
7. All resin and gel coat mixing containers with a capacity equal to or greater than 55 gallons, including those used for on-site mixing of putties and polyputties, shall have a cover with no visible gaps in place at all times except during the following operations:
- (i) When mixing is being manually added to or removed from a container; and
 - (ii) When mixing or pumping equipment is being placed or removed from a container.

8. The VOC content of cleaning solvents for routine application equipment cleaning shall not contain in excess of 5 percent VOC by weight.
9. For the purpose of this subsection, the definitions specified in 40 CFR Part 63.5779, as amended, are hereby incorporated and adopted by reference with the following additions:
 - (i) "Fiberglass boat manufacturing" means a facility that manufacturers hulls or decks of boats and related parts, builds molds to make fiberglass boat hulls or decks and related parts from fiberglass, or makes polyester resin putties for assembling fiberglass parts. For purposes of this subsection, fiberglass boat manufacturing does not include facilities that manufacture solely parts of boats (such as hatches, seats, or lockers), or boat trailers, but not manufacture hulls or decks of boats from fiberglass, or build molds to make fiberglass boat hulls or decks. If a facility manufactures hulls or decks, or molds for hulls or decks, then the manufacture of all other fiberglass boat parts, including small parts such as hatches, seats, and lockers is also covered.
 - (ii) "Monomer" means a volatile organic compound that partly combines with itself, or other similar compounds, by a cross-linking reaction to become a part of the cured resin.
10. Applicability: On and after January 1, 2015, the requirements of this subparagraph (zzz) shall apply to facilities at which the actual emissions of volatile organic compounds from all non-exempt fiberglass boat manufacturing processes at a facility equal or exceed 2.7 tons per 12-month rolling period for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton counties. Any physical or operational changes that are necessary to comply with the provisions specified in this subparagraph are subject to the compliance schedule specified in subparagraph 12. Prior to January 1, 2015, such facilities shall comply with the provisions of subparagraph 391-3-1-.02(2)(tt), if applicable.
11. Applicability: The requirements of this Subparagraph (zzz) will no longer be applicable by the compliance deadlines if the counties specified in subparagraph 10. are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of this Subparagraph (zzz) will only be reinstated if the Director determines that

the measure is necessary to meet the requirements of the contingency plan.

12. Compliance Schedule:

- (i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.
- (ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.
- (iii) Full compliance with the applicable requirements specified Subparagraph (zzz) must be completed before **January 1, 2015**.

13. Applicability: The requirements of this subsection apply to the following operations at a fiberglass boat manufacturer:

- (i) open molding and gel coat operations (including pigmented gel coat, clear gel coat, production resin, tooling gel coat, and tooling resin);
- (ii) resins and gel coat mixing operations; and
- (iii) resins and gel coat application equipment cleaning operations.

14. Applicability: The requirements of this subsection do not apply to the following operations at a fiberglass boat manufacturer:

- (i) Surface coating applied to fiberglass boats;
- (ii) Surface coating for fiberglass and metal recreational boats (pleasure craft); and
- (iii) industrial adhesives used in the assembly of fiberglass boats.

15. Exemptions: The following activities are exempt from the open molding emission limit specified in subparagraph 1. of this subsection:

- (i) Production resins (including skin coat resins) that shall meet specifications for use in military vessels or shall be approved by the U.S. Coast Guard for use in the construction of lifeboats, rescue boats, and other life saving appliances approved under 46 CFR Subchapter Q, or the construction of small passenger vessels

regulated by 46 CFR Subchapter T. Production resins for which this exemption is used must be applied with nonatomizing (non-spray) resin application equipment. You must keep a record of the resins for which you are using this exemption.

- (ii) Pigmented, clear, and tooling gel coat used for part or mold repair and touch up. The total gel coat materials included in this exemption must not exceed 1 percent by weight of all gel coat used at the facility on a 12-month rolling average basis. You must keep a record of the amount of gel coats used per month for which you are using this exemption and copies of calculations showing that the exempt amount does not exceed 1 percent of all gel coat used.
- (iii) Pure, 100 percent vinylester resin used for skin coats. This exemption does not apply to blends of vinylester and polyester resins used for skin coats. The total resin materials included in the exemption cannot exceed 5 percent by weight of all resin used at the facility on a 12-month rolling-average basis. You must keep a record of the amount of 100 percent vinylester skin coat resin used per month that is eligible for this exemption and copies of calculations showing that the exempt amount does not exceed 5 percent of all resin used.

(aaaa) **Industrial Cleaning Solvents.**

1. No person shall cause, suffer, allow, or permit the use of organic solvents for cleaning operations such as mixing vessels (tanks), spray booths, parts drums or for other cleaning activities performed for the removal of material from substrate including actions such as wiping, flushing or spraying, unless the following requirements for control of emissions of the volatile organic compounds are satisfied:
 - (i) All containers used for organic solvent-related materials are kept closed at all times except when depositing or removing these materials;
 - (ii) All organic cleaning solvents and used solvent-related materials including shop towels shall be stored in closed containers;
 - (iii) Air circulation around cleaning-related operations and waste materials shall be minimized;

- (iv) All used solvent materials and shop towels shall be disposed of in a manner that minimizes emissions (e.g., moving these items from one location to another in closed containers or pipes); and
 - (v.) Equipment shall be maintained in such a way that minimizes emissions (e.g., keeping parts cleaners covered, maintaining cleaning equipment to repair solvent leaks, etc.).
- 2. No person shall cause, suffer, allow, or permit volatile organic compound emissions from each cleaning process, spray gun cleaning, spray booth cleaning, large manufactured components cleaning, parts cleaning, equipment cleaning, line cleaning, floor cleaning, tank cleaning or small manufactured components cleaning to exceed 0.42 lbs of VOC per gallon (50 g/liter) of cleaning material unless the cleaning operation is equipped with an emission control system with an overall control efficiency of at least 85 percent. Alternatively, a VOC composite vapor pressure limit of 8 millimeters of mercury (mmHg) at 20° Celsius may be used as a replacement limit for VOC content limit.
- 3. The requirements of this subparagraph shall not apply to any cleaning operations in categories subject to other more specific VOC requirements contained in other subparagraphs of this Rule. The requirements of this subparagraph shall not apply to cleaners used for low temperature (below 40°F) applications, or the use of janitorial cleaners as relating to cleaning offices, bathrooms or other similar areas.
- 4. For the purpose of this subparagraph, the following definition shall apply:
 - (i) "Industrial cleaning solvents" means a variety of products that are used to remove contaminants such as adhesives, inks, paint, dirt, soil, oil, and grease from parts, products, tools, machinery, equipment, vessels, floors, walls, and other production related work areas for a variety of reasons including safety, operability, and to avoid product contamination.
- 5. Applicability: On and after January 1, 2015, the requirements of this Subparagraph (aaaa) shall apply to facilities at which actual emissions of volatile organic compounds from the use of organic solvents for cleaning operations equal or exceed 15 pounds per day for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton counties. Any physical or operational changes that are necessary to comply with the provisions

specified in this Subparagraph (aaaa) are subject to the compliance schedule specified in Subparagraph 7. Prior to January 1, 2015, such facilities shall comply with the provisions of Subparagraph 391-3-1-.02(2)(tt), if applicable.

6. Applicability: The requirements of this Subparagraph (aaaa) will no longer be applicable by the compliance deadlines if the counties specified in subparagraph 5. are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of this Subparagraph (aaaa) will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

7. Compliance Schedule:

- (i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.
- (ii) On-site construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.
- (iii) Full compliance with the applicable requirements specified this Subparagraph (aaaa) must be completed before **January 1, 2015**.

(3) **Sampling.**

- (a) Any sampling, computation and analysis to determine the compliance with any of the emissions limitations or standards set forth herein shall be in accordance with applicable procedures and methods specified in the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants**. When no applicable test method or procedure is published therein, the Director shall specify or approve an applicable method or procedure prior to its use.
- (b) The owner or operator of any equipment which is being sampled for the purpose of determining compliance with the Regulations shall operate such equipment during the sampling period at the maximum expected operating capacity, or at other specific operating conditions prescribed in the applicable operating permit or as otherwise may be required by the Director.

(c) The owner or operator of any source shall provide performance testing facilities as follows:

1. Sampling ports adequate for test methods applicable to such source;
2. Safe sampling platform;
3. Safe access to sampling platforms; and
4. Electric power for sampling and testing equipment.

(4) Ambient Air Standards.

(a) **No person** shall cause, suffer, permit, or allow the emission from any source the quantities of compounds listed below which would cause the ambient air standards listed to be exceeded. This does not exempt such sources from controlling their emissions to a point equal to or lower than the levels required to comply with a specific emission standard enumerated in other sections of these Rules.

(b) Sulfur Dioxide.

1. The level of the 2010 1-hour ambient air quality primary standard for oxides of sulfur is 75 parts per billion (ppb), measured in the ambient air as sulfur dioxide (SO₂).
 - (i) The 1-hour primary standard is attained when the three-year average of the annual (99th percentile) of the daily maximum 1-hour average concentrations is less than or equal to 75 ppb, as determined in accordance with Appendix T of 40 CFR Part 50.
 - (ii) The level of the 2010 1-hour ambient air quality primary standard shall be measured by a reference method based on Appendix A or A-1 of 40 CFR Part 50, or by a Federal Equivalent Method (FEM) designated in accordance with 40 CFR Part 53.
2. The level of the 1971 3-hour ambient air quality secondary standard for oxides of sulfur for any successive nonoverlapping calendar day three-hour period starting at midnight each calendar day is 0.5 ppm, measured in the ambient air as sulfur dioxide (SO₂).
 - (i) The 3-hour secondary standard is attained when the second-highest 3-hour average, as determined in accordance with 40 CFR 50.5(c), is less than or equal to 0.5 ppm. The standard shall not be exceeded more than once per calendar year.

- (ii) The level of the 1971 3-hour ambient air quality secondary standard shall be measured in the ambient air as sulfur dioxide by the reference method described in Appendix A of 40 CFR Part 50, or by a FEM designated in accordance with 40 CFR Part 53.

(c) Particulate Matter.

1. PM₁₀

- (i) The level of the 24-hour ambient air quality standard for PM₁₀ is 150 micrograms per cubic meter, 24-hour average concentration.
 - (I) The standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms per cubic meter, as determined in accordance with Appendix K of 40 CFR 50, is equal to or less than 1.
 - (II) PM₁₀ shall be measured in the ambient air as PM₁₀ (particles with an aerodynamic diameter less than or equal to a nominal ten micrometers) by a reference method based upon 40 CFR 50, Appendix J.

2. PM_{2.5}

- (i) The level of the annual ambient air quality standard of PM_{2.5} (particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers) in the ambient air is 12.0 micrograms per cubic meter, annual arithmetic mean.
 - (I) The annual standard is attained when the annual arithmetic mean concentration, as determined in accordance with Appendix N of 40 CFR 50 is less than or equal to 12.0 micrograms per cubic meter.
 - (II) PM_{2.5} shall be measured in the ambient air as PM_{2.5} by reference method based upon 40 CFR 50, Appendix L.
- (ii) The level of the 24-hour ambient air quality standard of PM_{2.5} in the ambient air is 35 micrograms per cubic meter, 24-hour average concentration.
 - (I) The 24-hour standard is attained when the 98th percentile 24-hour concentration, as determined in accordance with

Appendix N of 40 CFR 50, is less than or equal to 35 micrograms per cubic meter.

- (II) PM_{2.5} shall be measured in the ambient air as PM_{2.5} by reference method based upon 40 CFR 50, Appendix L.

(d) Carbon Monoxide.

1. The level of the ambient air quality standard for carbon monoxide is 35 ppm (40 milligrams per cubic meter) for a one-hour average or 9 ppm (10 milligrams per cubic meter) for an eight-hour average.
 - (i) These standards are not to be exceeded more than once per year.
 - (ii) Carbon monoxide shall be measured in the ambient air as CO by reference method based upon 40 CFR 50, Appendix C.

(e) Ozone.

1. The level of the 2008 8-hour ambient air standard for ozone is 0.075 ppm, daily maximum 8-hour average.
 - (i) The standard is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than or equal to 0.075 ppm, as determined in accordance with Appendix P of 40 CFR 50.
 - (ii) Ozone shall be measured in the ambient air by a reference method based upon 40 CFR 50, Appendix D or an equivalent method designated in accordance with 40 CFR 53.
2. The level of the 2015 8-hour ambient air standard for ozone is 0.070 ppm, daily maximum 8-hour average.
 - (i) The standard is attained when the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration is less than or equal to 0.070 ppm, as determined in accordance with Appendix U of 40 CFR 50.
 - (ii) Ozone shall be measured in the ambient air by a reference method based upon 40 CFR 50, Appendix D or an equivalent method designated in accordance with 40 CFR 53.

(f) Lead.

1. The level of ambient air quality standard of lead and its compounds at ground level shall not exceed 0.15 micrograms per cubic meter, arithmetic mean concentration over a 3-month period.
 - (i) The standard is attained when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with Appendix R of this 40 CFR 50, is less than or equal to 0.15 micrograms per cubic meter.
 - (ii) The specified standard procedure for measuring ambient air concentrations of lead shall be a reference method based upon 40 CFR 50, Appendix G or an equivalent method designated in accordance with 40 CFR 53.

(g) Nitrogen Dioxide.

1. The level of the annual air quality standards for oxides of nitrogen at ground level is 53 ppb, annual average concentration, measured in the ambient air as nitrogen dioxide.
 - (i) The annual standard is met when the annual average concentration in a calendar year is less than or equal to 53 ppb, as determined in accordance with Appendix S of 40 CFR 50.
 - (ii) The level of the standard shall be measured by a reference method based on Appendix F or by a FEM designated in accordance with 40 CFR 53.
2. The level of the 1-hour ambient air quality standard for oxides of nitrogen is 100 ppb, 1-hour average concentration, measured in the ambient air as nitrogen dioxide.
 - (i) The 1-hour standard is met when the three-year average of the annual 98th percentile of the daily maximum 1-hour average concentration is less than or equal to 100 ppb, as determined in accordance with Appendix S of 40 CFR 50.
 - (ii) The level of the standard shall be measured by a reference method based on Appendix F or by a FEM designated in accordance with 40 CFR 53.

(h) Standard Conditions for Temperature and Pressure.

1. All measurements of air quality that are expressed as mass per unit volume (e.g., micrograms per cubic meter) other than for particulate matter (PM_{2.5})

standards contained in 391-3-1-.02(4)(c)2., and lead standards contained in 391-3-1-.02(4)(f) shall be corrected to a reference temperature of 25 (deg) C and a reference pressure of 760 millimeters of mercury (1,013.2 millibars).

2. Measurements of PM_{2.5} for purposes of comparison to the standards contained in 391-3-1-.02(4)(c)2., and of lead for purposes of comparison to the standards contained in 391-3-1-.02(4)(f) shall be reported based on actual ambient air volume measured at the actual ambient temperature and pressure at the monitoring site during the measurement period.

(5) Open Burning.

- (a) **No person shall cause**, suffer, allow, or permit open burning in any area of the State except as follows:
 1. Reduction of leaf piles, yard debris, or hand-piled natural vegetation on the premises on which they fall by the person in control of the premises, unless prohibited by local ordinance and/or regulation.
 2. Carrying out recognized agricultural procedures necessary for production or harvesting of crops, if the agricultural tract, lot, or parcel is less than or equal to five acres.
 3. Burning over any agricultural tract, lot, or parcel greater than five acres for purposes of any existing, expanded, or new agricultural operations as such term is defined by O.C.G.A. Section [1-3-3](#), provided that such burning is consistent with the requirements of the Federal Act and is limited to vegetative material.
 4. The "prescribed burning" of any land by the owners or the owner's designee.
 5. For recreational purposes or cooking food for immediate human consumption.
 6. Fires set for purposes of training fire-fighting personnel when authorized by the appropriate governmental entity.
 7. Acquired structure burns provided that an Authorization to Burn certificate has been issued by the Division.
 8. Disposal of vegetative debris from storm damage.
 9. For weed abatement, disease, and pest prevention.
 10. Operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters and other flame-making equipment.

11. Open burning for the purpose of land clearing or construction or right-of-way maintenance provided the following conditions are met:
 - (i) Prevailing winds at the time of the burning are away from the major portion of the area's population;
 - (ii) The location of the burning is at least 1,000 feet from any occupied structure, or lesser distance if approved by the Division;
 - (iii) The amount of dirt on or in the material being burned is minimized;
 - (iv) Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth are not being burned; and
 - (v) No more than one pile 60 feet by 60 feet, or equivalent, is being burned within a 9-acre area at one time.
12. Disposal of all packaging materials previously containing explosives, in accordance with U.S. Department of Labor Safety Regulations.
13. Open burning of vegetative material for the purpose of land clearing using an air curtain destructor provided the following conditions are met:
 - (i) Authorization for such open burning is received from the fire department, if required, having local jurisdiction over the open burning location prior to initiation of any open burning at such location;
 - (ii) The location of the air curtain destructor is at least 300 feet from any occupied structure or public road. Air curtain destructors used solely for utility line clearing or road clearing may be located at a lesser distance upon approval by the Division;
 - (iii) No more than one air curtain destructor is operated within a ten (10) acre area at one time or there must be at least 1000 feet between any two air curtain destructors;
 - (iv) Only wood waste consisting of trees, logs, large brush and stumps which are relatively free of soil are burned in the air curtain destructor;

- (v) Tires or other rubber products, plastics, heavy oils or asphaltic based or impregnated materials are not used to start or maintain the operation of the air curtain destructor;
- (vi) The air curtain destructor is constructed, installed and operated in a manner consistent with good air pollution control practice for minimizing emissions of fly ash and smoke;
- (vii) The cleaning out of the air curtain destructor pit is performed in a manner to prevent fugitive dust; and
- (viii) Whenever feasible, the air curtain destructor should not be fired before 10:00 a.m. and the fire should be completely extinguished, using water or by covering with dirt, at least one hour before sunset.

(b) Specific County Restrictions.

1. In the counties of Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding and Walton, the only legal exceptions to the general prohibition against open burning during the months of May, June, July, August and September shall be:
 - (i) exceptions numbered 2, 5, 6, 10 and 12 under subparagraph (a) above provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour before sunset; and
 - (ii) exception number 3 under subparagraph (a) above.
2. In the counties of Banks, Barrow, Bibb, Butts, Catoosa, Chattooga, Clarke, Columbia, Crawford, Dawson, Floyd, Gordon, Haralson, Heard, Houston, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Peach, Pickens, Pike, Polk, Putnam, Richmond, Troup, Twiggs, Upson, and Walker the only legal exceptions to the general prohibition against open burning during the months of May, June, July, August and September shall be:
 - (i) exceptions numbered 2, 4, 5, 6, 10 and 12 under subparagraph (a) above provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour before sunset; and
 - (ii) exception number 3 under subparagraph (a) above.

3. [reserved]
 4. In counties listed in subparagraphs 1 or 2 above whose total population, as listed in the 2010 Census, exceeds 65,000 (Barrow, Bartow, Bibb, Carroll, Cherokee, Clarke, Clayton, Cobb, Columbia, Coweta, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gwinnett, Hall, Henry, Houston, Newton, Paulding, Richmond, Rockdale, Troup, Walker and Walton), the only legal exceptions to the general prohibition against open burning during the months of January, February, March, April, October, November, and December are:
 - (i) exceptions numbered 1, 2, 4, 5, 6, 7, 10, 12, and 13 under subparagraph (a) above, provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour before sunset and does not cause air pollution in quantities or characteristics or of a duration which is injurious or which unreasonably interferes with the enjoyment of life or use of property in such area of the state as is affected thereby; and
 - (ii) exception number 3 under subparagraph (a) above.
- (c) **Except for a reasonable period** to get a fire started, no smoke the opacity of which is equal to or greater than 40 percent, shall be emitted from any source of open burning listed in subparagraphs (a) and (b) above except as follows. Prescribed burning, agricultural burning and acquired structure burning are not subject to the 40 percent opacity standard in this paragraph.
- (d) **The Director** may allow open burning prohibited under paragraphs (a) and (b), upon a determination that such open burning is necessary to protect the public health, safety or welfare of the people of the State of Georgia, or there are no reasonable alternatives to the open burning.
- (e) **Prescribed burning** conducted under subparagraph (b)2. is subject to authorization by the Georgia Forestry Commission to include burning restrictions during periods that are conducive to the formation of ozone. Federal facilities which conduct prescribed burning in accordance with subparagraph (b)2. that are not required to obtain authorization from the Georgia Forestry Commission for such burning shall institute measures to ensure that prescribed burning is not conducted during periods conducive to the formation of ozone.
- (f) **Definitions.**
1. "Prescribed burning" means the controlled application of fire to existing vegetative fuels under specified environmental conditions and following appropriate precautionary measures, which causes the fire to be confined to

a predetermined area and accomplishes one or more planned land management objectives as specified in the Georgia Prescribed Burning Act (Georgia Code Title 12. Conservation and Natural Resources § [12-6-146](#)) or to mitigate catastrophic wildfires.

2. [reserved]
3. "Acquired structure burn" is the burning of a house, building or structure for the exclusive purpose of providing training to fire-fighting personnel or arson investigators.

(6) Source Monitoring.

(a) Specific Monitoring and Reporting Requirements for Particular Sources.

1. Sources, and owners and operators of sources, subject to any of the Standards of Performance for New Stationary Sources of or pursuant to 42 U.S.C. Section 7411, as amended, or National Emission Standards for Hazardous Air Pollutants of or pursuant to U.S.C. Section 7412, as amended, shall meet the monitoring and related requirements specified in the applicable standard, unless the Director specifies additional or more stringent requirements, in which case all requirements must be met.
2. Certain specific sources, as herein designated, shall provide for the continuous monitoring of emissions as prescribed below:
 - (i) Fossil Fuel-Fired Steam Generators. The owner or operator of any fossil fuel-fired steam generator, except as provided for in subparagraph (iv) of this paragraph, with an annual average capacity factor of greater than 30 percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the Director by the owner or operator, shall install, calibrate, operate, and maintain all monitoring equipment necessary for the continuous monitoring of the following:
 - (I) Opacity, if such steam generator has a heat input greater than 250 million BTUs per hour, except where:
 - I. Gaseous fuel is the only fuel burned; or
 - II. Oil or mixture of gas and oil are the only fuels burned and the source is able to comply with the applicable particulate matter and opacity regulations without utilization of particulate matter collection equipment, and the source has never been found, through any

administrative or judicial proceedings, to be in violation of any visible emission standard;

- (II) Sulfur dioxide, if such steam generator has a heat input greater than 250 million BTUs per hour and has installed sulfur dioxide emission control equipment;
- (III) The percent oxygen, or carbon dioxide, in the flue gas as necessary to accurately convert sulfur dioxide continuous emission monitoring data to the units of the emission standard.

(ii) Sulfuric Acid Plants.

- (I) The owner or operator of any sulfuric acid plant of greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall, except as provided for in subparagraph (iv) of this paragraph, install, calibrate, maintain, and operate a continuous monitoring system for the measurement of sulfur dioxide for each sulfuric acid production facility within such plant.

(iii) Wood Waste Fired Combination Boilers.

- (I) The owner or operator of any boiler which fires wood waste or wood waste in combination with fossil fuel(s) with a total heat input equal to or greater than 100 million BTUs per hour shall, except as provided for in paragraph (iv) of this subsection, install, calibrate, operate and maintain a continuous monitoring system for the measurement of opacity;
- (II) Boilers subject to this subparagraph (iii) shall comply with the opacity monitoring requirements as specified for fossil fuel fired steam generators. In any rule or subdivision thereof dealing with opacity monitoring requirements for fossil fuel-fired steam generators, where reference is made to "Fossil Fuel Fired Steam Generators" the term "Wood Waste Fired Combination Boilers" should be inserted for the purpose of this subparagraph.

(iv) Exemptions. A facility is exempt from the requirements otherwise imposed by this paragraph (a)2. if:

(I) It is subject to any of the Standards of Performance for New Stationary Sources promulgated in 40 CFR, Part 60 or National Emission Standards for Hazardous Air Pollutants promulgated in 40 CFR Part 61, pursuant to Section 111 of the Federal Act; or

(II) It is not subject to an applicable emission standard.

(v) Monitoring Equipment.

(I) The monitoring equipment required pursuant to the previous subparagraphs (i) through (iv) shall be demonstrated by the owners or operators of such monitoring equipment to meet the performance specifications specified in the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants**.

(vi) Data Reporting.

(I) The owner or operator of a facility subject to the requirements of this paragraph (a)2. shall submit a written report for each calendar quarter and, if excess emissions have occurred, the report shall state the nature and cause of the excess emissions, if known, and the corrective action taken. The averaging period used for data reporting shall correspond to the averaging period specified in the emission test method used to determine compliance with an emission standard for the pollutant/source category in question. The required report shall include, as a minimum, the data specified in this subsection.

I. For opacity measurements, the summary shall consist of the magnitude in actual percent opacity of each 6-minute average of opacity which is greater than the opacity standard applicable to the source. If more than one opacity standard applies, excess emissions data must be submitted in relation to all such standards.

II. For gaseous measurements, the summary shall consist of emission averages in the units of the applicable

standard, for each averaging period during which the applicable standard was exceeded.

- III. The data and time identifying each period during which the continuous monitoring system was inoperative, except for zero and span checks, and the nature of system repairs or adjustments shall be reported. The Director may require proof of continuous monitoring system performance whenever system repairs or adjustments have been made.
- IV. When no excess emissions have occurred and the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be included in the report.
- V. The owners or operators of sources or facilities subject to this paragraph (a)2. shall maintain a file of all information reported in the quarterly summaries, and all other data collected either by the continuous monitoring system or as necessary to convert monitoring data to the units of the applicable standard for a minimum of two years from the date of collection of such data or submission of such summaries.

(vii) Data Conversion. The owner or operator of a source subject to this paragraph (a)2. shall use the following procedures for converting monitoring data to units of the applicable standard:

- (I) For fossil fuel-fired steam generators, the procedures of Paragraph 2.1 of the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants** shall be used to convert gaseous emissions monitoring data in ppm to pounds/million BTU where necessary.
- (II) For sulfuric acid plants the owner or operator shall:
 - I. Establish a conversion factor three times daily according to the procedures in Paragraph 2.5 of the Georgia Department of Natural Resources

Procedures for Testing and Monitoring Sources of Air Pollutants.

- II. Multiply the conversion factor by the average sulfur dioxide concentration in the flue gases to obtain average sulfur dioxide emissions in lb/ton, and;
 - III. Report the average sulfur dioxide emission for each averaging period in excess of the applicable emission standard in the quarterly report.
- (III) The owner or operator of a source subject to this regulation may employ data reporting or reduction procedures varying from those specified in this subparagraph (a)2.(vii) if such owner or operator shows to the satisfaction of the Director that such procedures are at least as accurate as the procedures identified in this subparagraph. Such procedures may include, but are not limited to, the following:
- I. Alternative procedures for computing emission averages that do not require integration of data (e.g., some facilities may demonstrate that the variability of their emissions is sufficiently small to allow accurate reduction of data based upon computing averages from equally spaced data points over the averaging period);
 - II. Alternative methods of converting pollutant concentration measurements to the units of the emission standards.
- (viii) In cases where the owner or operator of a source subject to this paragraph wishes to utilize different, but equivalent, procedures for continuous monitoring systems and/or alternative monitoring and data reporting procedures or other alternative equivalents to comply with the intent of this paragraph then:
- (I) The owner or operator must submit:
 - I. A detailed summary of the limitations prohibiting the installation of a continuous monitor, and;

II. Alternative and/or equivalent emission monitoring and reporting requirements (e.g., periodic manual stack tests) to satisfy the intent of this paragraph.

(II) The use of any alternative or equivalent method for compliance with any requirement of this paragraph (a)2. shall be subject to approval of the Director.

(ix) Monitor Malfunction.

(I) The requirements of this paragraph shall not apply during any period of monitoring system malfunction, provided that the source owner or operator shows, to the satisfaction of the Director, that the malfunction was unavoidable and is being or was repaired as expeditiously as practicable.

(x) [reserved]

(xi) Kraft Pulp Mills.

(I) On or before March 1, 1984, unless otherwise specified in an alternate compliance schedule as provided for in paragraph 391-3-1-.02(2)(a)9., the owner or operator of any kraft pulp mill subject to any limitation or requirement of, or under subsection (gg) of section 391-3-1-.02(2) shall, except as provided in Part (II) of this subparagraph, install, calibrate, operate, and maintain a system to continuously measure and record the concentration of TRS emissions on a dry basis and the percent of oxygen by volume on a dry basis in the gases discharged from any lime kiln, recovery furnace, digester system, or multiple-effect evaporator system.

(II) The owner or operator of any kraft pulp mill which incinerates effluent gases emitted from any digester system or multiple-effect evaporator system subject to any limitation or requirement of, or under subsection (gg) of section 391-3-1-.02(2) shall install, calibrate, operate, and maintain a system to continuously measure and record the combustion temperature at the point of incineration.

(xii) Fuel Burning Equipment.

- (I) The owner or operator of any fuel burning equipment with a maximum design heat input capacity equal to or greater than 100 million BTU/hr subject to the provisions of subsection (III) of section 391-3-1-.02(2) shall install, calibrate, operate, and maintain a continuous emissions monitoring system (CEMS) for the measurement of the concentration of nitrogen oxides (NO_x) and the percent oxygen and shall record the output of the system.
 - (II) For any fuel burning equipment which only combusts gas residual oil with a nitrogen content less than 0.30 percent, or distillate oil or a combination of those fuels, the owner or operator may monitor equipment operating conditions to predict the concentration of nitrogen oxides, (Predictive Emissions Monitoring System) in lieu of the CEMS required in paragraph (I) provided such system meets the requirements of Section 2.119 of the **Procedures for Testing and Monitoring Sources of Air Pollutants**.
- 3. All sources, and owners and operators of sources, subject to any limitation of paragraphs (2)(t) through (2)(aa) [inclusive]; (2)(ii); (2)(jj); (2)(11); (2)(mm); and (2)(tt) [inclusive] shall maintain, as specified by the Director, at the source, for a period of at least two years, records containing the following information for each production line:
 - (i) Process information, including, but not limited to, hours of operation, method of application, and drying method.
 - (ii) Coating formulation and analytical data, including, but not limited to, the name of inks or coatings, coating or ink density, VOC content (weight or volume percent), and solids content (volume percent).
 - (iii) Coating consumption data, including, but not limited to, name of ink or coating used, amount of ink or coating used, name of diluent and amount of diluent used.
 - (iv) Capture and control equipment data, including, but not limited to, the destruction and removal efficiency, emission test results, and the capture efficiency.
 - (v) Transfer Efficiency Data, including, but not limited to, baseline transfer efficiency, actual transfer efficiency, and results of efficiency test.

4. Emission Statements.

- (i) Owners and operators of stationary sources of nitrogen oxides or volatile organic compounds shall provide the Director with a statement, in such form as the Director may prescribe, for classes or categories of sources determined by the Director, showing the actual emissions of nitrogen oxides and volatile organic compounds from that source.
- (ii) Statements shall be submitted by June 15 of every year and shall show the actual emissions of the previous calendar year.
- (iii) The requirements of this paragraph shall apply to all stationary sources of nitrogen oxides or volatile organic compounds which emit equal to or more than 25 tons per calendar year of either pollutant and are located in Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, or Henry counties.

(b) General Monitoring and Reporting Requirements.

1. All Sources.

- (i) Any person engaged in operations which cause emissions to be released into the atmosphere which may result in air pollution may be required to install, maintain, and use emission monitoring devices, to sample such specific emissions as prescribed by the Director; to make periodic reports on the nature and amounts of emissions and provide such other information as the Director may reasonably require; and to maintain such records as the Director may prescribe so as to determine whether emissions from such operations are in compliance with the provisions of the Act or any rules and regulations promulgated there under.
- (ii) Specific types of information and/or equipment installation which may be requested may include, but are not limited to, the following:
 - (I) Detectors and recorders for continuous measurement and recording of the opacity of emissions;
 - (II) Composition and analysis of fuels of any nature, the determination of which shall be conducted in accordance with acceptable and appropriate procedures of the American Society for Testing and Materials or by other procedures specified or approved by the Director;

- (III) As technology permits, instrumentation for continuously monitoring particulate matter and gaseous emissions;
 - (IV) Production and process feed rates, process charging rates, burning rates, hours of operation and periodic summaries of this information.
- (iii) Records of information requested shall be submitted on forms supplied by the Director, or when forms are not supplied, in a format acceptable to and approved by the Director. The information obtained on request of the Director shall be retained for a period and shall be reported at time intervals to be specified. Records shall be kept current and be available for inspection at the discretion of the Director.
- (iv) In the event of any malfunction or breakdown of process, fuel burning, or emission control equipment for a period of four hours or more which results in excessive emissions for a major source, the owner or operator of such major source shall notify the Division by a written report which would describe the cause of the breakdown, the corrective actions taken, and the plans to prevent future occurrences. Unless otherwise specified in a permit or order, the report must be submitted no later than seven (7) days after the occurrence. The information submitted shall be adequate to allow the Director to determine whether the excessive emissions were due to a sudden and unavoidable breakdown. The reporting requirements of this subparagraph (iv) shall be in addition to any other reporting requirement under these rules (Chapter 391-3-1), and such reporting shall in no event serve to excuse, otherwise justify or in any manner affect any potential liability or enforcement action.
- (v) All data gathered in the process of enforcing this or other Air Quality Control Rule or Regulation shall be considered public information and shall be made available upon request, except such information which is required to be kept confidential by Ga. Code Ann. Section [12-9-19](#), as amended.
- (vi) Any continuous monitoring system or monitoring device shall be installed, operated, calibrated and maintained and information reported in accordance with the applicable procedures and performance specifications of the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of**

Air Pollutants. Where no applicable procedure or performance specification for such installation, operation or reporting of data is published therein, the Director shall, as needed, specify or approve an applicable procedure or performance specification prior to operation of the monitoring system or monitoring device.

(7) Prevention of Significant Deterioration of Air Quality.

(a) General Requirements.

1. The provisions of paragraph (7) shall apply to any source and the owner or operator of any source subject to any requirement under 40 Code of Federal Regulations (hereinafter, CFR) Part 52.21. The subparagraphs of Paragraph (7) that incorporate by reference paragraphs of 40 CFR Part 52.21 are as promulgated on January 17, 2017, unless otherwise specified. The dates associated with the incorporation by reference of federal rules into this paragraph (7) refer to the dates of publication of the promulgated rules in the Federal Register.

2. Definitions: For the purpose of this paragraph, 40 CFR Part 52.21(b) as amended, is hereby incorporated by reference with the following exceptions:

(i) In lieu of the definition of "baseline actual emissions" as specified in paragraph (b)(48) of 40 CFR Part 52.21, the following shall apply:

"Baseline actual emissions" means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with subparagraphs (7)(a)2.(i)(I) through (IV) of this rule.

(I) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The Director shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

I. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions. However, fugitive emissions and/or emissions associated with

startups, shutdowns, and malfunctions shall or may be excluded in accordance with the following subparagraphs A and B.

A. If fugitive emissions or emissions from startups, shutdowns, and/or malfunctions during the consecutive 24-month period selected by the owner or operator are not quantifiable and are therefore not included in the calculation of baseline actual emissions, then fugitive emissions or emissions from startups, shutdowns, and/or malfunctions, respectively, shall not be included in the calculation of projected actual emissions [as defined in subparagraph (7)(a)2.(ii) of this rule].

B. The owner or operator may elect to omit malfunctions from the calculation of baseline actual emissions. If the owner or operator elects to do so, then malfunctions shall also be omitted from the calculation of projected actual emissions [as defined in subparagraph (7)(a)2.(ii) of this rule].

II. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

III. For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period may be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

IV. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, or for which there is inadequate information for adjusting this amount downward to exclude any

non-compliant emissions as required by subparagraph (7)(a)2.(i)(I)II. of this rule.

- V. If any physical change(s) or change(s) in the method of operation subsequent to the consecutive 24-month period selected by the owner or operator resulted in a permanent change in the basic design parameter [as defined in subparagraph (7)(a)2.(viii) of this rule], not including the voluntary addition of air pollution control equipment or increase in removal or collection efficiency of existing air pollution control equipment, and thus resulted in a corresponding reduction in actual emissions of a regulated NSR pollutant, the baseline actual emissions shall be adjusted downward by a proportional reduction in emissions in tons per year or lbs/unit of production.
 - VI. The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a Maximum Available Control Technology (MACT) standard that the Administrator of U.S. EPA has proposed or promulgated under 40 CFR, Part 63, the baseline actual emissions need only be adjusted if the Division has taken credit for such emission reductions in an attainment demonstration or maintenance plan consistent with the requirements of 40 CFR Part 51.165(a)(3)(ii)(G).
- (II) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Division

for a permit required under this paragraph or by the reviewing authority for a permit required by a plan, whichever is earlier.

I. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions. However, fugitive emissions and/or emissions associated with startups, shutdowns, and malfunctions shall or may be excluded in accordance with the following subparagraphs A and B.

A. If fugitive emissions or emissions from startups, shutdowns, and/or malfunctions during the consecutive 24-month period selected by the owner or operator are not quantifiable and are therefore not included in the calculation of baseline actual emissions, then fugitive emissions or emissions from startups, shutdowns, and/or malfunctions, respectively, shall not be included in the calculation of projected actual emissions (as defined in subparagraph (7)(a)2.(ii) of this rule).

B. The owner or operator may elect to omit malfunctions from the calculation of baseline actual emissions. If the owner or operator elects to do so, then malfunctions shall also be omitted from the calculation of projected actual emissions [as defined in subparagraph (7)(a)2.(ii) of this rule].

II. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

III. The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period.

However, if an emission limitation is part of a Maximum Achievable Control Technology (MACT) standard that the Administrator of U.S. EPA has proposed or promulgated under 40 CFR, Part 63, the baseline actual emissions need only be adjusted if the Division has taken credit for such emissions reductions in an attainment demonstration or maintenance plan consistent with the requirements of 40 CFR Part 51.165(a)(3)(ii)(G).

- IV. For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period may be used to determine the baseline actual emissions for all the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.
- V. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, or for which there is inadequate information for adjusting this amount downward to exclude any non-compliant emissions as required by subparagraph (7)(a)2.(i)(II)II. or III. of this rule.
- VI. If any physical change(s) or change(s) in the method of operation subsequent to the consecutive 24-month period selected by the owner or operator resulted in a permanent change in the basic design parameter [as defined in subparagraph (7)(a)2.(viii) of this Rule], not including the voluntary addition of air pollution control equipment or increase in removal or collection efficiency of existing air pollution control equipment, and thus resulted in a corresponding reduction in actual emissions of a regulated NSR pollutant, the baseline actual emissions shall be adjusted downward by a proportional reduction in emissions in tons per year or lbs/unit of production.

- (III) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will

result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit [as long as the unit remains a "new emissions unit" as defined in 40 CFR Part 52.21(b)(7)(i)].

- (IV) For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in subparagraph (7)(a)2.(i)(I) of this rule, for other existing emissions units in accordance with the procedures contained in subparagraph (7)(a)2.(i)(II) of this rule, and for a new emissions unit in accordance with the procedures contained in subparagraph (7)(a)2.(i)(III) of this rule. For existing emission units, the baseline actual emissions shall be based on any consecutive 24-month period selected by the operator within the appropriate PAL baseline period. For existing electric steam generating units, the PAL baseline period is the 5-year period (or different period allowed by the Director that is more representative or normal source operation) immediately preceding submission of a complete PAL application to the Division. For other existing emission units, the PAL baseline period is the 10-year period immediately preceding submission of a complete PAL permit application to the Division.
- (ii) In lieu of the definition of "projected actual emissions" as specified in paragraph (b)(41) of 40 CFR Part 52.21, the following shall apply:
 - (I) "Projected actual emissions" means the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the five years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.
 - (II) In determining the projected actual emissions under subparagraph (7)(a)2.(ii)(I) (before beginning actual

construction), the owner or operator of the major stationary source:

- I. Shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the State or Federal regulatory authorities, and compliance plans under the approved State Implementation Plan; and
- II. Shall include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions. However, fugitive emissions and/or emissions associated with startups, shutdowns, and malfunctions shall or may be excluded in accordance with the following subparagraphs A., B., and C.
 - A. If projected fugitive emissions or emissions from startups, shutdowns, and/or malfunctions are not quantifiable and are therefore not included in the calculation of projected actual emissions, then fugitive emissions or emissions from startups, shutdowns, and/or malfunctions, respectively, shall not be included in the calculation of baseline actual emissions [as defined in subparagraph (7)(a)2.(i) of this rule].
 - B. The owner or operator may elect to omit malfunctions from the calculation of projected actual emissions. If the owner or operator elects to do so, then malfunctions shall also be omitted from the calculation of baseline actual emissions [as defined in subparagraph (7)(a)2.(i) of this rule].
 - C. If the project involves increasing the emissions unit's design capacity or its potential to emit that regulated NSR pollutant and the increase in projected emissions associated with startups, shutdowns, and malfunctions is not

proportional to the increase in the emission unit's design capacity or its potential to emit that regulated NSR pollutant, the owner or operator must include with the information required under subparagraph (7)(b)15.(i)(I) of this rule documentation that supports the projected emissions associated with startups, shutdowns, and malfunctions subsequent to completion of the project; and

- III. May exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions under subparagraph (7)(a)2.(i) of this rule and that is also unrelated to the particular project, including any increased utilization due to product demand growth (the increase in emissions that may be excluded under this subparagraph shall hereinafter be referred to as "demand growth emissions");
 - A. If the project involves increasing the emissions unit's design capacity or its potential to emit that regulated NSR pollutant, the owner or operator shall either:
 - (A) not exclude demand growth emissions, or
 - (B) must include in the information required under subparagraph (7)(b)15.(i)(I) of this paragraph, documentation that demand growth emissions are emissions that the emissions unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions, are not related to the particular project, and are

due to product demand growth; must have documentation supporting the portion of the emissions increase that is due to demand growth; and, following the change, must be able to track the emissions increase due to demand growth; or

IV. In lieu of using the method set out in subparagraphs (7)(a)2.(ii)(II)I. through III. of this rule, may elect to use the emissions unit's potential to emit, in tons per year, as defined under paragraph (b)(4) of 40 CFR Part 52.21.

(iii) The definition of "major stationary source" contained in 40 CFR Part 52.21(b)(1) is hereby incorporated by reference except as follows:

(I) Subparagraph (i)(b) shall read as follows: Notwithstanding the stationary source size specified in paragraph (b)1.(i)(a) of this section, any stationary source which emits, or has the potential to emit, 250 tons-per-year or more of a regulated NSR pollutant; or

(iv) The definition and use of the term "subject to regulation" in 40 CFR Part 52.21 is hereby incorporated by reference; provided, however, that in the event all or any portion of 40 CFR Part 52.21 containing that term is:

(I) declared or adjudged to be invalid or unconstitutional or stayed by the United States Court of Appeals for the Eleventh Circuit or for the District of Columbia Circuit; or

(II) withdrawn, repealed, revoked or otherwise rendered of no force and effect by the United States Environmental Protection Agency, Congress, or Presidential Executive Order.

Such action shall render the regulation as incorporated herein, or that portion thereof that may be affected by such

action, as invalid, void, stayed, or otherwise without force and effect for purposes of this rule upon the date such action becomes final and effective; provided, further, that such declaration, adjudication, stay, or other action described herein shall not affect the remaining portions, if any, of the regulation as incorporated herein, which shall remain of full force and effect as if such portion so declared or adjudged invalid or unconstitutional or stayed or otherwise invalidated or effected were not originally a part of this rule. The Board declares that it would have incorporated the remaining parts of the federal regulation if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional or stayed or otherwise rendered of no force and effect;

- (v) The definition of "potential to emit" contained in 40 CFR Part 52.21(b)(4), shall be modified as follows:
 - (I) The phrase "is federally enforceable" shall read "is federally enforceable or enforceable as a practical matter."
- (vi) The definition of "allowable emissions" contained in 40 CFR Part 52.21(b)(16), shall be modified as follows:
 - (I) The phrase "unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both" shall read, "unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both."
 - (II) paragraph (iii) shall read as follows: The emissions rate specified as an enforceable permit condition, including those with a future compliance date.
- (vii) The following shall be added to the definition of "major source baseline date" contained in 40 CFR Part 52.21(b)(14):
 - (I) Baseline dates established prior to April 19, 2006, will remain in effect.
- (viii) In lieu of paragraph (b)(33)(iii) of the definition of "replacement unit" as specified in paragraph (b)(33) of 40 CFR Part 52.21, the following shall apply:

The replacement does not alter the basic design parameters of the process unit. Basic design parameters are defined as follows:

- (I) Except as provided in subparagraph (7)(a)2.(viii)(III) of this rule, for a process unit at a steam electric generating facility, the owner or operator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate or maximum hourly electric output rate and maximum steam flow rate. When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on British Thermal Units content shall be used for determining the basic design parameter(s) for a coal-fired electric utility steam generating unit.
- (II) Except as provided in subparagraph (7)(a)2.(viii)(III) of this rule, the basic design parameter(s) for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the owner or operator should consider the primary product or primary raw material when selecting a basic design parameter.
- (III) If the owner or operator believes the basic design parameter(s) in subparagraphs (7)(a)2.(viii)(I) and (II) of this rule is (are) not appropriate for a specific industry or type of process unit, the owner or operator may propose to the Division an alternative basic design parameter(s) for the source's process unit(s). If the Director approves of the use of an alternative basic design parameter(s), he or she shall issue a permit that is legally enforceable that records such basic design parameter(s) and requires the owner or operator to comply with such parameter(s).
- (IV) The owner or operator shall use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the basic

design parameter(s) specified in subparagraphs (7)(a)2.(viii)(I) and (II) of this rule.

(V) If design information is not available for a process unit, then the owner or operator shall determine the process unit's basic design parameter(s) using the maximum value achieved by the process unit in the 5-year period immediately preceding the planned activity.

(VI) Efficiency of a process unit is not a basic design parameter.

(ix) [reserved]

(x) [reserved]

(xi) In the definition of "net emissions increase" as specified in paragraph (b)(3) of 40 CFR Part 52.21, paragraphs (iii)(b) and (vi)(d), related to increases and decreases at a clean unit, are not adopted.

3. Applicability procedures: 40 CFR Part 52.21(a)(2), as amended, is hereby incorporated and adopted by reference.
4. Except as noted below, the word "Administrator" as used in regulations adopted by reference in this paragraph shall mean the "Director" as defined in [391-3-1-.01\(q\)](#). For the following provisions adopted by reference in this paragraph, the word "Administrator" shall mean the Administrator of the U.S. Environmental Protection Agency or, where allowable, his or her designee.
 - (i) 40 CFR Part 52.21(b)(17), Definition of "Federally Enforceable"
 - (ii) 40 CFR Part 52.21(b)(37)(i), First Paragraph within the Definition of "Repowering"
 - (iii) 40 CFR Part 52.21(b)(43), Definition of "Prevention of Significant Deterioration (PSD)"
 - (iv) 40 CFR Part 52.21(b)(51), Definition of "Reviewing Authority"
 - (v) 40 CFR Part 52.21(g), Redesignation
 - (vi) 40 CFR Part 52.21(l), Air Quality Models

(vii) 40 CFR Part 52.21(p)(2), Federal Land Manager

(viii) 40 CFR Part 52.21(o)(3), Visibility Monitoring

(b) Prevention of Significant Deterioration Standards.

1. Ambient air increments: 40 CFR Part 52.21(c), as amended, is hereby incorporated and adopted by reference.
2. Ambient air ceilings: 40 CFR Part 52.21(d), as amended, is hereby incorporated and adopted by reference.
3. Restrictions on area classifications: 40 CFR Part 52.21(e), as amended, is hereby incorporated and adopted by reference.
4. Redesignation: 40 CFR Part 52.21(g), as amended, is hereby incorporated and adopted by reference.
5. Stack heights: 40 CFR Part 52.21(h), as amended, is hereby incorporated and adopted by reference.
6. Exemptions: 40 CFR Part 52.21(i), as amended, is hereby incorporated and adopted by reference.
7. Control technology review: 40 CFR Part 52.21(j), as amended, is hereby incorporated and adopted by reference.
8. Source impact analysis: 40 CFR Part 52.21(k), as amended, is hereby incorporated and adopted by reference.
9. Air quality models: 40 CFR Part 52.21(l), as amended, is hereby incorporated and adopted by reference.
10. Air quality analysis: 40 CFR Part 52.21(m), as amended, is hereby incorporated and adopted by reference.
11. Source information: 40 CFR Part 52.21(n), as amended, is hereby incorporated and adopted by reference with the following exception:
 - (i) The first sentence of paragraph (n)(1) shall read as follows, "With respect to a source or modification to which paragraphs (j), (l), (o) and (p) of this section apply, such information shall include:"
12. Additional impact analyses: 40 CFR Part 52.21(o), as amended, is hereby incorporated and adopted by reference.

13. Sources impacting federal class I areas - additional requirements: 40 CFR Part 52.21(p), as amended, is hereby incorporated and adopted by reference with the following exception:

- (i) The beginning of paragraph (p)(8) should read "In the case of a permit issued pursuant to paragraph (p) (6) or (7) of this section."

14. Public participation: 40 CFR Part 52.21(q), as amended, is hereby incorporated and adopted by reference.

15. Source obligation: 40 CFR Part 52.21(r), as amended, is hereby incorporated and adopted by reference with the following exceptions:

- (i) In lieu of the provisions of paragraph (r)(6), the following shall apply:

The provisions of this subparagraph 15(i) apply to projects at an existing emissions unit at a major stationary source (other than projects at a source with a PAL) that are required to obtain a permit under the Construction (SIP) Permit requirements of paragraph [391-3-1-.03\(1\)](#) of these rules and the owner or operator elects to use the method specified in Subparagraph (7)(a)2.(ii)(II)I. through III. of this rule for calculating projected actual emissions.

- (I) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

- I. A description of the project;
- II. Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and
- III. A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under Subparagraph (7)(a)2.(ii)(II)III. of this rule and an explanation for why such amount was excluded, and any netting calculations, if applicable.

- IV. The records required in subparagraph (7)(b)15.(i)(I) of this rule shall be retained for a period of 10 years following resumption of regular operations after the change, or for a period of 15 years following resumption of regular operations after the change if the project increases the design capacity of or potential to emit of a regulated NSR pollutant at such emissions unit.
- (II) The owner or operator shall provide a copy of the information set out in Subparagraph (7)(b)15.(i)(I) of this rule with the application for construction required under paragraph [391-3-1-.03\(1\)](#) of these rules.
- (III) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in subparagraph (7)(b)15.(i)(I)II. of this rule, and calculate and maintain a record of the annual emissions, in tons-per-year on a calendar year basis, for a period of five years following resumption of regular operations after the change, or for a period of ten years following resumption of regular operations after the change if the project increases the design capacity of or potential to emit that regulated NSR pollutant at such emissions unit. These records shall be retained for a period of five years past the end of each calendar year. If an owner or operator is required to or elects to exclude emissions associated with startups, shutdowns, and/or malfunctions from estimations of projected actual emissions for PSD applicability purposes as allowed by subparagraph (7)(a)2.(ii)(II)II. of this rule, the owner or operator may exclude such emissions from the calculation of annual emissions.
- (IV) If the owner or operator excluded demand growth emissions from the projected actual emissions for a project and that project is subject to the requirements of subparagraph (7)(a)2.(ii)(II)III.A.(B) of this rule, the owner or operator shall calculate the actual increase in emissions due to demand growth, in tons per year on a calendar year basis, for a period 10 years following resumption of regular

operations after the change. These records shall be retained for a period of five years past the end of each calendar year.

- (V) The owner or operator shall submit a report to the Division within 60 days after the end of each year during which records must be generated under subparagraphs (7)(b)15.(i)(III) and (IV) of this rule setting out the unit's annual emissions and, if applicable, the unit's actual increase in emissions due to demand growth during the calendar year that preceded submission of the report.

16. Innovative control technology: 40 CFR Part 52.21(v), as amended, is hereby incorporated and adopted by reference.
17. Permit rescission: 40 CFR Part 52.21(w), as amended, is hereby incorporated and adopted by reference with the following exceptions:
 - (i) Paragraph (1) of 40 CFR Part 52.21(w) shall read as follows: Any permit issued under this section or a prior version of this section shall remain in effect, unless and until it expires under paragraph (r) of this section or is rescinded.
 - (ii) Paragraph (3) of 40 CFR Part 52.21(w) shall read as follows: The Director may grant an application for rescission if the application shows that this section, as it existed at the time the permit was issued, would not apply to the source or modification.
18. [reserved]
19. [reserved]
20. [reserved]
21. Actuals PALs: 40 CFR, Part 52.21(aa), as amended, is hereby incorporated by reference with the following exceptions:
 - (i) [reserved]
 - (ii) In lieu of the public participation requirements for PALs of 40 CFR Part 52.21(aa)(5), PALs for existing major stationary sources shall be established, renewed, or increased through the procedures for Title V Permit issuance, renewal, and reopenings, and revisions specified in subparagraph [391-3-1-.03\(10\)\(e\)](#) of these rules.

- (iii) In addition to the provisions for setting the 10-year actual PAL level specified in 40 CFR Part 52.21(aa)(6)(i), the PAL level shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period used to determine the baseline actual emissions for the PAL pollutant.
- (iv) In lieu of the provisions of 40 CFR Part 52.21(aa)(6)(ii), the following shall apply:

For newly constructed units (which do not include modifications to existing units) on which actual construction began after the consecutive 24-month period selected for setting the 10-year actuals PAL level, in lieu of adding the baseline emissions as specified in paragraph (aa)(6)(i) of 40 CFR Part 52.21, the emissions must be added to the PAL level as follows:

- (I) For an emissions unit on which actual operation commenced less than 36 months prior to submission of a complete PAL permit application, the emissions must be added to the PAL level in an amount equal to the potential to emit of the unit.
- (II) For an emissions unit on which actual operation commenced greater than or equal to 36 months and less than 48 months prior to submission of a complete PAL permit application, the emissions must be added in an amount equal to the rate, in tons per year, at which the unit actually emitted the PAL pollutant during any consecutive 12-month period, selected by the owner or operator, that preceded submission of the PAL permit application.
- (III) For an emissions unit on which actual operation commenced greater than or equal to 48 months prior to submission of a complete PAL permit application, the emissions must be added in an amount equal to the average rate, in tons per year, at which the unit actually emitted the PAL pollutant during any consecutive 24-month period, selected by the owner or operator, that preceded submission of the PAL permit application.

- (v) In addition to the contents of the PAL permit specified in 40 CFR Part 52.21(aa)(7), the PAL permit must contain a requirement that emissions calculations for compliance purposes must include non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable and that were in excess of that allowed by any state or Federal air quality regulation or permit condition.
- (vi) In lieu of the provisions of 40 CFR Part 52.21(aa)(8)(ii)(c), the following shall apply:

All reopenings shall be carried out in accordance with the procedures for Title V Permit issuance, renewal, and reopenings, and revisions specified in subparagraph [391-3-1-.03\(10\)\(e\)](#) of these rules.

- (vii) In lieu of the provisions for PAL adjustment in 40 CFR Part 52.21(aa)(10)(iv), the following shall apply:

PAL adjustment. The Director shall set the PAL level for a renewed PAL permit in accordance with subparagraphs (7)(b)21.(vii)(I) and (II) of this rule. However, in no case may any PAL level fail to comply with subparagraph (7)(b)21.(vii)(III) of this rule.

- (I) If the emissions level calculated in accordance with paragraph (aa)(6) of 40 CFR Part 52.21 and subparagraphs (7)(b)21.(iii) and (iv) of this rule is equal to or greater than 80 percent of the PAL level, the Director may renew the PAL at the same level. If the emissions level calculated in accordance with (aa)(6) of 40 CFR Part 52.21 and subparagraphs (7)(b)21.(iii) and (iv) of this rule is less than 80 percent of the PAL level, the Director may renew the PAL at a level determined using the procedures set forth in 40 CFR Part 52.21(aa)(6) and subparagraphs (7)(b)21.(iii) and (iv) of this rule.
- (II) The Director may set the PAL at a level that he or she determines to be more representative of the source's baseline actual emissions, or that he or she determines to be more appropriate considering air quality needs, advances in control technology, anticipated economic

growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the Director in his or her written rationale.

(III) Notwithstanding subparagraphs (7)(b)21.(vii)(I) and (II) of this rule:

I. If the potential to emit of the major stationary source is less than the PAL, the Director shall adjust the PAL to a level no greater than the potential to emit of the source; and

II. The Director shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions of paragraph (aa)(11) of 40 CFR Part 52.21 (increasing a PAL).

(viii) The following is added to the list of acceptable general monitoring approaches listed in 40 CFR Part 52.21(aa)(12)(ii).

(I) Mass balance calculations for sulfur dioxide emissions from fuel combustion.

(ix) The mass balance calculation requirements of 40 CFR Part 52.21(aa)(12)(iii) shall apply for mass balance calculations for sulfur dioxide emissions from fuel combustion.

(x) The data relied upon, including, but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions shall not be submitted with the semiannual report as specified in paragraph (aa)(14)(i)(c) of 40 CFR Part 52.21, but shall be retained in permanent form suitable for inspection and submission to the Division. The records shall be retained for at least five years following the end of each calendar year.

(xi) Paragraph 40 CFR Part 52.21(aa)(12)(i)(b) shall read as follows: The PAL monitoring system must employ one of the general monitoring approaches meeting the minimum requirements set forth in paragraph (aa)(12)(ii) of this section and must be approved by the Director.

(8) New Source Performance Standards.

(a) **General Requirement.** No person shall construct or operate any facility or source which fails to comply with the New Source Performance Standards contained in 40 Code of Federal Regulations (hereinafter, CFR), Part 60, as amended, including but not limited to (unless specifically excluded below), the subparts hereby adopted through incorporation by reference in paragraph (b) of this subsection.

(b) New Source Performance Standards.

1. General Provisions. For purposes of applying New Source Performance Standards, 40 CFR Part 60 Subpart A (excluding 60.4 and 60.9), as amended October 7, 2020, is hereby incorporated and adopted by reference. The word "Administrator" as used in regulations adopted in this paragraph shall mean the Director of EPD.
2. Standards of Performance for Fossil-fuel Fired Steam Generators: 40 CFR Part 60 Subpart D, as amended February 16, 2012, is hereby incorporated and adopted by reference.
3. Standards of Performance for Electric Utility Steam Generating Units: 40 CFR Part 60 Subpart Da, as amended April 6, 2016, is hereby incorporated and adopted by reference.
4. Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units: 40 CFR Part 60 Subpart Db, as amended February 16, 2012, is hereby incorporated and adopted by reference.
5. Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units: 40 CFR Part 60 Subpart Dc, as amended February 16, 2012, is hereby incorporated and adopted by reference.
6. Standards of Performance for Incinerators: 40 CFR Part 60 Subpart E, as amended May 10, 2006, is hereby incorporated and adopted by reference.
7. Standards of Performance for Municipal Waste Combustors: 40 CFR Part 60 Subpart Ea, as amended October 17, 2000, is hereby incorporated and adopted by reference.
8. Standards of Performance for Portland Cement Plants: 40 CFR Part 60 Subpart F, as amended July 27, 2015, is hereby incorporated and adopted by reference.
9. Standards of Performance for Nitric Acid Plants: 40 CFR Part 60 Subpart G, as amended May 6, 2014, is hereby incorporated and adopted by reference.

10. Standards of Performance for Sulfuric Acid Plants: 40 CFR Part 60 Subpart H, as amended October 17, 2000, is hereby incorporated and adopted by reference.
11. Standards of Performance for Asphalt Concrete Plants: 40 CFR Part 60 Subpart I, as amended February 14, 1989, is hereby incorporated and adopted by reference.
12. Standards of Performance for Petroleum Refineries: 40 CFR Part 60 Subpart J, as amended December 1, 2015, is hereby incorporated and adopted by reference.
13. Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978: 40 CFR Part 60 Subpart K, as amended October 17, 2000, is hereby incorporated and adopted by reference.
14. Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984: 40 CFR Part 60 Subpart Ka, as amended December 14, 2000, is hereby incorporated and adopted by reference.
15. Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984: 40 CFR Part 60 Subpart Kb, as amended January 19, 2021, is hereby incorporated and adopted by reference.
16. Standards of Performance for Secondary Lead Smelters: 40 CFR Part 60 Subpart L, as amended October 17, 2000, is hereby incorporated and adopted by reference.
17. Standards of Performance for Secondary Brass and Bronze Ingot Production Plants: 40 CFR Part 60 Subpart M, as amended October 17, 2000, is hereby incorporated and adopted by reference.
18. Standards of Performance for Iron and Steel Plants: 40 CFR Part 60 Subpart N, as amended October 17, 2000, is hereby incorporated and adopted by reference.
19. Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced

After January 20, 1983: 40 CFR Part 60 Subpart Na, as amended October 17, 2000, is hereby incorporated and adopted by reference.

20. Standards of Performance for Sewage Treatment Plants: 40 CFR Part 60 Subpart O, as amended October 17, 2000, is hereby incorporated and adopted by reference.
21. Standards of Performance for Primary Copper Smelters: 40 CFR Part 60 Subpart P, as amended October 17, 2000, is hereby incorporated and adopted by reference.
22. Standards of Performance for Primary Zinc Smelters: 40 CFR Part 60 Subpart Q, as amended February 14, 1989, is hereby incorporated and adopted by reference.
23. Standards of Performance for Primary Lead Smelters: 40 CFR Part 60 Subpart R, as amended February 14, 1989, is hereby incorporated and adopted by reference.
24. Standards of Performance for Primary Aluminum Reduction Plants: 40 CFR Part 60 Subpart S, as amended October 17, 2000, is hereby incorporated and adopted by reference.
25. Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants: 40 CFR Part 60 Subpart T, as amended August 19, 2015, is hereby incorporated and adopted by reference.
26. Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants: 40 CFR Part 60 Subpart U, as amended August 19, 2015, is hereby incorporated and adopted by reference.
27. Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants: 40 CFR Part 60 Subpart V, as amended August 19, 2015, is hereby incorporated and adopted by reference.
28. Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants: 40 CFR Part 60 Subpart W, as amended August 19, 2015, is hereby incorporated and adopted by reference.
29. Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities: 40 CFR Part 60 Subpart X, as amended August 19, 2015, is hereby incorporated and adopted by reference.

30. Standards of Performance for Coal Preparation Plants: 40 CFR Part 60 Subpart Y, as amended October 8, 2009, is hereby incorporated and adopted by reference.
31. Standards of Performance for Ferroalloy Production Facilities: 40 CFR Part 60 Subpart Z, as amended October 17, 2000, is hereby incorporated and adopted by reference.
32. Standards of Performance for Steel Plants: Electric Arc Furnaces: 40 CFR Part 60 Subpart AA, as amended February 22, 2005, is hereby incorporated and adopted by reference.
33. Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983: 40 CFR Part 60 Subpart AAa, as amended February 22, 2005, is hereby incorporated and adopted by reference.
34. Standards of Performance for Kraft Pulp Mills: 40 CFR Part 60 Subpart BB, as amended September 21, 2006, is hereby incorporated and adopted by reference.
35. Standards of Performance for Glass Manufacturing Plants: 40 CFR Part 60 Subpart CC, as amended October 17, 2000, is hereby incorporated and adopted by reference.
36. Standards of Performance for Grain Elevators: 40 CFR Part 60 Subpart DD, as amended October 17, 2000, is hereby incorporated and adopted by reference.
37. Standards of Performance for Surface Coating of Metal Furniture: 40 CFR Part 60 Subpart EE, as amended October 17, 2000, is hereby incorporated and adopted by reference.
38. Standards of Performance for Stationary Gas Turbines: 40 CFR Part 60 subpart GG, as amended June 30, 2016, is hereby incorporated and adopted by reference.
39. Standards of Performance for Lime Manufacturing Plants: 40 CFR Part 60 subpart HH, as amended October 17, 2000, is hereby incorporated and adopted by reference.
40. Standards of Performance for Lead-Acid Battery Manufacturing Plants: 40 CFR Part 60 subpart KK, as amended October 17, 2000, is hereby incorporated and adopted by reference.

41. Standards of Performance for Metallic Mineral Processing Plants: 40 CFR Part 60 Subpart LL, as amended October 17, 2000, is hereby incorporated and adopted by reference.
42. Standards of Performance for Automobile and Light-Duty Truck Coating Operations: 40 CFR Part 60 Subpart MM, as amended October 17, 2000, is hereby incorporated and adopted by reference.
43. Standards of Performance for Phosphate Rock Plants: 40 CFR Part 60 Subpart NN, as amended October 17, 2000, is hereby incorporated and adopted by reference.
44. Standards of Performance for Ammonium Sulfate Manufacture: 40 CFR Part 60 Subpart PP, as amended October 17, 2000, is hereby incorporated and adopted by reference.
45. Standards of Performance for Graphic Arts Industry: Publication Rotogravure Printing: 40 CFR Part 60 Subpart QQ, as amended April 9, 2004, is hereby incorporated and adopted by reference.
46. Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations: 40 CFR Part 60 Subpart RR, as amended October 17, 2000, is hereby incorporated and adopted by reference.
47. Standards of Performance for Industrial Surface Coating: Large Appliances: 40 CFR Part 60 Subpart SS, as amended October 17, 2000, is hereby incorporated and adopted by reference.
48. Standards of Performance for Metal Coil Surface Coating: 40 CFR Part 60 Subpart TT, as amended October 17, 2000, is hereby incorporated and adopted by reference.
49. Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture: 40 CFR Part 60 Subpart UU, as amended October 17, 2000, is hereby incorporated and adopted by reference.
50. Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and On or Before November 7, 2006: 40 CFR Part 60 Subpart VV, as amended June 2, 2008, is hereby incorporated and adopted by reference.
51. Standards of Performance for Beverage Can Surface Coating Industry: 40 CFR Part 60 Subpart WW, as amended October 17, 2000, is hereby incorporated and adopted by reference.

52. Standards of Performance for Bulk Gasoline Terminals: 40 CFR Part 60 Subpart XX, as amended December 19, 2003, is hereby incorporated and adopted by reference.
53. Standards of Performance for Rubber Tire Manufacturing Industry: 40 CFR Part 60 Subpart BBB, as amended June 30, 2016, is hereby incorporated and adopted by reference.
54. Standards of Performance for Volatile Organic Compound (VOC) Emission from Polymer Manufacturing Industry: 40 CFR Part 60 Subpart DDD, as amended June 30, 2016, is hereby incorporated and adopted by reference.
55. Standards of Performance for Flexible Vinyl and Urethane Printing and Coating: 40 CFR Part 60 Subpart FFF, as amended October 17, 2000, is hereby incorporated and adopted by reference.
56. Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and On or Before November 7, 2006: 40 CFR Part 60 Subpart GGG, as amended June 2, 2008, is hereby incorporated and adopted by reference.
57. Standards of Performance for Synthetic Fiber Production Facilities: 40 CFR Part 60 Subpart HHH, as amended October 17, 2000, is hereby incorporated and adopted by reference.
58. Standards of Performance for Volatile Organic Compounds (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes: 40 CFR Part 60 Subpart III, as amended June 30, 2016, is hereby incorporated and adopted by reference.
59. Standards of Performance for Petroleum Dry Cleaners: 40 CFR Part 60 Subpart JJJ, as amended October 17, 2000, is hereby incorporated and adopted by reference.
60. Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants: 40 CFR Part 60 Subpart KKK, as amended August 16, 2012, is hereby incorporated and adopted by reference.
61. Standards of Performance for Onshore Natural Gas Processing: 40 CFR Part 60 Subpart LLL, as amended June 30, 2016, is hereby incorporated and adopted by reference.

62. Standards of Performance for Volatile Organic Compounds (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operation: 40 CFR Part 60 Subpart NNN, as amended June 30, 2016, is hereby incorporated and adopted by reference.
63. Standards of Performance for Nonmetallic Mineral Processing Plants: 40 CFR Part 60 Subpart OOO, as promulgated April 28, 2009, is hereby incorporated and adopted by reference.
64. Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants: 40 CFR Part 60 Subpart PPP, as amended October 17, 2000, is hereby incorporated and adopted by reference.
65. Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems: 40 CFR Part 60 Subpart QQQ, as amended October 17, 2000, is hereby incorporated and adopted by reference.
66. Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Process: 40 CFR Part 60 Subpart RRR, as amended December 14, 2000, is hereby incorporated and adopted by reference.
67. Standards of Performance for Magnetic Tape Coating: 40 CFR Part 60 Subpart SSS, as amended February 12, 1999, is hereby incorporated and adopted by reference.
68. Standards of Performance for Plastic Parts for Business Machine Coatings: 40 CFR Part 60 Subpart TTT, as amended October 17, 2000, is hereby incorporated and adopted by reference.
69. Standards of Performance for Calciners and Dryers in Mineral Industries: 40 CFR Part 60 Subpart UUU, as amended October 17, 2000, is hereby incorporated and adopted by reference.
70. Standards of Performance for Polymeric Coating of Supporting Substrates Facilities: 40 CFR Part 60 Subpart VVV, as promulgated September 11, 1989, is hereby incorporated and adopted by reference.
71. Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994: 40 CFR Part 60 Subpart Eb, as amended May 10, 2006, is hereby incorporated and adopted by reference.
72. Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After

May 30, 1991, but Before July 18, 2014: 40 CFR Part 60 Subpart WWW, as amended October 13, 2020, is hereby incorporated and adopted by reference.

73. Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators: 40 CFR Part 60 Subpart Ec, as amended September 6, 2013, is hereby incorporated and adopted by reference.
74. Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001: 40 CFR Part 60 Subpart AAAA, as promulgated December 6, 2000, is hereby incorporated and adopted by reference.
75. Standards of Performance for Commercial and Industrial Solid Waste Incineration Units: 40 CFR Part 60 Subpart CCCC, as amended October 7, 2020, is hereby incorporated and adopted by reference.
76. Standards of Performance for Other Solid Waste Incinerator Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced On or After June 16, 2006: 40 CFR Part 60 Subpart EEEE, as amended November 24, 2006, is hereby incorporated and adopted by reference.
77. Standards of Performance for Stationary Compression Ignition Internal Combustion Engines: 40 CFR Part 60 Subpart IIII, as amended June 29, 2021, is hereby incorporated and adopted by reference.
78. Standards of Performance for Stationary Combustion Turbines: 40 CFR Part 60 Subpart KKKK, as amended October 7, 2020, is hereby incorporated and adopted by reference.
79. Standards of Performance for Stationary Spark Ignition Internal Combustion Engines: 40 CFR Part 60 Subpart JJJJ, as amended June 29, 2021, is hereby incorporated and adopted by reference.
80. Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006: 40 CFR Part 60 Subpart VVa, as amended August 16, 2012, is hereby incorporated and adopted by reference.
81. Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification

Commenced After November 7, 2006: 40 CFR Part 60 Subpart GGGa, as amended June 2, 2008, is hereby incorporated and adopted by reference.

82. Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007: 40 CFR Part 60 Subpart Ja, as amended November 26, 2018, is hereby incorporated and adopted by reference.
83. Standards of Performance for New Sewage Sludge Incineration Units: 40 CFR Part 60 Subpart LLLL, as promulgated March 21, 2011, is hereby incorporated and adopted by reference.
84. Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015: 40 CFR Part 60 Subpart OOOO, as amended September 14, 2020, is hereby incorporated and adopted by reference.
85. Standard of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013: 40 CFR Part 60 Subpart BBa, as amended November 5, 2020, is hereby incorporated and adopted by reference.
86. Standards of Performance for New Residential Wood Heaters: 40 CFR Part 60 Subpart AAA, as amended October 7, 2020, is hereby incorporated and adopted by reference.
87. Subpart PPPP - [reserved]
88. Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces: 40 CFR Part 60 Subpart QQQQ, as amended October 7, 2020, is hereby incorporated and adopted by reference.
89. Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014: 40 CFR Part 60 Subpart XXX, as amended October 7, 2020, is hereby incorporated and adopted by reference.
90. Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015: 40 CFR Part 60 Subpart OOOOa, as amended September 15, 2020, is hereby incorporated and adopted by reference.

(9) Emission Standards for Hazardous Air Pollutants.

(a) **General Requirements.** The provisions of this section shall apply to any stationary source and to the owner or operator of any stationary source for which a standard is prescribed under 40 Code of Federal Regulations (hereinafter CFR), Parts 61 and 63, including, but not limited to (unless specifically excluded below) the subparts hereby adopted through incorporation by reference in subsection (b) of this section. For purposes of applying emission standards for hazardous air pollutants, 40 CFR, Parts 61 and 63 (excluding 61.04 and 61.16), as amended, are hereby incorporated by reference. The word "Administrator" as used in regulations adopted in this section shall mean the Director of EPD.

(b) **Emission Standards for Hazardous Air Pollutants.**

1. Emission Standard for Beryllium: 40 CFR Part 61 Subpart C, as amended October 17, 2000, is hereby incorporated and adopted by reference.
2. Emission Standard for Beryllium Rocket Motor Firing: 40 CFR Part 61 Subpart D, as amended October 17, 2000, is hereby incorporated and adopted by reference.
3. Emission Standard for Mercury: 40 CFR Part 61 Subpart E, as amended October 17, 2000, is hereby incorporated and adopted by reference.
4. Emission Standard for Vinyl Chloride: 40 CFR Part 61 Subpart F, as amended October 17, 2000, is hereby incorporated and adopted by reference.
5. Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene: 40 CFR Part 61 Subpart J, as amended December 14, 2000, is hereby incorporated and adopted by reference.
6. Emission Standard for Benzene Emissions from Coke Byproduct Recovery Plants: 40 CFR Part 61 Subpart L, as amended October 17, 2000, is hereby incorporated and adopted by reference.
7. Emission Standard for Asbestos (Including Work Practices): 40 CFR Part 61 Subpart M, as amended June 10, 2019, is hereby incorporated and adopted by reference.
8. Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants: 40 CFR Part 61 Subpart N, as amended October 17, 2000, is hereby incorporated and adopted by reference.
9. Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters: 40 CFR Part 61 Subpart O, as amended October 17, 2000, is hereby incorporated and adopted by reference.

10. Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities: 40 CFR Part 61 Subpart P, as amended October 3, 1986, is hereby incorporated and adopted by reference.
11. Emission Standard for Equipment Leaks (Fugitive Emission Sources) [of VHAP]: 40 CFR Part 61 Subpart V, as amended December 14, 2000, is hereby incorporated and adopted by reference.
12. Emission Standard for Benzene Emissions from Benzene Storage Vessels: 40 CFR Part 61 Subpart Y, as amended December 14, 2000, is hereby incorporated and adopted by reference.
13. Emission Standard for Benzene Emissions from Benzene Transfer Operations: 40 CFR Part 61 Subpart BB, as amended December 14, 2000, is hereby incorporated and adopted by reference.
14. Emission Standard for Benzene Waste Operations: 40 CFR Part 61 Subpart FF, as amended December 4, 2003, is hereby incorporated and adopted by reference.
15. General Provisions. For purposes of applying Emission Standards for Hazardous Air Pollutants, 40 CFR Part 63 Subpart A, as amended November 19, 2021, [excluding 63.13, and 63.15(a)(2)] is hereby incorporated and adopted by reference, subject to the following provisions:
 - (i) The definition of "Potential to Emit" in 40 CFR Part 63.2 shall be modified as follows:
 - (I) The phrase "is federally enforceable" shall read "is federally enforceable or enforceable as a practical matter."
16. Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Paragraph 112(g): 40 CFR Parts 63.40 through 63.44, as amended June 30, 1999, is hereby incorporated and adopted by reference, subject to the following provisions:
 - (i) Terms used in this paragraph shall have the meaning given to them in the Clean Air Act, 40 CFR Part 63 Subparts A and B, and the Georgia Air Quality Act.
 - (ii) The "Effective Date of Paragraph 112(g)(2)(B)," as defined in 40 CFR Part 63.41, shall be June 29, 1998.

- (iii) The "Notice of MACT Approval," as defined in 40 CFR Part 63.41, shall be the air construction permit issued by the Division.
 - (iv) The "Permitting Authority," as defined in 40 CFR Part 63.41, shall be the Division.
 - (v) In lieu of the administrative procedures for review of the Notice of MACT Approval, as set forth in 40 CFR Parts 63.43(f)(1) through (5), the Division will act in accordance with the permitting requirements as set forth in Chapter [391-3-1-.03](#) Permits, as amended, and administrative procedures for preconstruction review and approval established by the Division.
 - (vi) In lieu of the opportunity for public comment on the Notice of MACT Approval, as set forth in 40 CFR Part 63.43(h), the Division will provide opportunity for public comment on the Notice of MACT Approval pursuant to Chapter [391-3-1-.03\(2\)\(i\)](#).
 - (vii) The Notice of MACT Approval shall become effective upon issuance of the air construction permit by the Division.
17. Requirements for Control Technology Determinations for Major Sources in Accordance with the Clean Air Act sections 112(j): 40 CFR Part 63 Subpart B, Sections 63.50 through 63.56, as amended July 11, 2005, is hereby incorporated and adopted by reference.
18. [reserved]
19. Compliance Extensions for Early Reductions: 40 CFR Part 63 Subpart D, as amended November 21, 1994, is hereby incorporated and adopted by reference.
20. Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry: 40 CFR Part 63 Subpart F, as amended November 19, 2020, is hereby incorporated and adopted by reference.
21. Emission Standards for Organic Hazardous Air Pollutants from Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater: 40 CFR Part 63 Subpart G, as amended November 19, 2020, is hereby incorporated and adopted by reference. Only procedures listed in 63.112(e) of 40 CFR Part 63 Subpart G, shall be used to comply with the emission standard in 63.112(a) unless otherwise specifically approved by the Director.

22. Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks: 40 CFR Part 63 Subpart H, as amended November 19, 2020, is hereby incorporated and adopted by reference.
23. Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks: 40 CFR Part 63 Subpart I, as amended June 23, 2003, is hereby incorporated and adopted by reference.
24. Emission Standards for Polyvinyl Chloride and Copolymers Production: 40 CFR Part 63 Subpart J, as amended November 19, 2020, is hereby incorporated and adopted by reference.
25. [reserved]
26. Emission Standards for Coke Oven Batteries: 40 CFR Part 63 Subpart L, as amended November 19, 2020, is hereby incorporated and adopted by reference.
27. Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: 40 CFR Part 63 Subpart M, as amended November 19, 2020, is hereby incorporated and adopted by reference.
28. Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks: 40 CFR Part 63 Subpart N, as amended November 19, 2020, is hereby incorporated and adopted by reference.
29. Ethylene Oxide Emissions Standards for Sterilization Facilities: 40 CFR Part 63 Subpart O, as amended November 19, 2020, is hereby incorporated and adopted by reference.
30. [reserved]
31. Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers: 40 CFR Part 63 Subpart Q, as amended November 19, 2020, is hereby incorporated and adopted by reference.
32. Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations): 40 CFR Part 63 Subpart R, as amended December 4, 2020, is hereby incorporated and adopted by reference.

33. Emission Standards for Pulp & Paper Industries: 40 CFR Part 63 Subpart S, as amended November 19, 2020, is hereby incorporated and adopted by reference.
34. Emission Standards for Halogenated Solvent Cleaning: 40 CFR Part 63 Subpart T, as amended November 19, 2020, is hereby incorporated and adopted by reference.
35. Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins: 40 CFR Part 63 Subpart U, as amended November 19, 2020, is hereby incorporated and adopted by reference.
36. [reserved]
37. Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production: 40 CFR Part 63 Subpart W, as amended November 19, 2020, is hereby incorporated and adopted by reference.
38. Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting: 40 CFR Part 63 Subpart X, as amended November 19, 2020, is hereby incorporated and adopted by reference.
39. Emission Standards for Marine Tank Vessel Loading Operations: 40 CFR Part 63 Subpart Y, as amended November 19, 2020, is hereby incorporated and adopted by reference.
40. [reserved]
41. Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants: 40 CFR Part 63 Subpart AA, as amended November 19, 2020, is hereby incorporated and adopted by reference.
42. Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants: 40 CFR Part 63 Subpart BB, as amended November 19, 2020, is hereby incorporated and adopted by reference.
43. Emission Standards for Hazardous Air Pollutants from Petroleum Refineries: 40 CFR Part 63 Subpart CC, as amended November 19, 2020, is hereby incorporated and adopted by reference. Only procedures listed in 63.642(k) of 40 CFR Part 63 Subpart CC shall be used to comply with the emission standard in 63.642(g).

44. Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations: 40 CFR Part 63 Subpart DD, as amended November 19, 2020, is hereby incorporated and adopted by reference.
45. Emission Standards for Magnetic Tape Manufacturing Operations: 40 CFR Part 63 Subpart EE, as amended December 28, 2020, is hereby incorporated and adopted by reference.
46. [reserved]
47. Emission Standards for Aerospace Manufacturing and Rework Facilities: 40 CFR Part 63 Subpart GG, as amended November 19, 2020, is hereby incorporated and adopted by reference.
48. Emission Standards for Hazardous Air Pollutants for Source Categories: Oil & Natural Gas Production Facilities: 40 CFR Part 63 Subpart HH, as amended November 19, 2020, is hereby incorporated and adopted by reference.
49. Emission Standards for Shipbuilding and Ship Repair (Surface Coating): 40 CFR Part 63 Subpart II, as amended November 19, 2020, is hereby incorporated and adopted by reference.
50. Emission Standards for Wood Furniture Manufacturing Operations: 40 CFR Part 63 Subpart JJ, as amended November 19, 2020, is hereby incorporated and adopted by reference.
51. Emission Standards for the Printing and Publishing Industry: 40 CFR Part 63 Subpart KK, as amended November 19, 2020, is hereby incorporated and adopted by reference.
52. Emission Standards for Hazardous Air Pollutants for Source Categories: Primary Aluminum Reduction Plants: 40 CFR Part 63 Subpart LL, as amended November 19, 2020, is hereby incorporated and adopted by reference.
53. Emission Standards for Hazardous Air Pollutants for Source Categories: Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills: 40 CFR Part 63 Subpart MM, as amended November 19, 2020, is hereby incorporated and adopted by reference.
54. Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources: 40 CFR Part 63 Subpart NN, as amended July 29, 2015, is hereby incorporated and adopted by reference.

55. Emission Standards for Tanks-Level 1: 40 CFR Part 63 Subpart OO, as amended June 23, 2003, is hereby incorporated and adopted by reference.
56. Emission Standards for Containers: 40 CFR Part 63 Subpart PP, as amended June 23, 2003, is hereby incorporated and adopted by reference.
57. Emission Standards for Surface Impoundments: 40 CFR Part 63 Subpart QQ, as amended June 23, 2003, is hereby incorporated and adopted by reference.
58. Emission Standards for Individual Drain Systems: 40 CFR Part 63 Subpart RR, as amended June 23, 2003, is hereby incorporated and adopted by reference.
59. Emission Standards for Hazardous Air Pollutants from: Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process: 40 CFR Part 63 Subpart SS, as amended July 6, 2020, is hereby incorporated and adopted by reference.
60. Emission Standards for Hazardous Air Pollutants from Equipment Leaks-Control Level 1: 40 CFR Part 63 Subpart TT, as amended July 12, 2002, is hereby incorporated and adopted by reference.
61. Emission Standards for Hazardous Air Pollutants from Equipment Leaks-Control Level 2 Standards: 40 CFR Part 63 Subpart UU, as amended July 12, 2002, is hereby incorporated and adopted by reference.
62. Emission Standards for Oil-Water Separators and Organic-Water Separators: 40 CFR Part 63 Subpart VV, as amended June 23, 2003, is hereby incorporated and adopted by reference.
63. Emission Standards for Hazardous Air Pollutants from Storage Vessels (Tanks)-Control Level 2: 40 CFR Part 63 Subpart WW, as amended July 12, 2002, is hereby incorporated and adopted by reference.
64. Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations: 40 CFR Part 63 Subpart XX, as amended July 6, 2020, is hereby incorporated and adopted by reference.
65. Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards: 40 CFR Part 63 Subpart YY, as amended November 19, 2021, is hereby incorporated and adopted by reference.
66. [reserved]

67. [reserved]
68. [reserved]
69. Emission standards for Hazardous Air Pollutants for Source Categories: Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants: 40 CFR Part 63 Subpart CCC, as amended November 19, 2020, is hereby incorporated and adopted by reference.
70. Emission Standards for Hazardous Air Pollutants for Source Categories: Mineral Wool Production: 40 CFR Part 63 Subpart DDD, as amended December 28, 2020, is hereby incorporated and adopted by reference.
71. Emission Standards for Hazardous Air Pollutants for Source Categories: Hazardous Waste Combustors: 40 CFR Part 63 Subpart EEE, as amended November 19, 2020, is hereby incorporated and adopted by reference.
72. [reserved]
73. Emission Standards for Hazardous Air Pollutants for Source Categories: Pharmaceuticals Production: 40 CFR Part 63 Subpart GGG, as amended November 19, 2020, is hereby incorporated and adopted by reference.
74. Emission Standards for Hazardous Air Pollutants for Source Categories: Natural Gas Transmission and Storage Facilities: 40 CFR Part 63 Subpart HHH, as amended November 19, 2020, is hereby incorporated and adopted by reference.
75. Emission Standards for Hazardous Air Pollutants for Source Categories: Flexible Polyurethane Foam Production: 40 CFR Part 63 Subpart III, as amended November 19, 2020, is hereby incorporated and adopted by reference.
76. Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins: 40 CFR Part 63 Subpart JJJ, as amended November 19, 2020, is hereby incorporated and adopted by reference.
77. [reserved]
78. Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry: 40 CFR Part 63 Subpart LLL, as amended November 19, 2020, is hereby incorporated and adopted by reference.

79. Emission Standards for Hazardous Air Pollutants for Source Categories: Pesticide Active Ingredient Production: 40 CFR Part 63 Subpart MMM, as amended November 19, 2020, is hereby incorporated and adopted by reference.
80. Emission Standards for Hazardous Air Pollutants for Source Categories: Wool Fiberglass Manufacturing: 40 CFR Part 63 Subpart NNN, as amended December 28, 2020, is hereby incorporated and adopted by reference.
81. Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins: 40 CFR Part 63 Subpart OOO, as amended November 19, 2020, is hereby incorporated and adopted by reference.
82. Emission Standards for Hazardous Air Pollutants for Source Categories: Polyether Polyols Production: 40 CFR Part 63 Subpart PPP, as amended November 19, 2020, is hereby incorporated and adopted by reference.
83. Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting: 40 CFR Part 63 Subpart QQQ, as amended November 19, 2020, is hereby incorporated and adopted by reference.
84. Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production: 40 CFR Part 63 Subpart RRR, as amended November 19, 2020, is hereby incorporated and adopted by reference.
85. [reserved]
86. Emission Standards for Hazardous Air Pollutants for Source Categories: Primary Lead Smelting: 40 CFR Part 63 Subpart TTT, as amended November 19, 2020, is hereby incorporated and adopted by reference.
87. Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units: 40 CFR Part 63 Subpart UUU, as amended November 19, 2020, is hereby incorporated and adopted by reference.
88. Emission Standards for Hazardous Air Pollutants for Source Categories: Publicly Owned Treatment Works: 40 CFR Part 63 Subpart VVV, as amended November 19, 2020, is hereby incorporated and adopted by reference.
89. [reserved]

90. Emission Standards for Hazardous Air Pollutants for Source Categories: Ferroalloys Production: Ferromanganese and Silicomanganese: 40 CFR Part 63 Subpart XXX, as amended November 19, 2020, is hereby incorporated and adopted by reference.
91. [reserved]
92. [reserved]
93. Emission Standards for Hazardous Air Pollutants for Source Categories: Municipal Solid Waste Landfills: 40 CFR Part 63 Subpart AAAA, as amended October 13, 2020, is hereby incorporated and adopted by reference.
94. [reserved]
95. Emission Standards for Hazardous Air Pollutants for Source Categories: Manufacturing of Nutritional Yeast: 40 CFR Part 63 Subpart CCCC, as amended October 16, 2017, is hereby incorporated and adopted by reference.
96. Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products: 40 CFR Part 63 Subpart DDDD, as amended November 19, 2020, is hereby incorporated and adopted for reference.
97. Emission Standards for Hazardous Air Pollutants: Organic Liquid Distribution (non-gasoline): 40 CFR Part 63 Subpart EEEE, as amended November 19, 2020, is hereby incorporated and adopted for reference.
98. Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing: 40 CFR Part 63 Subpart FFFF, as amended November 19, 2020, is hereby incorporated and adopted by reference.
99. Emission Standards for Hazardous Air Pollutants for Source Categories: Vegetable Oil Production: 40 CFR Part 63 Subpart GGGG, as amended November 19, 2020, is hereby incorporated and adopted by reference.
100. Emission Standards for Hazardous Air Pollutants for Wet Formed Fiberglass Mat Production: 40 CFR Part 63 Subpart HHHH, as amended November 19, 2020, is hereby incorporated and adopted by reference.
101. Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks: 40 CFR Part 63 Subpart IIII, as amended November 19, 2021, is hereby incorporated and adopted by reference.

102. Emission Standards for Hazardous Air Pollutants for Paper and Other Web Coatings: 40 CFR Part 63 Subpart JJJJ, as amended November 19, 2020, is hereby incorporated and adopted by reference.
103. Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans: 40 CFR Part 63 Subpart KKKK, as amended November 19, 2021, is hereby incorporated and adopted by reference.
104. [reserved]
105. Emission Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products: 40 CFR Part 63 Subpart MMMM, as amended November 19, 2020, is hereby incorporated and adopted by reference.
106. Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances: 40 CFR Part 63 Subpart NNNN, as amended November 19, 2020, is hereby incorporated and adopted by reference.
107. Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles: 40 CFR Part 63 Subpart OOOO, as amended November 19, 2020, is hereby incorporated and adopted by reference.
108. Emission Standards for Hazardous Air Pollutants: Surface Coating of Plastic Parts and Products: 40 CFR Part 63 Subpart PPPP, as amended November 19, 2020, is hereby incorporated and adopted by reference.
109. Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products: 40 CFR Part 63 Subpart QQQQ, as amended November 19, 2020, is hereby incorporated and adopted by reference.
110. Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture: 40 CFR Part 63, Subpart RRRR, as amended November 19, 2020, is hereby incorporated and adopted by reference.
111. Emission Standards for Hazardous Air Pollutants for Metal Coil Surface Coating Operations: 40 CFR Part 63 Subpart SSSS, as amended November 19, 2020, is hereby incorporated and adopted by reference.
112. Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations: 40 CFR Part 63 Subpart TTTT, as amended November 19, 2020, is hereby incorporated and adopted by reference.

113. Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing: 40 CFR Part 63 Subpart UUUU, as amended November 19, 2020, is hereby incorporated and adopted by reference.
114. Emission Standards for Hazardous Air Pollutants for Source Categories: Boat Manufacturing: 40 CFR Part 63 Subpart VVVV, as amended November 19, 2021, is hereby incorporated and adopted by reference.
115. Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production: 40 CFR Part 63 Subpart WWW, as amended November 19, 2020, is hereby incorporated and adopted by reference.
116. Emission Standards for Hazardous Air Pollutants for Tire Manufacturing: 40 CFR Part 63 Subpart XXXX, as amended November 19, 2020, is hereby incorporated and adopted by reference.
117. Emission Standards for Hazardous Air Pollutants for Stationary Combustion Engines: 40 CFR Part 63 Subpart YYYY, as amended November 19, 2020, is hereby incorporated and adopted by reference.
118. Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines: 40 CFR Part 63 Subpart ZZZZ, as amended December 4, 2020, is hereby incorporated and adopted by reference.
119. Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants: 40 CFR Part 63 Subpart AAAAA, as amended December 28, 2020, is hereby incorporated and adopted by reference.
120. Emission Standards for Hazardous Air Pollutants: Semiconductor Manufacturing: 40 CFR Part 63 Subpart BBBB, as amended November 19, 2020, is hereby incorporated and adopted by reference.
121. Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks: 40 CFR Part 63 Subpart CCCCC, as amended November 19, 2020, is hereby incorporated and adopted by reference.
122. Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters: 40 CFR Part 63 Subpart DDDDD, as amended December 28, 2020, is hereby incorporated and adopted by reference.

123. Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries: 40 CFR Part 63 Subpart EEEEE, as amended November 19, 2020, is hereby incorporated and adopted by reference.
124. Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing: 40 CFR Part 63 Subpart FFFFF, as amended November 19, 2020, is hereby incorporated and adopted by reference.
125. Emission Standards for Hazardous Air Pollutants: Site Remediation, 40 CFR Part 63 Subpart GGGGG: as amended November 19, 2020, is hereby incorporated and adopted by reference.
126. Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing: 40 CFR Part 63 Subpart HHHHH, as amended November 25, 2020, is hereby incorporated and adopted by reference.
127. Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants: 40 CFR Part 63 Subpart IIII, as amended December 28, 2020, is hereby incorporated and adopted by reference.
128. Emission Standards for Hazardous Air Pollutants: Brick and Structural Clay Products Manufacturing: 40 CFR Part 63 Subpart JJJJ, as amended November 19, 2020, is hereby incorporated and adopted by reference.
129. Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing: 40 CFR Part 63 Subpart KKKKK, as amended November 19, 2021, is hereby incorporated and adopted by reference.
130. Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing: 40 CFR Part 63 Subpart LLLLL, as amended November 19, 2020, is hereby incorporated and adopted by reference.
131. Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations: 40 CFR Part 63 Subpart MMMMM, as amended November 18, 2021, is hereby incorporated and adopted by reference.
132. Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production: 40 CFR Part 63 Subpart NNNNN, as amended November 19, 2020, is hereby incorporated and adopted by reference.
133. [reserved]

134. Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Stands: 40 CFR Part 63 Subpart PPPPP, as amended November 19, 2020, is hereby incorporated and adopted by reference.
135. Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities: 40 CFR Part 63 Subpart QQQQQ, as amended November 19, 2020, is hereby incorporated and adopted by reference.
136. Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing: 40 CFR Part 63 Subpart RRRRR, as amended November 19, 2020, is hereby incorporated and adopted by reference.
137. Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing: 40 CFR Part 63 Subpart SSSSS, as amended November 19, 2021, is hereby incorporated and adopted by reference.
138. Emission Standards for Hazardous Air Pollutants for Primary Magnesium Manufacturing: 40 CFR Part 63 Subpart TTTTT, as amended November 19, 2020, is hereby incorporated and adopted by reference.
139. Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units: 40 CFR Part 63 Subpart UUUUU, as amended September 9, 2020, is hereby incorporated and adopted by reference.
140. [reserved]
141. Emission Standards for Hospital Ethylene Oxide Sterilizers: 40 CFR Part 63 Subpart WWWW, as amended November 19, 2020, is hereby incorporated and adopted by reference.
142. [reserved]
143. Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities: 40 CFR Part 63 Subpart YYYYY, as amended June 24, 2015, is hereby incorporated and adopted by reference.
144. Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources: 40 CFR Part 63 Subpart ZZZZZ, as amended September 10, 2020, is hereby incorporated and adopted by reference.
145. [reserved]

146. Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Bulk Terminals, Bulk Plants, and Pipeline Facilities: 40 CFR Part 63 Subpart BBBBBB, as amended November 19, 2020, is hereby incorporated and adopted by reference.
147. Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities: 40 CFR Part 63 Subpart CCCCCC, as amended November 19, 2020, is hereby incorporated and adopted by reference.
148. Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources: 40 CFR Part 63 Subpart DDDDDD, as amended February 4, 2015, is hereby incorporated and adopted by reference.
149. Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources: 40 CFR Part 63 Subpart EEEEEEE, as amended July 3, 2007, is hereby incorporated and adopted by reference.
150. Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources: 40 CFR Part 63 Subpart FFFFFFF, as amended July 3, 2007, is hereby incorporated and adopted by reference.
151. Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium: 40 CFR Part 63 Subpart GGGGGG, as promulgated January 23, 2007, is hereby incorporated and adopted by reference.
152. Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources: 40 CFR Part 63 Subpart HHHHHH, as amended November 19, 2020, is hereby incorporated and adopted by reference.
153. [reserved]
154. Emission Standards for Hazardous Air Pollutants: Industrial, Commercial, and Institutional Boilers, Area Sources: 40 CFR Part 63 Subpart JJJJJ, as amended September 14, 2016, is hereby incorporated and adopted by reference.
155. [reserved]
156. Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources: 40 CFR Part 63 Subpart

LLLLLL, as amended March 26, 2008, is hereby incorporated and adopted by reference.

157. Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources: 40 CFR Part 63 Subpart MMMMMM, as amended March 26, 2008, is hereby incorporated and adopted by reference.
158. Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds: 40 CFR Part 63 Subpart NNNNNN, as amended March 26, 2008, is hereby incorporated and adopted by reference.
159. Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources: 40 CFR Part 63 Subpart OOOOOO, as amended November 18, 2021, is hereby incorporated and adopted by reference.
160. Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources: 40 CFR Part 63 Subpart PPPPPP, as amended November 19, 2020, is hereby incorporated and adopted by reference.
161. Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources: 40 CFR Part 63 Subpart QQQQQQ, as amended November 19, 2020, is hereby incorporated and adopted by reference.
162. Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources: 40 CFR Part 63 Subpart RRRRRR, as amended November 19, 2020, is hereby incorporated and adopted by reference.
163. Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources: 40 CFR Part 63 Subpart SSSSSS, as promulgated December 26, 2007, is hereby incorporated and adopted by reference.
164. Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources: 40 CFR Part 63 Subpart TTTTTT, as amended November 19, 2020, is hereby incorporated and adopted by reference.
165. [reserved]

166. Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: 40 CFR Part 63 Subpart VVVVVV, as amended December 21, 2012, is hereby incorporated and adopted by reference.
167. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations: 40 CFR Part 63 Subpart WWWWWW, as amended November 19, 2020, is hereby incorporated and adopted by reference.
168. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories: 40 CFR Part 63 Subpart XXXXXX, as amended November 19, 2020, is hereby incorporated and adopted by reference.
169. Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities: 40 CFR Part 63 Subpart YYYYYY, as amended November 19, 2020, is hereby incorporated and adopted by reference.
170. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries: 40 CFR Part 63 Subpart ZZZZZZ, as amended September 10, 2009, is hereby incorporated and adopted by reference.
171. Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing: 40 CFR Part 63 Subpart AAAAAAA, as amended November 19, 2020, is hereby incorporated and adopted by reference.
172. Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry: 40 CFR Part 63 Subpart BBBBBB, as amended November 19, 2020, is hereby incorporated and adopted by reference.
173. Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing: 40 CFR Part 63 Subpart CCCCCC, as amended November 19, 2020, is hereby incorporated and adopted by reference.
174. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing: 40 CFR Part 63 Subpart DDDDDD, as amended December 23, 2011, is hereby incorporated and adopted by reference.

175. Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category: 40 CFR Part 63 Subpart EEEEEEE, as promulgated February 17, 2011, is hereby incorporated and adopted by reference.
176. [reserved]
177. [reserved]
178. Emission Standards for Hazardous Air Pollutants: Polyvinyl Chloride and Copolymers Production: 40 CFR Part 63 Subpart HHHHHHH, as amended November 19, 2020, is hereby incorporated and adopted by reference.

(10) Chemical Accident Prevention Provisions.

(a) General Requirements.

1. The provisions of this section (10) shall apply to any stationary source and to the owner or operator of any stationary source subject to any requirement under 40 Code of Federal Regulations (hereinafter CFR), Parts 68, as amended. The word "Administrator" as used in regulations adopted in this section shall mean the Director of EPD.
2. Definitions: For the purpose of this section, 40 CFR, Section 68.3, as amended, is hereby incorporated and adopted by reference.

(b) Chemical Accident Prevention Standards.

1. General: 40 CFR 68, Subpart A, as amended, is hereby incorporated and adopted by reference.
2. Hazard Assessment, 40 CFR 68, Subpart B, as amended, is hereby incorporated and adopted by reference.
3. Program 2 Prevention Program, 40 CFR 68, Subpart C, as amended, is hereby incorporated and adopted by reference.
4. Program 3 Prevention Program, 40 CFR 68, Subpart D, as amended, is hereby incorporated and adopted by reference.
5. Emergency Response, 40 CFR 68, Subpart E, as amended, is hereby incorporated and adopted by reference.
6. Regulated Substances for Accidental Release Prevention, 40 CFR 68, Subpart F, as amended, is hereby incorporated and adopted by reference.

7. Risk Management Plan, 40 CFR 68, Subpart G, as amended, is hereby incorporated and adopted by reference.
8. Other Requirements, 40 CFR 68, Subpart H, as amended, is hereby incorporated and adopted by reference.

(11) **Compliance Assurance Monitoring**

- (a) **General Requirements.** The provisions of this section (11) shall apply to any stationary source and to the owner or operator of any stationary source subject to any requirement under 40 CFR Part 64 as amended, which is incorporated and adopted herein by reference.
- (b) **The word "Administrator"** as used in regulations adopted in this section shall mean the Director of EPD.

(12) **Cross State Air Pollution Rule NO_x Annual Trading Program**

- (a) **General Requirements.** The provisions of this paragraph (12) except as provided in sub-paragraphs (f) and (g) shall apply to any source and the owner and operator of any such source subject to any requirements under 40 Code of Federal Regulations (hereinafter, 40 CFR), Part 97 Subpart AAAAA, as amended (at 81 FR 74604-07, October 26, 2016). The term "Permitting Authority" as used in regulations adopted in this paragraph shall mean, for a unit located in Georgia, the Environmental Protection Division of the Georgia Department of Natural Resources. For a unit located outside the State of Georgia participating in the trading program, the "Permitting Authority" is as defined in 40 CFR Part 97.402.
- (b) **General Provisions.** 40 CFR Part 97.401 through 40 CFR Part 97.408, as amended is hereby incorporated and adopted by reference.
- (c) **Designated Representative.** 40 CFR Part 97.413 through 40 CFR Part 97.418, as amended is hereby incorporated and adopted by reference.
- (d) **[reserved]**
- (e) **[reserved]**
- (f) **Allowance Allocations.** 40 CFR Part 97.411 through 40 CFR Part 97.412, as amended is hereby incorporated and adopted by reference with the following exceptions: 40 CFR 97.411(b)(2), 40 CFR 97.411(c)(5)(iii) and 97.412(b).

For purposes of this paragraph (12), the Georgia NO_x Annual trading budget and new unit set-aside for allocations of CSAPR NO_x Annual allowances, and the

variability limit for the Georgia NOx Annual trading budget, for the control periods in 2017 and thereafter are as follows:

1. The NOx Annual trading budget is 53,738 tons.
 2. The new unit set-aside is 1,075 tons.
 3. The variability limit is 9,673 tons.
 4. The Georgia NOx Annual trading budget in this subparagraph includes any tons in the new unit set-aside but does not include any tons in the variability limit.
- (g) **Allowance Tracking System.** 40 CFR Part 97.420 through 40 CFR Part 97.421 and 40 CFR Part 97.424 through 40 CFR Part 97.428, as amended is hereby incorporated and adopted by reference with the following exceptions: 40 CFR 97.421(h) and 40 CFR 97.421(j).
- (h) **Allowance Transfers.** 40 CFR Part 97.422 through 40 CFR Part 97.423, as amended is hereby incorporated and adopted by reference.
- (i) **Monitoring and Reporting.** 40 CFR Part 97.430 through 40 CFR Part 97.435, as amended is hereby incorporated and adopted by reference.

(13) **Cross State Air Pollution Rule SO₂ Annual Trading Program**

- (a) **General Requirements.** The provisions of this paragraph (13) except as provided in sub-paragraphs (f) and (g) shall apply to any source and the owner and operator of any such source subject to any requirements under 40 Code of Federal Regulations (hereinafter, 40 CFR), Part 97 Subpart DDDDD, as amended (at 81 FR 74618-21, October 26, 2016). The term "Permitting Authority" as used in regulations adopted in this paragraph shall mean, for a unit located in Georgia, the Environmental Protection Division of the Georgia Department of Natural Resources. For a unit located outside the State of Georgia participating in the trading program, the "Permitting Authority" is as defined in 40 CFR Part 97.702.
- (b) **General Provisions.** 40 CFR Part 97.701 through 40 CFR Part 97.708, as amended is hereby incorporated and adopted by reference.
- (c) **Designated Representative.** 40 CFR Part 97.713 through 40 CFR Part 97.718, as amended is hereby incorporated and adopted by reference.
- (d) **[reserved]**
- (e) **[reserved]**

- (f) **Allowance Allocations.** 40 CFR Part 97.711 through 40 CFR Part 97.712, as amended is hereby incorporated and adopted by reference with the following exceptions: 40 CFR 97.711(b)(2), 40 CFR 97.711(c)(5)(iii) and 97.712(b).

For purposes of this paragraph (13), the Georgia SO₂ Group 2 trading budget and new unit set-aside for allocations of CSAPR SO₂ Group 2 allowances, and the variability limit for the Georgia SO₂ Group 2 trading budget, for the control periods in 2017 and thereafter are as follows:

1. The SO₂ Group 2 trading budget is 135,565 tons.
2. The new unit set-aside is 2,711 tons.
3. The variability limit is 24,402 tons.
4. The Georgia SO₂ Group 2 trading budget in this subparagraph includes any tons in the new unit set-aside but does not include any tons in the variability limit.

- (g) **Allowance Tracking System.** 40 CFR Part 97.720 through 40 CFR Part 97.721 and 40 CFR Part 97.724 through 40 CFR Part 97.728, as amended is hereby incorporated and adopted by reference with the following exceptions: 40 CFR 97.721(h) and 40 CFR 97.721(j).

- (h) **Allowance Transfers.** 40 CFR Part 97.722 through 40 CFR Part 97.723, as amended is hereby incorporated and adopted by reference.

- (i) **Monitoring and Reporting.** 40 CFR Part 97.730 through 40 CFR Part 97.735, as amended is hereby incorporated and adopted by reference.

(14) **Cross State Air Pollution Rule NO_x Ozone Season Trading Program**

- (a) **General Requirements.** The provisions of this paragraph (14) except as provided in sub-paragraphs (f) and (g) shall apply to any source and the owner and operator of any such source subject to any requirements under 40 Code of Federal Regulations (hereinafter, 40 CFR), Part 97 Subpart BBBBBB as amended (at 81 FR 74607-14, October 26, 2016). The term "Permitting Authority" as used in regulations adopted in this paragraph shall mean, for a unit located in Georgia, the Environmental Protection Division of the Georgia Department of Natural Resources. For a unit located outside the State of Georgia participating in the trading program, the "Permitting Authority" is as defined in 40 CFR Part 97.502.
- (b) **General Provisions.** 40 CFR Part 97.501 through 40 CFR Part 97.508, as amended is hereby incorporated and adopted by reference.

- (c) **Designated Representative.** 40 CFR Part 97.513 through 40 CFR Part 97.518, as amended is hereby incorporated and adopted by reference.
- (d) **[reserved]**
- (e) **[reserved]**
- (f) **Allowance Allocations.** 40 CFR Part 97.511 through 40 CFR Part 97.512, as amended is hereby incorporated and adopted by reference with the following exceptions: 40 CFR 97.511(b)(2), 40 CFR 97.511(c)(5)(iii) and 97.512(b).

For purposes of this paragraph (14), the Georgia NOx Ozone Season Group 1 trading budget and new unit set-aside for allocations of CSAPR NOx Ozone Season Group 1 allowances, and the variability limit for the Georgia NOx Ozone Season Group 1 trading budget, for the control periods in 2017 and thereafter are as follows:

1. The NOx Ozone Season Group 1 trading budget is 24,041 tons.
 2. The new unit set-aside is 481 tons.
 3. The variability limit is 5,049 tons.
 4. The Georgia NOx Ozone Season Group 1 trading budget in this subparagraph includes any tons in the new unit set-aside but does not include any tons in the variability limit.
- (g) **Allowance Tracking System.** 40 CFR Part 97.520 through 40 CFR Part 97.521 and 40 CFR Part 97.524 through 40 CFR Part 97.528, as amended is hereby incorporated and adopted by reference with the following exceptions: 40 CFR 97.521(h) and 40 CFR 97.521(j).
 - (h) **Allowance Transfers.** 40 CFR Part 97.522 through 40 CFR Part 97.523, as amended is hereby incorporated and adopted by reference.
 - (i) **Monitoring and Reporting.** 40 CFR Part 97.530 through 40 CFR Part 97.535, as amended is hereby incorporated and adopted by reference.

Cite as Ga. Comp. R. & Regs. R. 391-3-1-.02

Authority: O.C.G.A. § [12-9-1](#) et seq., as amended.

History. Original Rule entitled "Provisions" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

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Amended: F. Oct. 31, 1975; eff. Nov. 20, 1975.

Amended: F. Mar. 20, 1979; eff. Apr. 9, 1979.

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Amended: F. Oct. 27, 1980; eff. Nov. 16, 1980.
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Amended: F. June 3, 1996; eff. June 23, 1996.
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Amended: F. June 30, 2005; eff. July 20, 2005.
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Amended: F. Mar. 30, 2006; eff. Apr. 19, 2006.
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Amended: F. Sept. 16, 2010; eff. Oct. 6, 2010.
Amended: F. Dec. 9, 2010; eff. Dec. 29, 2010.
Amended: F. Aug. 24, 2011; eff. Sept. 13, 2011.

Amended: F. Feb. 16, 2012; eff. Mar. 7, 2012.
Amended: F. Jul. 20, 2012; eff. Aug. 9, 2012.
Amended: F. Aug. 31, 2012; eff. Sept. 20, 2012.
Amended: F. May 2, 2013; eff. May 22, 2013.
Amended: F. May 24, 2013; eff. June 13, 2013.
Amended: F. Jul. 12, 2013; eff. Aug. 1, 2013.
Amended: F. Apr. 14, 2014; eff. May 4, 2014.
Amended: F. Sep. 24, 2014; eff. Oct. 14, 2014.
Amended: F. July 14, 2015; eff. August 3, 2015.
Amended: F. Nov. 18, 2015; eff. Dec. 8, 2015.
Note: Correction of non-substantive typographical errors, duplicate "ii" in subparagraphs (w) 3., 4. and (y) 4. changed to "iii", duplicate subparagraph "(aaaa)(3)(c)" deleted. Eff. Dec. 16, 2015.
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Amended: F. June 30, 2017; eff. July 20, 2017.
Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.
Amended: F. July 3, 2018; eff. July 23, 2018.
Amended: F. Oct. 9, 2018; eff. Oct. 29, 2018.
Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.
Amended: F. Sep. 6, 2019; eff. Sep. 26, 2019.
Note: Correction of non-substantive typographical errors in subparagraphs (2)(d), (2)(ii), (2)(rr) as requested by the Agency. Effective Nov. 1, 2019.
Amended: F. July 9, 2020; eff. July 29, 2020.
Amended: (i.e., paragraphs (2)(rr), (6), (8), and (9); paragraph (2)(ggg), as specified by the Agency.) F. Oct. 5, 2021; eff. Oct. 25, 2021.
Amended: (i.e., paragraphs (4), (5), (8), and (9), as specified by the Agency.) F. Aug. 30, 2022; eff. Sep. 19, 2022.

Rule 391-3-1-.03. Permits. Amended.

(1) Construction (SIP) Permit.

- (a) **Any person** prior to beginning the construction or modification of any facility which may result in air pollution shall obtain a permit for the construction or modification of such facility from the Director.
- (b) **The application** for a construction permit shall be made on forms supplied by the Director, and shall be signed by the applicant. Said application shall be filed with the Director well in advance of any critical date involved in the construction or modification of such facility, so that adequate time will be available for review, discussion, and revision where necessary. Said application shall include and/or be accompanied by all pertinent information as the Director may require for a full evaluation of the proposed construction or modification of the facility, such as: process flow diagrams; plot plans; description of control devices; description of the proposed new or modified operation; type of operation; raw materials and chemicals to be used, the finished products; type, quantity and peak output of fuels to be used; the amount of combustible waste that will be generated and the method of disposing of same; characteristics and amounts of emissions into the atmosphere; engineering reports; plans and specifications; time schedules and

reports of progress; records; information regarding any Emission Reduction Credits on which the applicant intends to rely; and related information.

- (c) **The permit** for the construction or modification of any facility shall be issued upon a determination by the Director that the facility can reasonably be expected to comply with all the provisions of the Act and the rules and regulations promulgated thereunder.

(2) **Operating (SIP) Permit.**

- (a) **Any person** operating a facility or performing an activity which is not exempted under 391-3-1-.03(6) from which air contaminants are or may be emitted shall obtain an Operating (SIP) Permit from the Director.
- (b) **Application** for an operating permit must be made within thirty (30) days after commencement of normal operations. Said application for an operating permit shall be accompanied by such plans, specifications, and other information deemed necessary by the Director to make full evaluation of the performance of the facility. If any of the necessary information cannot be provided within the required time, the application shall include a schedule, subject to the approval of the Director, for submission of all such information as soon as practicable.
- (c) **An operating permit** will be issued upon evidence satisfactory to the Director of compliance with the provisions of the Act and the rules and regulations promulgated thereunder. Said permit shall specify the conditions under which the facility shall be operated in order to comply with the Act and rules and regulations. As a condition for the issuance of an operating permit, the Director may require the applicant to conduct performance tests and monitoring and provide reports concerning operations, to demonstrate compliance with the Act and the rules and regulations. Such tests and monitoring shall be conducted, and such required reports submitted, in accordance with methods and procedures approved by the Director.
- (d) **The Director** may grant a temporary operating permit for such period of time and under such conditions as he shall specify in the permit, in order to allow the applicant a reasonable period of time in which to correct deficiencies in any existing facility. The temporary operating permit shall specify a schedule for bringing the existing facility into compliance with the Act and rules and regulations in the shortest practical time period.
- (e) **The requirements** of this section (2) shall not apply to any emissions unit as defined in 40 CFR 70.2 which has been issued a part 70 permit under the requirements of section (10), unless there is a modification to such unit.
- (f) **Any person** operating a facility or performing an activity from which air contaminants are or may be emitted, may be required to obtain a Permit by Rule, a

Generic Permit or a Part 70 Permit from the Director in addition to an Operating (SIP) Permit.

- (g) **Under penalty** of law, the holder of any Air Quality Permit must adhere to the terms, limitations, and conditions of that permit and subsequent revisions of that permit.
- (h) **The limitations**, controls, and requirements in federally enforceable operating permits are permanent, quantifiable, and otherwise enforceable as a practical matter.
- (i) **Prior to the issuance** of any federally enforceable operating permit, EPA and the public will be notified and given a chance for comment on the draft permit.

(3) **Revocation, Suspension, Modification or Amendment of Permits.**

- (a) **Any permit** issued by the Director shall be subject to periodic review and the Director may revoke, suspend, modify or amend any permit issued, for cause, including but not limited to, the following:
 - 1. Violation of any condition of said permit, or failure to comply with a final order of the Director;
 - 2. Failure to comply with any applicable rules or regulations in effect pursuant to this Chapter;
 - 3. Obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts, or failure to inform the Division of modifications affecting emissions;
 - 4. Modifications which affect emissions. In the event of modification, amendment, suspension or revocation of a permit, the Director shall serve written notice of such action on the permit holder and shall set forth in such notice the reason for the action.
 - 5. The Director may amend any permit to establish an emission limitation based on existing equipment design and reasonable operation and maintenance practices. Such limitation shall not allow emissions greater than those allowed by other provisions and emission limits specified elsewhere in the Rules, Chapter 391-3-1.

(4) **Permits Not Transferable.**

A permit is not transferable from one person to another nor from one facility to another facility.

(5) Permits Public Records.

Except as to information required to be kept confidential by O.C.G.A. Section [12-9-19](#), as amended all applications for construction permits and operating permits shall be public record.

(6) Exemptions.

Unless otherwise required by the Director, SIP permits shall not be required for the following source activities. These exemptions may not be used to avoid any emission limitations or standards of the Rules for Air Quality Control Chapter [391-3-1-.02](#), lower the potential to emit below "major source" thresholds or to avoid any "applicable requirement" (i.e., NSPS, NESHAP, etc.) as defined in 40 CFR Part 70.2.

(a) Mobile Sources.

Mobile sources, such as automobiles, trucks, buses, locomotives, airplanes, boats and ships, whether or not designated as subject to mandatory inspection, maintenance, or emission requirements pursuant O.C.G.A. Section [12-9-40](#), et seq., as amended, the Georgia Motor Vehicle Emission Inspection and Maintenance Act. This exemption relates only to the requirement for a permit issued under the Act, not to any other requirement under the Act, and in no way affects any requirement for a permit, license, or a certificate under any other law. This limited exemption from the permit requirements of the Act shall in no way affect the applicability of any other requirement related to mobile sources, or any other requirement or limitation which may affect mobile sources.

(b) Combustion Equipment.

1. Fuel-burning equipment having a total heat input capacity of less than 10 MMBtu/hr burning only natural gas, LPG and/or distillate fuel oil containing 0.50% sulfur by weight or less.
2. Fuel-burning equipment rated at less than 5 MMBtu/hr burning a wood or fossil fuel.
3. Any fuel-burning equipment with a rated input capacity of 2.5 MMBtu/hr or less.
4. Equipment used for cooking food for immediate human consumption.
5. Blacksmith forges.
6. Clean steam condensate and steam relief vents.
7. Funeral homes and crematories of any size.

8. Air curtain destructor used for land clearing at a construction site.
9. Open burning.
10. Small incinerators operating as follows:
 - (i) less than 8 MMBtu/hr input, firing types 0, 1, 2 and/or 3 waste; or
 - (ii) less than 8 MMBtu/hr input with no more than 10% pathological (type 4) waste by weight combined with types 0, 1, 2 and/or 3 waste; or
 - (iii) less than 4 MMBtu/hr heat input firing Type 4 waste.
11. Stationary engines
 - (i) Burning natural gas, LPG, gasoline, dual fuel, or diesel fuel which are used exclusively as emergency generators;
 - (ii) Burning natural gas, LPG, and/or diesel fuel and used for peaking power (including emergency generators used for peaking power) where the peaking power use does not exceed 200 hours-per-year except in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton where such engines with a rated capacity equal to or greater than 100 kilowatts are not exempt; or
 - (iii) Used for other purposes provided that the total horsepower of all non-gasoline burning engines combined are less than 1500 engine horsepower and no individual engine operates for more than 1000 hours-per-year; or
 - (iv) Used for other purposes provided that the total horsepower of all gasoline burning engines combined are less than 225 horsepower and no individual engine operates for more than 1000 hours-per-year.
 - (v) For the purpose of this subsection, the following definitions shall apply:

- (I) An "emergency generator" means a generator whose function is to provide back-up power when electric power from the local utility is interrupted and which operates for less than 500 hours-per-year, except in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton where such generator operates less than 200 hours-per-year.
- (II) "Used for peaking power" means used to reduce the electrical power requirements on the local utility grid. This could be for supplying power during the local utility's peak demand periods, or for peak shaving by the facility.

- 12. Boiler water treatment operations.
- 13. Firefighting equipment, including fire pumps or other emergency/safety equipment used to fight fires or train firefighters or other emergency personnel.
- 14. Temporary stationary engines used to generate electricity that are used to replace main stationary engines during periods of maintenance or repair (provided the actual and potential emissions of the temporary sources do not exceed that of the main sources).
- 15. Temporary fuel-burning equipment (i.e., boilers) that are used to replace main fuel-burning equipment during periods of maintenance or repair (provided the actual and potential emissions of the temporary sources do not exceed that of the main sources.) Temporary fuel-burning equipment that remains at a location for more than 180 consecutive days is no longer considered to be a temporary boiler. Temporary fuel-burning equipment that replaces temporary fuel-burning equipment at a location and is intended to perform the same or similar function will be included in calculating the consecutive time period.
- 16. Onsite air curtain incinerators with mist controls used for the purpose of decontamination and disposal of livestock and materials contaminated with the avian flu virus where on-site composting and burial are not viable methods of disposal.

(c) Storage Tanks.

1. All petroleum liquid storage tanks storing a liquid with a true vapor pressure of equal to or less than 0.50 psia as stored.
2. All petroleum liquid storage tanks with a capacity of less than 40,000 gallons storing a liquid with a true vapor pressure of equal to or less than 2.0 psia as stored.
3. All petroleum liquid storage tanks with a capacity of less than 10,000 gallons storing a petroleum liquid.
4. Pressurized vessels designed to operate in excess of 30 psig storing a petroleum fuel.
5. Gasoline storage and handling equipment at loading facilities handling less than 20,000 gallons per day or at vehicle dispensing facilities.
6. Portable drums and barrels provided that the volume of each container does not exceed 550 gal.
7. All chemical storage tanks used to store a chemical with a true vapor pressure of less than or equal to 10 millimeters of mercury.

(d) Agricultural Operations.

1. Farm equipment used for soil preparation, livestock handling, crop tending and harvesting and for other farm related activities.
2. Herbicide and pesticide mixing and application activities for on site use.

(e) Maintenance, Cleaning & Housekeeping.

1. Heating, air conditioning and ventilation systems not designed to remove air contaminants generated by or released from process or fuel-burning equipment.
2. Routine housekeeping activities such as painting buildings, roofing or paving parking lots, all clerical activities and all janitorial activities.
3. Maintenance activities such as: vehicle repair shops, brazing, soldering and welding equipment, carpenter shops, electrical charging stations, grinding and polishing operations maintenance shop vents, miscellaneous non-production surface cleaning, preparation and painting operations.
4. Miscellaneous activities such as: aerosol spray cans; air compressors; cafeteria vents; copying, photographic and blueprint machines;

decommissioned equipment; dumpsters; fire training activities; fork lifts; railroad flares; refrigerators; space heaters.

5. Cold storage refrigeration equipment.
6. Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.
7. Equipment used for portable steam cleaning.
8. Blast-cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.
9. Portable blast-cleaning equipment.
10. Laundry dryers, extractors, or tumblers for fabric cleaned with only water solutions of bleach or detergents.
11. Non-Perchloroethylene Dry-cleaning equipment with a capacity of 100 pounds per hour or less of clothes.
12. Cold cleaners having an air/vapor interface of not more than 10 square feet and that do not use a halogenated solvent.
13. Steam sterilizers.
14. Portable equipment used for the on site painting of buildings, towers, bridges and roads.
15. Non-routine clean out of tanks and equipment for the purposes of worker entry or in preparation for maintenance or decommissioning.
16. Equipment used for the washing or drying of fabricated products provided that no VOCs are used in the process and that no oil or solid fuels are burned.
17. Devices used exclusively for cleaning metal parts or surfaces by burning off residual amounts of paint, varnish, or other foreign material, provided that such devices are equipped with afterburners.
18. Fresh water cooling towers provided that the total potential emissions from the entire source remain below 10 tons per year of any single hazardous air pollutant and below 25 tons per year of any combination of hazardous air pollutants.

(f) Laboratories and Testing.

1. Laboratory equipment used exclusively for chemical or physical analyses;
2. Sampling connections used exclusively to withdraw materials for testing and analysis, including air contaminant detectors and vent lines;
3. Vacuum producing devices;
4. Research and development facilities, quality control testing facilities and/or small pilot projects, where combined daily emissions from all operations are below all of the following thresholds:
 - (i) Less than 125 pounds per day of carbon monoxide;
 - (ii) Less than 0.8 pounds per day of lead;
 - (iii) Less than 50 pounds per day of particulate matter, PM₁₀, or sulfur dioxide;
 - (iv) Less than 50 pounds per day of nitrogen oxides or VOCs except in the Counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale, where less than 15 pounds per day of nitrogen oxides; or VOCs; and
 - (v) Less than 5 pounds per day of any single hazardous air pollutant and less than 12.5 pounds per day of any combination of hazardous air pollutants.

(g) Pollution Control.

1. Sanitary wastewater collection and treatment systems, except incineration equipment, that are not subject to any standard, limitation or other requirement under section 111 or section 112 (excluding section 112(r)) of the federal Clean Air Act.
2. On site soil or groundwater decontamination units that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.
3. Bioremediation operations.
4. Garbage compactors and garbage handling equipment.
5. Municipal Solid Waste Landfills which meet the following criteria:

- (i) The total design capacity of the landfill is less than or equal to 2.756 million tons (2.5 million megagrams) or 3.27 million cubic yards (2.5 million cubic meters) of solid waste; and
- (ii) The emissions of VOC are less than 25 tons per year for landfills located within Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale counties; and
- (iii) The emissions of nitrogen oxides (NO_x) from operations other than the final control device are less than 25 tons per year for landfills located within Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale counties.

(h) Industrial Operations.

- 1. Concrete block, brick plants, concrete products plants, and ready mix concrete plants producing less than 125,000 tons per year of product.
- 2. Small aluminum scrap metal reclaimers (non-smelters).
- 3. Any of the following processes or process equipment which are electrically heated or which fire natural gas, LPG or distillate (#2) fuel oil at a maximum total heat input rate of not more than 10 MMBtu/hr.
 - (i) Furnaces for heat treating glass or metals, the use of which does not involve molten materials, oil-coated parts, or oil quenching.
 - (ii) Porcelain enameling furnaces or porcelain enameling drying ovens.
 - (iii) Kilns for firing ceramic ware.
 - (iv) Crucible furnaces, pot furnaces, or induction melting and holding furnaces with a capacity of 1,000 pounds or less each, in which sweating or distilling is not conducted and in which fluxing is not conducted utilizing free chlorine, chloride or fluoride derivatives, or ammonium compounds.
 - (v) Bakery ovens and confection cookers.
 - (vi) Feed mill or grain mill ovens.
 - (vii) Surface coating drying ovens.

4. Grain, metal, or mineral extrusion process.
5. Equipment used exclusively for rolling, forging, pressing, stamping, spinning, or extruding either hot or cold metals or plastic such as drop hammers or hydraulic presses for forging or metalworking.
6. Die casting machines.
7. Equipment used exclusively for sintering of glass or metals, but not exempting equipment used for sintering metal-bearing ores, metal scale, clay, fly ash, or metal compounds.
8. Equipment for the mining and screening of uncrushed native sand and gravel.
9. Ozonization process or process equipment.
10. Electrostatic powder coating booths with an appropriately designed and operated particulate control system.
11. Equipment used for the application of a hot melt adhesive.
12. Equipment used exclusively for mixing and blending water-based adhesives and coating at ambient temperatures.
13. Equipment used for compression, molding and injection of plastics.
14. Wood products operations in the following SIC categories (combustion equipment and coatings operations are not included in this exemption):
 - (i) 2426 Dimensional Hardwood Lumber Mills,
 - (ii) 2431 Lumber Millwork,
 - (iii) 2434 Wood Kitchen Cabinets,
 - (iv) 2439 Structural Wood Trusses,
 - (v) 2441 Wood Boxes,
 - (vi) 2448 Wood Pallets,
 - (vii) 2449 Wood Containers, and
 - (viii) 2499 Miscellaneous Wood Products.

15. Industrial process equipment used exclusively for educational purposes at educational institutions.

(i) **Other.**

1. Facilities where the combined emissions from all non-exempt source activities [i.e., not listed in 391-3-1-.03(6)(a)-(h)] are below the following for all pollutants:
 - (i) 50 tons per year of carbon monoxide;
 - (ii) 300 pounds per year of lead total; with a 3.0 pound per day maximum emission;
 - (iii) 20 tons per year of particulate matter, PM₁₀, or sulfur dioxide;
 - (iv) 20 tons per year of nitrogen oxides or VOCs except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale, where less than 5 tons per year of nitrogen oxides or VOCs is exempted; and
 - (v) 2 tons per year total with a 15 pound per day maximum emission of any single hazardous air pollutant and less than 5 tons per year of any combination of hazardous air pollutants.
2. Facilities where the combined emissions from all source activities are below the thresholds in "1" above for one or more pollutants, are not required to list those pollutants in the permit application.
3. Cumulative modifications not covered in an existing permit to an existing permitted facility where the combined emission increases (excluding any contemporaneous emission decreases, i.e., "netting" is not allowed) from all nonexempt modified activities are below the following thresholds for all pollutants:
 - (i) 25 tons per year of carbon monoxide;
 - (ii) 150 pounds-per-year total with a 1.5 pound-per-day maximum emission of lead;
 - (iii) 10 tons per year of particulate matter, PM₁₀ or sulfur dioxide;
 - (iv) 10 tons per year of nitrogen oxides or VOCs except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale, where less than 2.5 tons per year of nitrogen oxides or VOCs is exempted; and

- (v) 2 tons per year total with a 15 pound per day maximum emission of any single hazardous air pollutant and less than 5 tons per year of any combination of hazardous air pollutants.
4. As an alternative to subparagraph 3, cumulative modifications not covered in an existing permit to an existing permitted facility where the combined emissions increases, including any contemporaneous emission decreases (i.e., "netting is allowed") from all nonexempt modified activities are less than 10 tons per year of particulate matter and PM₁₀. For the purpose of this subparagraph, "contemporaneous" means within that period beginning on the date of issuance of the most recent permit through the date of reissuance of such permit. This shall exclude any amendment to such permit unless such amendment incorporates the previously exempted modification(s) in which case the amendment shall be considered a reissuance of such permit for the purpose of this subparagraph. Facilities using this exemption shall maintain records of all emissions increases and decreases and shall notify the Division, in writing, within 7 days after making any modification covered by this subparagraph. The Division may require the use of a Division approved form for tracking the emissions increases and decreases. If a facility elects to use this subparagraph in lieu of subparagraph 3, it shall not use subparagraph 3 with respect to particulate matter and PM₁₀ until such time that all modifications exempted from SIP permitting under subparagraph 4 have been incorporated into the permit. A facility may use subparagraph 3 with respect to any pollutant other than particulate matter and PM₁₀ while using this subparagraph. Only the following facilities are eligible for this exemption:
- (i) Facilities with an SIC code of 1422 or 1423 that are not a major source subject to the provisions of 391-3-1-.03(10) (i.e., a minor or synthetic minor source).
5. Changes in a process or process equipment which do not involve installing, constructing, or reconstructing an emission unit or the primary air cleaning device of an air pollution control system provided that such changes do not result in the increase of emissions from any emission unit or the emissions of a pollutant not previously emitted. Examples of such changes in a process or process equipment include the following:
- (i) Change in the supplier or formulation of similar raw materials, fuels, or paints and other coatings;
 - (ii) Changes in product formulations;
 - (iii) Change in the sequence of the process;

- (iv) Change in the method of raw material addition;
- (v) Change in the method of product packaging;
- (vi) Change in process operating parameters;
- (vii) Replacement of a fuel burner in a boiler with a more efficient burner; or
- (viii) Lengthening a paint drying oven to provide additional curing time.

6. Sources of minor significance as specified by the Director.

7. Sources for which there is no applicable emission limit, standard or other emission requirement established under, by, or pursuant to the Act.

(j) Construction Permit Exemption for Pollution Control Projects.

Projects listed in subparagraphs [391-3-1-.01\(qqqq\)1. and 2.](#) of these rules are exempt from the requirement to obtain a construction (SIP) permit as specified in paragraph 391-3-1-.03(1) of this rule provided that the project is not subject to the provisions of paragraph [391-3-1-.02\(7\)](#), Prevention of Significant Deterioration of Air Quality, or the non-attainment new source review permitting requirements of subparagraph 391-3-1-.03(8)(c). The Director has the authority to rebut the presumption that projects listed in subparagraphs (qqqq)1. and 2. are environmentally beneficial in accordance with the criteria specified in subparagraph (qqqq) and thus exempt from the requirement to obtain a construction (SIP) permit. Owners and operators of projects exempt from the requirement to obtain a construction (SIP) permit under this subparagraph (6)(j) shall obtain an operating permit or amendment under either paragraph 391-3-1-.03(2) or 391-3-1-.03(10) of this rule, whichever is applicable, prior to commencement of operation of the project.

(7) Combined Permits and Applications.

The Director may combine the requirements of and the permits for construction and operation (temporary or otherwise) into one permit. He may likewise combine the requirements of and applications for construction and operating permits into one application.

(8) Permit Requirements.

- (a) **Each application** for a permit to construct a new stationary source or modify an existing stationary source shall be subjected to a preconstruction or

premodification review by the Director. The Director shall determine prior to issuing any permit that the proposed construction or modification will not cause or contribute to a failure to attain (as expeditiously as practicable) or maintain any ambient air quality standard, a significant deterioration of air quality, or a violation of any applicable emission limitation or standard of performance or other requirement under the Act or this Chapter (391-3-1). Each person applying to the Director for a permit to construct a new stationary source or modify an existing stationary source shall provide information required by the Director to make such determination.

- (b) **In addition** to any other requirement under the Act, or this Chapter (391-3-1), no permit to construct a new stationary source or modify an existing stationary source shall be issued unless such proposed source meets all the requirements for review and for obtaining a permit prescribed in Title I, Part C of the Federal Act, and Section [391-3-1-.02\(7\)](#) of these Rules.
- (c) **In addition** to any other requirement under the Act or this Chapter (391-3-1), no permit to construct a new or modified major stationary source to be located in any area of the State determined and designated by the U.S. EPA Administrator or the Director as not attaining a National Ambient Air Quality Standard or in areas contributing to the ambient air levels of such pollutants in such areas of non-attainment shall be issued unless the following provisions are met. The provisions of [391-3-1-.02\(7\)](#) apply to projects subject to this subparagraph as specified in Subparagraph (g) of this paragraph.
 - 1. The Director determines that by the time the source is to commence operation, sufficient offsetting emissions reductions have been obtained, such that total allowable emissions from existing sources in the non-attainment area or areas designated by the Director as contributing to ambient air levels of such pollutants in the non-attainment area, from new or modified sources which are not major emitting facilities, and from the proposed sources, will be sufficiently less than total emissions from existing sources allowed prior to the application for such permit to construct or modify, so as to represent (when considered together with other air pollution control measures legally enforced in such area or region) reasonable further progress (as defined in Section 171 of the Federal Act); and
 - 2. The proposed source is required to comply with the lowest achievable emission rate; and
 - 3. The owner or operator of the proposed new or modified source has demonstrated that all major stationary sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in this State, are subject to emission limitations and are in

compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Act; and

4. An analysis (by the person proposing such construction or modification) of alternative sites, sizes, production processes and environmental control techniques for such proposed source demonstrates to the satisfaction of the Director that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its proposed location, construction, or modification; and
5. The State's Implementation Plan (approved by the Administrator pursuant to the Federal Act) is being carried out in the non-attainment area or an area designated by the Director as contributing to the ambient air level of any such pollutant in a non-attainment area in which the proposed source is to be constructed or modified in accordance with the requirements of Title I, Part D of the Federal Act.
6. The offset baseline for determining credits for emission reductions at a source is either the applicable emission limits in the Chapter or the actual emissions, in tons per year, at the time the application to construct is filed, whichever is less. The time period used to calculate the baseline emissions shall be the 24-month period immediately preceding the date the application to construct is filed. The Division may allow the use of a different time period upon a determination that such period is more representative of normal source operation.
7.
 - (i) Emission reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels may be credited provided that the work force to be affected has been notified of the proposed shutdown or curtailment.
 - (ii) In addition, emissions reductions achieved by shutting down an existing emission unit or curtailing production or operating hours may be generally credited for offsets if they meet the requirements in subparagraphs (I) and (II) of this subparagraph:
 - (I) Such reductions are surplus, permanent, quantifiable, and federally enforceable.
 - (II) The shutdown or curtailment occurred after the last day of the base year for the most recently submitted attainment demonstration, maintenance plan, reasonable further progress plan, or rate of progress plan. For purposes of this paragraph, the Division may choose to consider a prior shutdown or

curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the attainment demonstration, maintenance plan, reasonable further progress plan, or rate of progress plan explicitly includes the emissions from such previously shutdown or curtailed emission units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.

- (iii) Emission reductions achieved by shutting down an existing emission unit or curtailing production or operating hours and that do not meet the requirements in subparagraph 7.(ii)(II) of this subparagraph may be generally credited only if:
 - (I) The shutdown or curtailment occurred on or after the date the construction permit application is filed; or
 - (II) The applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit, and the emissions reductions achieved by the shutdown or curtailment met the requirements of subparagraph 7.(ii)(I) of this subparagraph.
- 8. No emission offset credit may be allowed for replacing one VOC compound with another of less reactivity.
- 9. Procedures relating to the permissible location of offsetting emissions shall be followed which are at least as stringent as those contained in 40 CFR, Part 51, Appendix S, Section IV.D.
- 10. Offset credit for an emission reduction can be claimed to the extent that the Director has not relied on it in issuing any other permit or has not relied on it in demonstrating attainment of reasonable further progress.
- 11. The Director may elect not to consider fugitive emissions, to the extent they are quantifiable, in calculating the potential to emit from a stationary source or modification in determining whether the source is major and the source does not belong to any of the following categories:
 - (i) Coal cleaning plants (with thermal dryers);
 - (ii) Kraft pulp mills;
 - (iii) Portland cement plants;

- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;

- (xxvi) Fossil fuel-fired steam electric plants for more than 250 million British thermal units per hour heat input; and
- (xxvii) Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Act.

12. Offsets.

- (i) The owner or operator of a new or modified major stationary source may comply with any offset requirement in effect under this subsection for increased emissions of any air pollutant only by obtaining emission reductions of such air pollutants from the same source or other sources in the same non-attainment area, except that the Director may allow the owner or operator of a source to obtain such emission reductions in another non-attainment area if:
 - (I) The other area has an equal or higher non-attainment classification than the area in which the source is located;
 - (II) Emissions from such other area contribute to a violation of the national ambient air quality standard in the non-attainment area in which the source is located; and
 - (III) Such emission reductions shall be, by the time a new or modified source commences operation, in effect and enforceable and shall assure that the total tonnage of increased emissions of the air pollutant from the new or modified source shall be offset by an equal or greater reduction, as applicable, in the actual emissions of such air pollutant from the same or other sources in the area.
- (ii) Emission reductions otherwise required by the Federal Act shall not be creditable as emissions reductions for purposes of any such offset requirement. Incidental emission reductions that are not otherwise required by the Federal Act shall be creditable as emission reductions for such purposes if such emission reductions meet the requirements of subparagraph (8)(c)1.
- (iii) In order to be used as an offset under this subsection, emission reductions must satisfy the criteria in section (13), subsections (a) and (b).
- (iv) At least 30 days prior to commencement of operation of the new or modified stationary source permitted under this subparagraph, the

owner or operator shall provide documentation to the Division of the possession of sufficient offsets required under subparagraph (c)1. and as specified under subparagraph (c)14. or 15., whichever is applicable, as follows:

- (I) If offsets are obtained from the Emission Reduction Credit Banking Program specified under paragraph 391-3-1-.03(13), the owner or operator shall submit an application or applications for Use of Emission Reduction Credits as required under 391-3-1-.03(13)(f) using forms specified by the Division. If said offsets are not currently owned by the owner or operator, the current owner/operator must submit an application or applications to Transfer Ownership of Emission Reduction Credits as required under 391-3-1-.03(13)(g) using forms specified by the Division simultaneously with or prior to submittal of the application or applications to withdraw Emission Reduction Credits.
- (II) If offsets are not obtained from the Emission Reduction Credit banking program, the owner or operator shall submit the following information. (If offsets are obtained from one or more enforceable mechanisms, items I through VI shall be submitted for each enforceable mechanism.):
 - I. The name of the permittee that generated the offsets.
 - II. The name of the plant or facility at which the offsets were generated.
 - III. The address (street address, city, state, zip code, and county) of the plant or facility at which the offsets were generated. (This should be for the physical location of the plant or facility.)
 - IV. Identification of the enforceable mechanism (permit number and date of issuance, permit amendment number and date of issuance, or date of permit revocation) that resulted from creation of the offsets.
 - V. The number of offsets from the permit, permit amendment, or permit revocation identified in IV, above, that will be used for the new or modified stationary source permitted under this subparagraph.

VI. If the offsets were created by an owner or operator other than the owner or operator which will be using the offsets for the new or modified stationary source permitted under this paragraph, a letter from the owner or operator that created the offsets shall be submitted to the Division stating that the offsets have been transferred to the owner or operator that will be using the offsets, the date of such transfer, the number of offsets transferred, and the information contained in I through IV above.

(v) [reserved]

(vi) When multiple new or modified emissions units are permitted at the same time but commence operation on different dates, the documentation required under subparagraph (iv) shall be submitted to the Division at least 30 days prior to commencement of each new or modified emissions unit in order to demonstrate that adequate offsets have been obtained for each new or modified emissions unit prior to commencement.

13. [reserved]

14. Additional Provisions for Ozone Non-Attainment Areas.

- (i) In Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale counties the terms "major source" and "major stationary source" include any stationary source or group of sources located within a contiguous area and under common control that emits, or has the potential to emit, at least 100 tons per year of volatile organic compounds or nitrogen oxides. Any physical change that would occur at a stationary source not qualifying as a major stationary source as defined in this subparagraph shall be considered a "major stationary source" if the change would constitute a major stationary source by itself.
- (ii) Any physical change in or change in the method of operation of a major stationary source located in these counties that results in a net emissions increase of volatile organic compounds or nitrogen oxides equal to or exceeding 40 tons per year of such air pollutant shall be considered a modification when determining the

applicability of the permit requirements established by this subsection. "Net emissions increase" shall have the meaning defined in subparagraph (8)(g)1.(iii) of this rule.

(iii) [reserved]

(iv) For purposes of satisfying the emission offset requirements of this subsection, the ratio of total emission reductions of volatile organic compounds or nitrogen oxides to total increased emissions of such pollutants shall be at least 1.15 to 1 for emission offsets external or internal to the contiguous area under common control at which the proposed new emission point is located.

15. Additional Provisions for Electrical Generating Units Located in Areas Contributing to the Ambient Air Level of Ozone in the Metropolitan Atlanta Ozone Non-Attainment Area.

(i) In Banks, Barrow, Butts, Carroll, Chattooga, Clarke, Dawson, Floyd, Gordon, Hall, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Spalding, Troup, Upson, and Walton counties, the terms "major source" and "major stationary source" include any stationary source or group of sources located within a contiguous area and under common control, containing an electrical generating unit, and that emits, or has the potential to emit, at least 100 tons per year of nitrogen oxides from electrical generating units. Any physical change that would occur at a stationary source not qualifying as a major stationary source as defined in this subparagraph shall be considered a "major stationary source" if the change would constitute a major stationary source by itself.

(ii) Any physical change or change in the method of operation at a major stationary source in these counties that results in a net emissions increase of nitrogen oxides equal to or exceeding 40 tons per year of such air pollutant from the installation or modification of one or more electrical generating units shall be considered a modification when determining the applicability of the permit requirements established by this subsection. "Net emissions increase" shall have the meaning defined in subparagraph (8)(g)1.(iii) of this rule.

(iii) In the case of any new electrical generating unit or modified existing electrical generating unit located at a new or modified major stationary source in these counties, the requirements of 391-

3-1-.03(8)(c)2. shall only apply to that electrical generating unit and best available control technology (BACT), as defined by the Federal Act, shall be substituted for the lowest achievable emission rate (LAER).

(iv) For purposes of satisfying the emission offset requirements of this subsection, the ratio of total emission reductions of nitrogen oxides to total increased emissions of such pollutant from the new or modified electrical generating units shall be at least 1.1 to 1 for emission offsets external or internal to the contiguous area under common control at which the proposed new or modified major stationary source is located.

(v) [reserved]

(vi) [reserved]

(vii) For the purpose of this subsection, "electrical generating unit" means a fossil fuel fired stationary boiler, combustion turbine, or combined cycle system that serves a generator that produces electricity for sale.

16. [reserved]

(d) [reserved]

(e) **The Director** shall, upon analysis of the ambient air in the State, determine, and so designate, those areas of the State, if any, which are not attaining any National Ambient Air Quality Standards specified under the Federal Act, and any area contributing to the ambient air level of any such pollutant (for which such a standard has been established) in such areas of non-attainment. The Director's analyses determinations, and designations hereunder shall be used for the purpose of implementing the requirements of this section, shall be continuing, and shall be conducted in a manner sufficient to meet the requirements of Title 1, Part D of the Federal Act.

1. The counties of Banks, Barrow, Butts, Carroll, Chattooga, Clarke, Dawson, Floyd, Gordon, Hall, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Spalding, Troup, Upson, and Walton have been determined by the Director as areas contributing to the ambient air level of ozone in the following metropolitan Atlanta counties: Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale. No permit to construct an electric

generating unit at a new or modified major stationary source in this area shall be issued unless such proposed source meets all the requirements of Subsection (8)(c).

- (f) **In addition** to any other requirement under the Act, or this Chapter 391-3-1, no permit to construct a new stationary source or modify an existing stationary source shall be issued unless such proposed source or modification meets all the requirements for review and for obtaining a permit prescribed in Paragraph [391-3-1-.02\(9\)\(b\)16](#). of this Rule.
- (g) **The following provisions** of paragraph [391-3-1-.02\(7\)](#) apply to projects subject to the permitting requirements of subparagraph (c) of this paragraph with respect to those pollutants subject to Subparagraph (c).
 - 1. [391-3-1-.02\(7\)\(a\)2](#). Definitions, with the following exceptions and additions:
 - (i) The definition of "Major Stationary Source" does not apply.
 - (ii) Within the definition of "Major Modification,"
 - (I) The date within the "capable of accommodating" provision shall be December 21, 1976; and
 - (II) Paragraphs 40 CFR 52.21(b)(2)(iii)(j) and (k) do not apply.
 - (iii) The definition of "Net Emissions Increase," as it pertains to subparagraphs 8(c)14.(ii) and 8(c)15.(ii) of this rule, shall have the meaning defined in 40 CFR 51.165(a)(1)(vi) with the following exceptions:
 - (I) In lieu of (a)(1)(vi)(A)(1), the following shall apply: The increase in emissions from a particular change or change in the method of operation at a stationary source pursuant to paragraph 52.21(a)(2)(iv) as adopted in subparagraph (7)(a)3. of this rule; and
 - (II) In (a)(1)(vi)(A)(2), baseline actual emissions shall be determined as provided in subparagraph (7)(a)2.(i) of this rule, except that sub paragraphs (7)(a)2.(i)(I)III. and (7)(a)2.(i)(II)IV. do not apply.
 - (iv) To the definition of "Secondary Emissions," the following sentence is added: "Secondary emissions must be specific, well defined,

quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions."

- (v) The definition of "Significant" does not apply.
 - (vi) "Lowest achievable emission rate" or "LAER" means, for any source, the more stringent rate of emissions is based on the following:
 - (I) The most stringent emission limitation which is contained in the implementation plan of any State for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or
 - (II) The most stringent emission limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emission rate for the new or modified emission units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.
2. [391-3-1-.02\(7\)\(a\)3.](#), Applicability procedures, with the following exception:
- (i) The term "significant amount" in subparagraph (7)(a)3. shall mean an increase that is considered as a modification as specified in 391-3-1-.03(8)(c)14.(ii) or 15.(ii).
3. [391-3-1-.02\(7\)\(a\)4.](#)
4. [391-3-1-.02\(7\)\(b\)14.](#), Public participation.
5. [391-3-1-.02\(7\)\(b\)15.](#), Source obligation, with the following exception:
- (i) The term "significant amount" in subparagraph (7)(b)15.(i)(V) shall mean an increase that is considered as a modification as specified in 391-3-1-.03(8)(c)14.(ii) or 15.(ii).
6. [391-3-1-.02\(7\)\(b\)21.](#), Actual PALs, with the following exception:
- (i) Under the provision for "Setting the 10-year actual PAL level" specified in paragraph 40 CFR 52.21(aa)(6), the amount added to the

baseline actual emissions shall be the amount that is considered not to be a modification as specified in 391-3-1-.03(8)(c)14.(ii) or 15.(ii).

(9) **Permit Fees.**

- (a) **The owner** or operator of any stationary source subject to the provisions of Georgia Air Quality Rule 391-3-1-.03 "Permits. Amended." shall pay to the Division an annual fee or its equivalent (e.g. quarterly payments).
- (b) **The dollar-per-ton fee** rate for each calendar year is specified in the table below. Each calendar year's emissions and annual permit fees shall be determined and submitted in accordance with the Georgia Department of Natural Resources' Fee Manual specified below.

Calendar Year	\$/Ton Rate	Fee Manual
1991	\$25/Ton	"Procedures for Calculating Air Permit Fees" dated July 1, 1992.
1992	\$25/Ton	"Procedures for Calculating 1992 Air Permit Fees" dated May 1, 1993.
1993	\$25/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 1993" dated February 1, 1994.
1994	\$25/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 1994" dated May 1, 1995.
1995	\$25/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 1995" dated April 2, 1996.
1996	\$25/Ton	"Procedures for Calculating Air Permit Fees for Calendar Years 1996 and 1997" dated August 1, 1997.

1997	\$28/Ton	"Procedures for Calculating Air Permit Fees for Calendar Years 1996 and 1997" dated August 1, 1997.
1998	\$28/Ton	"Procedures for Calculating Air Permit Fees for Calendar Years 1998 and 1999" dated January 19, 1999.
1999	\$28/Ton	"Procedures for Calculating Air Permit Fees for Calendar Years 1998 and 1999" dated January 19, 1999.
2000	\$31/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2000" dated April 30, 2001.
2001	\$31/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2001" dated February 26, 2002.
2002	\$32.50/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2002" dated March 25, 2003.
2003	\$32.50/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2003" dated April 20, 2004.
2004	\$32.50/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2004" dated March 22, 2005.
2005	\$33.00/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2005" dated March 15, 2006.
2006	\$28.50/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2006" dated February 7, 2007.

2007	\$34.00/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2007" dated April 2, 2008.
2008	\$34.00/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2008" dated February 12, 2009.
2009	\$34.00/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2009" dated January 26, 2010.
2010	\$35.84/Ton for coal-fired electric generating units; \$34/Ton for all other sources	"Procedures for Calculating Air Permit Fees for Calendar Year 2010" dated January 31, 2011.
2011	\$35.84/Ton for coal-fired electric generating units; \$34/Ton for all other sources	"Procedures for Calculating Air Permit Fees for Calendar Year 2011" dated March 2, 2012.
2012	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	"Procedures for Calculating Air Permit Fees for Calendar Year 2012" dated February 5, 2013.
2013	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	"Procedures for Calculating Air Permit Fees for Calendar Year 2013" dated January 14, 2014.
2014	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	"Procedures for Calculating Air Permit Fees for Calendar Year 2014" dated January 12, 2015.

2015	<p>\$37.34/Ton for coal-fired electric generating units;</p> <p>\$35.50/Ton for all other sources</p>	"Procedures for Calculating Air Permit Fees for Calendar Year 2015" dated February 22, 2016.
2016	<p>\$37.34/Ton for coal-fired electric generating units;</p> <p>\$35.50/Ton for all other sources</p>	"Procedures for Calculating Air Permit Fees for Calendar Year 2016" dated February 8, 2017.
2017	<p>\$37.34/Ton for coal-fired electric generating units;</p> <p>\$35.50/Ton for all other sources</p>	"Procedures for Calculating Air Permit Application & Annual Permit Fees for Calendar Year 2017" dated February 8, 2018.
2018	<p>\$37.34/Ton for coal-fired electric generating units;</p> <p>\$35.50/Ton for all other sources</p>	"Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2019 and June 30, 2020" dated December 26, 2018.
2019	<p>\$37.34/Ton for coal-fired electric generating units;</p> <p>\$35.50/Ton for all other sources</p>	"Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2020 and June 30, 2021" dated February 3, 2020.
2020	<p>\$37.34/Ton for coal-fired electric generating units;</p> <p>\$35.50/Ton for all other sources</p>	"Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2021 and June 30, 2022" dated February 3, 2021.
2021	<p>\$37.34/Ton for coal-fired electric generating units;</p> <p>\$35.50/Ton for all other sources</p>	"Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2022 and June 30, 2023" dated February 3, 2022.

When no applicable calculation method or procedure is published therein, the Director may specify or approve an applicable method or procedure prior to its use.

(c) **For the purpose** of this section, the following definitions shall apply:

1. "Criteria Pollutant" means volatile organic compounds, sulfur dioxide, particulate matter, and nitrogen oxides.
2. "Stationary source" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same first two digit code) as described in the most recent Standard Industrial Classification Manual, published by the U.S. Government Printing Office.

(d) **No annual fee shall** be collected for more than 4,000 tons per year per stationary source of any individual criteria pollutant as calculated in accordance with the Fee Manual.

(e) **The Director** may reduce any permit fee required under this Chapter to take into the account the financial resources of small businesses stationary sources.

(f) **The collection** of fees pursuant to this Chapter shall preclude collection of any air quality control permit fee by any other state or local government authority.

(g) **The collection** of annual fees pursuant to this section shall begin on or after July 1, 1995, and shall be for the calendar year ending December 31, 1994. Thereafter, annual permit fees for each calendar year are due no later than September 1 of the following calendar year. Fees shall be paid in accordance with the procedures specified in the Fee Manual.

(h) **The owner** of a stationary source subject to this paragraph (9), "Permit Fees" shall make a one-time payment on or before April 30, 2001, in accordance with the following schedule. This one-time payment shall serve as a credit toward the calendar year 2000 permit fees (which are to be adopted at a later date). The procedures and methods contained in the Georgia Department of Natural Resources **Procedures for Calculating Air Permit Fees for Calendar Years 1998 and 1999 dated January 19, 1999** (1998/1999 Fee Manual), which is hereby incorporated by reference, along with calendar year 2000 activities and emissions shall be used to determine which, if any, of the following one-time payments are applicable to each stationary source.

1. Any Stationary Source subject to one or more Federal Standard of Performance for New Stationary Sources (NSPS) that is not classified as a Part 70 major source is defined in 40 CFR 70.2 shall pay a one-time payment of \$400 unless ALL of the equipment at the stationary source that is subject to an NSPS standard is listed in the exception list found in section 2.0(a) of the 1998/1999 Fee Manual and/or did not operate during calendar year 2000.
2. Any Stationary Source that is classified as a Part 70 major source, as defined in 40 CFR 70.2, that operated for any period of time in calendar year 2000, and whose calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar year 2000 activities) of EACH OF THE FOUR criteria pollutants (as defined in section 1.0 of the 1998/1999 Fee Manual: particulate matter, sulfur dioxide, volatile organic compounds, and nitrogen oxides) are less than or equal to the threshold values listed in section 3.16 of the 1998/1999 Fee Manual shall pay a one-time payment of \$600.
3. Any Stationary Source that is classified as a Part 70 major source, as defined in 40 CFR 70.2, that operated for any period of time in calendar year 2000, whose calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar year 2000 activities) of AT LEAST ONE of the four criteria pollutants (as defined in section 1.0 of the 1998/1999 Fee Manual: particulate matter, sulfur dioxide, volatile organic compounds, and nitrogen oxides) are above the applicable threshold value listed in section 3.16 of the 1998/1999 Fee Manual, and whose COMBINED calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar year 2000 activities) is less than 700 tons shall pay a one-time payment of \$1150. For the purpose of determining this one-time payment, the calculated emissions of any single criteria pollutant shall not be considered when determining if the calculated emissions are less than 700 tons if the calculated emissions for that criteria pollutant are less than or equal to the applicable threshold value listed in section 3.16 of the 1998/1999 Fee Manual.
4. Any Stationary Source that is classified as a Part 70 major source, as defined in 40 CFR 70.2, that operated for any period of time in calendar year 2000, whose total calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar 2000 activities) of AT LEAST ONE of the four criteria pollutants (as defined in section 1.0 of the 1998/1999 Fee Manual: particulate matter, sulfur dioxide, volatile organic compounds, and nitrogen oxides) is above the applicable threshold value listed in section 3.16 of the 1998/1999 Fee

Manual, and whose COMBINED calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar year 2000 activities) are greater than or equal to 700 tons shall pay a one-time payment of \$3000. For the purpose of determining this one-time payment, the calculated emissions of any single criteria pollutant shall not be considered when determining if the calculated emissions are greater than or equal to 700 tons if the calculated emissions for that criteria pollutant are less than or equal to the applicable threshold value listed in section 3.16 of the 1998/1999 Fee Manual.

- (i) **As part of the annual permit fees** required under this paragraph, the owner or operator of any stationary source shall also pay administrative fees in accordance with the following subparagraphs in addition to the permit fees determined in accordance with the Fee Manual(s) specified in Subparagraph (b) of this paragraph.
1. The owner or operator shall pay an administrative fee of 0.05 percent of the total fee due determined in accordance with the Fee Manual(s) specified in Subparagraph (b) of this paragraph for each calendar day in which the air permit fee form is submitted to the Division after October 1 of the calendar year in which the fee was due or October 1, 2010, which is later.
 2. For air permit fee forms submitted using the online Georgia air emissions fee reporting form, that date on which the air permit fee form is submitted to the Division shall be the date in which the owner or operator completes a final submittal on the online reporting form. For air permit fee forms that were submitted using a hard-copy paper form, the date on which the air permit fee form is submitted to the Division shall be the date on which the permit fee form and required payment are received at the address specified in the Fee Manual or at the office of the Division's Air Protection Branch.
- (j) **Beginning with calendar year 2009 fees**, when the ownership of any stationary source is transferred to a new owner or operator, the new owner or operator of the stationary source shall be responsible for paying any past due fees.
- (k) **Beginning on March 1, 2019**, the owner or operator of any stationary source subject to the provisions of Georgia Air Quality Rule 391-3-1-.03 "Permits. Amended" shall pay to the Division a processing fee when submitting an application for the following permit application types:

Permit Type
Minor Source Permit or Amendment
Synthetic Minor Source Permit or Amendment
Major Source Permit or Amendment (but not subject to PSD or 112(g))

Name Change
Permit-by-Rule
Title V 502(b)(10) Permit Amendment
Title V Minor Modification with Construction
Title V Minor Modification without Construction
Title V Significant Modification with Construction
Title V Significant Modification without Construction
PSD Permit per 391-3-1-.02(7)
Nonattainment New Source Review Permit per 391-3-1-.03(8)(c)
112(g) permit per 391-3-1-.02(9)(b)16.

1. Fees shall be paid in accordance with the procedures specified in the Fee Manual.
2. No final action of the Director shall occur until complete fee payment is received, unless the fee payment is waived or partially waived in accordance with subparagraph 391-3-1-.03(9)(e).
3. Application fees shall not be refunded as the fee is used to cover application processing labor.
4. Title V modification application fees are waived for applicants submitting PSD/112(g) or Nonattainment NSR permit applications via Title V permit applications. The PSD/112(g) or Nonattainment NSR fee still applies.

- (l) **Beginning on July 1, 2020**, the owner or operator of any stationary source subject to the provisions of Georgia Air Quality Rule 391-3-1-.03(10) "Title V Operating Permits" shall pay to the Division an annual maintenance fee for Title V sources. Fees shall be paid in accordance with the procedures specified in the Fee Manual.

(10) Title V Operating Permits.

(a) General Requirements.

1. The provisions of this paragraph (10) shall apply to any source and the owner and operator of any such source subject to any requirements under 40 Code of Federal Regulations (hereinafter, 40 CFR), Part 70.
2. All sources subject to this paragraph (10) shall have a Part 70 Permit to operate that assures compliance by the source with all applicable requirements. Such Part 70 Permits will be issued consistent with the timing established in subparagraph (10)(c).

3. The requirements of this paragraph (10), including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the federal acid rain program except as provided herein or modified in federal regulations promulgated under Title IV of the federal Clean Air Act.
4. Definitions: For the purpose of this paragraph (10), 40 CFR Part 70.2 is hereby incorporated and adopted by reference, with the following exception(s):
 - (i) "Potential to emit" shall have the meaning ascribed in subparagraph (ddd) of rule [391-3-1-.01](#).
 - (ii) [Reserved.]
 - (iii) The definition and use of the term "subject to regulation" in 40 CFR, Part 70.2 is hereby incorporated by reference; provided, however, that in the event all or any portion of 40 CFR, Part 70.2 containing that term is:
 - (I) declared or adjudged to be invalid or unconstitutional or stayed by the United States Court of Appeals for the Eleventh Circuit or for the District of Columbia Circuit; or
 - (II) withdrawn, repealed, revoked, or otherwise rendered of no force and effect by the United States Environmental Protection Agency, Congress, or Presidential Executive Order.

Such action shall render the regulation as incorporated herein, or that portion thereof that may be affected by such action as invalid, void, stayed, or otherwise without force and effect for purposes of this rule upon the date such action becomes final and effective; provided, further, that such declaration, adjudication, stay, or other action described herein, shall not affect the remaining portions, if any, of the regulation as incorporated herein, which shall remain of full force and effect as if such portion so declared or adjudged invalid or unconstitutional or stayed or otherwise invalidated or effected were not originally a part of this rule. The Board declares that it would have incorporated the remaining parts of the federal regulation if it had known that such portion hereof would be declared or adjudged invalid or unconstitutional or stayed or otherwise rendered of no force and effect.

5. The subparagraphs of paragraph (10) that incorporate by reference portions of 40 CFR, Part 70 are as promulgated and published in the Federal Register through October 18, 2016, unless otherwise specified.

(b) Applicability.

1. The following sources shall be subject to this paragraph (10):
 - (i) Any major source as defined in 40 CFR Part 70.2, which is incorporated by reference in subparagraph (a)4;
 - (ii) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the federal Act;
 - (iii) Any source, including an area source, subject to a standard or other requirement under Section 112 of the federal Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of the federal Act;
 - (iv) Any affected source as defined in 40 CFR Part 70.2, which is incorporated by reference in subparagraph (a)4; and
 - (v) Any source in a source category designated by the EPA Administrator pursuant to 40 CFR Part 70.3.
2. The following sources shall not be subject to this paragraph (10):
 - (i) Any source listed in subparagraph 10(b)1.(ii) that is not a major source;
 - (ii) Any source required to obtain a permit solely because they are subject to 40 CFR Part 61, Subpart M, National Emission Standard for Hazardous Air Pollutants for Asbestos, 61.145, Standard for Demolition and Renovation, or solely because they are subject to 40 CFR Part 60, Subpart AAA Standards of Performance for New Residential Wood Heaters; and
 - (iii) Any source listed in subparagraph (10)(b)1.(iii) that is an area source except those subject to an Emission Standard for Hazardous Air Pollutants under 40 CFR Part 63 that does not exempt the owner or operator from the obligation to obtain a Part 70 permit.
3. Emission units and Part 70 permits.

- (i) For major sources, Part 70 permits shall include all applicable requirements for all relevant emission units in the major source.
 - (ii) For any non-major source subject to the requirements of this paragraph (10), Part 70 permits shall include all applicable requirements applicable to emission units that cause the source to be subject to this paragraph (10).
- 4. Fugitive emissions from a source subject to the requirements of this paragraph (10) shall be included in the permit application and the Part 70 permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.
- 5. Any Part 70 source may make Section 502(b)(10) changes as defined in 40 CFR 70.2, which is incorporated by reference in subparagraph (a)4, without requiring a Part 70 permit revision, if the changes are not modifications under any provisions of Title I of the federal Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions). For each such change, the source shall provide the Director and the EPA Administrator with written notification as required below in advance of the proposed changes and shall obtain any permits required under Rules 391-3-1-.03(1) and (2). The source and the Director shall attach each such notice to their copy of the relevant permit.
 - (i) For each such change, the source's written notification and application for a construction permit shall be submitted well in advance of any critical date (construction date, permit issuance date, etc.) involved in the change, but no less than seven days in advance of such change and shall include a brief description of the change within the permitted facility, the date on which the change is proposed to occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.
 - (ii) The permit shield described in subparagraph (d)6. shall not apply to any change made pursuant to this paragraph.
- 6. Off-permit Changes: Any Part 70 source may make changes that are not addressed or prohibited by the permit, other than those described in subparagraph 7., without a Part 70 permit revision, provided the following requirements are met:

- (i) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.
 - (ii) Sources must provide contemporaneous written notice to the Director and EPA Administrator of each such change, except for changes that qualify as insignificant as specified in subparagraph (g). Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
 - (iii) The change shall not qualify for the shield under subparagraph (10)(d)6.
 - (iv) The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.
 - (v) The source shall obtain any permits required under Rules 391-3-1-.03(1) and (2).
7. No Part 70 source may make, without a permit revision, any changes that are not addressed or prohibited by the Part 70 permit, if such changes are subject to any requirements under Title IV of the federal Act or are modifications under any provision of Title I of the federal Act.

(c) Permit Applications

1. For each Part 70 source, the owner or operator shall submit a complete application:
 - (i) Within 12 months after the U. S. EPA grants approval of this paragraph (10) or on or before such earlier date as the Director may establish, for a source applying for the first time;
 - (ii) Within 12 months after commencing operation, for a source required to meet the requirements under Section 112(g) of the federal Clean Air Act or to have a permit under the preconstruction review program requirements of Rule 391-3-1-.03(8)(b) or Rule 391-3-1-.03(8)(c). Where an existing Part 70 permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operation;

- (iii) At least six months, but not more than 18 months prior to the date of permit expiration, for a source subject to permit renewal; or
 - (iv) By January 1, 1996, for initial Phase II sulfur dioxide acid rain permits and by January 1, 1998, for initial Phase II nitrogen oxide acid rain permits.
 - (v) within 12 months after commencing operation for a major source which commences operation after the date specified in subparagraph (10)(c)1.(i).
2. Standard Permit Application and Required Information. The application shall be made in a format specified by the Director. It shall be signed by a responsible official, as defined in 40 CFR 70.2, which is incorporated by reference in subparagraph (a)4, certifying its truthfulness, accuracy and completeness. For the purpose of this paragraph (10), 40 CFR 70.5(c) and 40 CFR 70.5(d) are hereby incorporated and adopted by reference. The application may require additional pertinent information which is not specified in 40 CFR 70.5(c), as incorporated by reference in this subparagraph, as the Director may require. To be deemed complete, an application must provide all information required pursuant to this subparagraph and subparagraph (g), except that applications for permit revision need supply such information only if it is related to the proposed change.
 3. Unless the Director determines that an application, including renewal applications, is not complete within 60 days of receipt of the application, such application shall be deemed to be complete, except as otherwise provided in 40 CFR 70.7(a)(4) which is hereby incorporated by reference.
 4. If, while processing an application that has been determined or deemed to be complete, the Director determines that additional information is necessary to evaluate or take final action on that application the Director may request such information in writing and set a reasonable deadline for a response. The source's ability to operate without a Part 70 permit shall be in effect from the date the application is determined or deemed to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the Director.
 5. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide

additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

(d) Permit Content.

1. Standard Permit Requirements.

- (i) For the purposes of this paragraph (10), 40 CFR Part 70.6(a) and 40 CFR 70.7(f) are hereby incorporated and adopted by reference.
- (ii) The permit may include terms and conditions allowing for the trading of emissions changes in the permitted facility solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure that the emissions trades are quantifiable and enforceable. The Director shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The following conditions apply to the emissions trades:
 - (I) The permittee shall provide written notification to the Director and EPA no less than seven days in advance of any change made pursuant to this subparagraph. The written notification shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.
 - (II) The permit shield described in subparagraph (d)6. may extend to the permit terms and conditions that allow for the emissions increases and decreases described in this subparagraph.
- (iii) The permit may include additional elements not specified in 40 CFR Part 70.6(a), which is incorporated by reference in subparagraph (d)1.(i), as required by the Director.

2. The Director shall specifically designate as not being federally enforceable under the federal Clean Air Act any terms and conditions included in the permit that are not required under the federal Clean Air Act or under any of its applicable requirements. If the Director does not so designate a term or condition, it shall be deemed federally enforceable.

3. Compliance Requirements. For the purposes of this paragraph (10), 40 CFR 70.6(c) is hereby incorporated and adopted by reference.
4. General Permits: For the purpose of this paragraph (10), 40 CFR 70.6(d) is hereby incorporated and adopted by reference.
5. The Director may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one change of location during the term of the permit. No affected source shall be permitted as a temporary source. Permits for temporary sources shall include:
 - (i) Conditions that will assure compliance with all applicable requirements at all authorized locations;
 - (ii) Requirements that the owner or operator notify the Director at least 30 days in advance of each change in location; and
 - (iii) Conditions that assure compliance with all of the provisions of this paragraph.
6. Permit Shield.
 - (i) Except as provided in this paragraph (10), the Director may expressly include in a Part 70 permit a provision stating that a source which is in compliance with the conditions of the permit shall be deemed to be in compliance with any applicable requirements as of the date of the permit issuance, provided that:
 - (I) Such applicable requirements are included and are specifically identified in the permit; or
 - (II) The Director, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.
 - (ii) A Part 70 permit that does not expressly state that a permit shield exists shall be presumed not to provide such a shield.
 - (iii) Nothing in this paragraph or in any Part 70 permit shall alter or affect the following:

- (I) The provisions of Section 303 of the federal Clean Air Act (emergency orders), including the authority of the Administrator under that section or the provisions of O.C.G.A. Section [12-9-14](#);
- (II) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or
- (III) The applicable requirements of the acid rain program, consistent with Section 408(a) of the federal Clean Air Act; or
- (IV) The ability of EPA to obtain information from a source pursuant to Section 114 of the federal Clean Air Act or of the Director to obtain information from a source pursuant to paragraph [391-3-1-.02\(6\)](#).

7. Emergency Provision: For the purpose of subparagraph (d)7., 40 CFR Part 70.6(g) is hereby incorporated and adopted by reference.

(e) Permit Issuance, Renewal, Reopenings and Revisions.

1. Action on application.

- (i) A permit, permit modification, or renewal may be issued only if all of the following conditions have been met:
 - (I) The Director has received a complete application, except that a complete application need not be received before issuance of a general permit under subparagraph (d);
 - (II) Except for modifications qualifying for minor permit modification procedures under subparagraphs (e)5.(i) or (e)5.(ii), the Director has complied with the requirements for public participation under subparagraph (e)8.;
 - (III) The Director has complied with the requirements for notifying and responding to affected States under subparagraph (f);
 - (IV) The conditions of the permit provide for compliance with all applicable requirements; and

- (V) The EPA Administrator has received a copy of the proposed permit and any notices required under subparagraph (f) and has not objected to issuance of the permit under subparagraph (f) within the time period specified therein.
- (ii) Except as provided under the initial transition plan or under regulations promulgated under Title IV of the federal Clean Air Act, the Director shall take final action on each permit application (including request for permit modification or renewal) within 18 months after receiving a complete application.
- (iii) The Director shall provide a statement that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions). The Director shall send this statement to EPA and to any other person who requests it.
- (iv) The submittal of a complete application shall not affect the requirement that any source have a preconstruction permit under paragraph 391-3-1-.03(8).

2. Requirement for a permit.

Except as provided in subparagraphs (b)5., (e)5.(i)(V) and (e)5.(ii)(V), no Part 70 source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued under this paragraph (10). If a Part 70 source submits a timely and complete application for permit issuance (including for renewal), the source's failure to have a Part 70 permit is not a violation until the Director takes final action on the permit application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit by the deadline specified in writing by the Director any additional information identified as being needed to process the application.

3. Permit renewal and expiration.

- (i) Permits being renewed are subject to the same procedural requirements, including those for public participation, affected State and EPA review, that apply to initial permit issuance.
- (ii) Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted.

- (iii) If a timely and complete application for permit renewal is submitted, but the Director has failed to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield that may be granted pursuant to subparagraph (d)6. shall extend beyond the original permit term until renewal.

4. Administrative permit amendments.

- (i) Definitions: For the purpose of this paragraph, 40 CFR, Part 70.7(d)(1) is incorporated and adopted by reference.
- (ii) Administrative permit amendments for purposes of the acid rain portion of the permit shall be governed by regulations promulgated under Title IV of the federal Clean Air Act.
- (iii) An administrative permit amendment may be made by the Director consistent with the following:
 - (I) The Director shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes without providing notice to the public or affected States provided that it designates any such permit revisions as having been made pursuant to this subparagraph.
 - (II) The Director shall submit a copy of the revised permit to the EPA Administrator.
 - (III) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.
- (iv) The Director may, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield for administrative permit amendments made pursuant to 40 CFR Part 70.7(d)(1)(v), which is incorporated by reference in subparagraph (e)4.(i) of this rule, which meet the requirements for significant permit modifications.

5. Permit modification.

A permit modification is any revision to a Part 70 permit that cannot be accomplished under subparagraph 4. A permit modification for purposes of the acid rain program shall be governed by regulations promulgated under Title IV of the federal Clean Air Act.

(i) Minor permit modification procedures.

(I) Minor permit modification procedures may be used only for those permit modifications that:

- I. Do not violate any applicable requirement;
- II. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
- III. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
- IV. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject, including a federally enforceable emissions cap assumed to avoid classification as a modification under any provision of 391-3-1-.03(8), and an alternative emissions limit approved pursuant to regulations promulgated under Section 112(j)(5) of the federal Clean Air Act;
- V. Are not modifications under any provision of 391-3-1-.03(8); and
- VI. Are not required by this paragraph (10) to be processed as a significant modification.

(II) An application requesting the use of minor permit modification procedures shall meet the requirements of paragraph (8) and shall include the following:

- I. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 - II. The source's suggested draft permit;
 - III. Certification by a responsible official, consistent with subparagraph (c), that the proposed modification meets the criteria for use of minor modification procedures and a request that such procedures be used; and
 - IV. Completed forms for the Director to use to notify the EPA Administrator and affected States as required under subparagraph (f).
- (III) Within five working days of receipt of a complete minor permit modification application, the Director shall meet his obligation under subparagraph (f)(1) and subparagraph (f)(2)(i) to notify the EPA Administrator and affected States of the requested permit modification. The Director shall promptly send any notice required under subparagraph (f)(2)(ii) to the EPA Administrator.
- (IV) The Director may not issue a final permit modification until after EPA's 45-day review period or until EPA has notified the Director that EPA will not object to issuance of the permit modification, whichever is first, although the Director can approve the permit modification prior to that time. Within 90 days of the Director's receipt of an application under minor permit modification procedures or 15 days after the end of the EPA Administrator's 45-day review period under subparagraph (f)(3), whichever is later, the Director shall:
- I. Issue the permit modification as proposed;
 - II. Deny the permit modification application;
 - III. Determine that the requested modification does not meet the minor permit modification criteria and

should be reviewed under the significant modification procedures; or

IV. Revise the draft permit modification and transmit to the EPA Administrator the new proposed permit modification as required by subparagraph (f).

(V) The source may make changes proposed in its minor permit modification application as follows:

- I. For proposed changes that require a permit in accordance with 391-3-1-.03(1), the source may make the change proposed in its minor permit modification application immediately after obtaining a permit for the modification pursuant to the requirements of 391-3-1-.03(1). After the source makes such change and until the Director takes any of the actions specified in subparagraph (IV), the source must comply with the applicable requirements governing the change, the proposed permit terms and conditions, and requirements of the construction permit issued under 391-3-1-.03(1). During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions and the requirements of the construction permit issued under 391-3-1-.03(1) during this time period, the existing permit terms and conditions it seeks to modify and the requirements of the construction permit issued under 391-3-1-.03(1) may be enforced against it.
- II. For proposed changes that do not require a permit in accordance with 391-3-1-.03(1), the source may make the change proposed in its minor permit modification application upon receipt of a letter from the Division acknowledging receipt of said application. If the Director denies the permit modification application in accordance with subparagraph (IV)II, the existing terms and conditions that the applicant seeks to modify may be enforced by the Division.

- (VI) The permit shield may not extend to minor permit modifications.
- (ii) Group processing of minor permit modifications. The Director may modify the procedure outlined in subparagraph (e)5.(i) to process groups of a source's applications for certain modifications eligible for minor permit modification processing.
 - (I) Group processing of modifications may be used only for those permit modifications:
 - I. That meet the criteria for minor permit modification procedures under subparagraph (e)5.(i); and
 - II. That collectively are below 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in subparagraph (a)4., or 5 tons per year, whichever is least.
 - (II) An application requesting the use of group processing procedures shall meet the requirements of subparagraph (c)2. and shall include the following:
 - I. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.
 - II. The source's suggested draft permit.
 - III. Certification by a responsible official that the proposed modification meets the criteria for use of group processing procedures under a request that such procedures be used.
 - IV. A list of the source's other pending applications awaiting group processing, and determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subparagraph (e)5.(ii)(I)II.

- V. Certification that the source has notified EPA of the proposed modification. Such notification need only contain a brief description of the proposed modification.
 - VI. Completed forms for the Director to use to notify the EPA Administrator and affected States as required under subparagraph (f).
- (III) On a quarterly basis or within five business days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set in subparagraph (e)5.(ii)(I)II., whichever is earlier, the Director promptly shall comply with subparagraphs (f)(1) and (f)(2). The Director shall send any notice required under subparagraph (f)(2)(ii) to the EPA Administrator.
- (IV) The provisions of subparagraph (e)5.(i)(IV) shall apply to modifications eligible for group processing, except that the Director shall take one of the actions specified in subparagraphs (e)5.(i)(IV)I through IV. within 180 days of receipt of the application or 15 days after the end of the EPA Administrator's 45-day review period under subparagraph (f)(3), whichever is later.
- (V) The provisions of subparagraph 5.(i)(V) shall apply to modifications eligible for group processing.
- (VI) The provisions of subparagraph 5.(i)(VI) shall also apply to modifications eligible for group processing.
- (iii) Significant modification procedures.
- (I) Significant modification procedures shall be used for applications requesting permit modifications that do not qualify as minor permit modifications or as administrative amendments. At a minimum, every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall be considered significant. Nothing herein shall be construed to preclude the permittee from making

changes consistent with this paragraph (10) that would render existing permit compliance terms and conditions irrelevant.

- (II) Significant permit modifications shall meet all requirements of this paragraph (10), including those for applications, public participation, review by affected States, and review by EPA, as they apply to permit issuance and permit renewal.

6. Reopening for cause.

- (i) A permit shall be reopened and revised under any of the following circumstances:
 - (I) Additional applicable requirements become applicable to a major Part 70 source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended under subparagraph (e)3.(iii).
 - (II) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.
 - (III) The Director determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - (IV) The Director determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- (ii) Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists.

- (i) Reopenings shall not be initiated before a notice of such intent is provided to the source by the Director at least 30 days in advance of the date that the permit is to be reopened, except that the Director may provide a shorter time period in the case of an emergency.

7. Reopenings for cause by EPA.

- (i) If the EPA Administrator finds that cause exists to terminate, modify or revoke and reissue a permit pursuant to subparagraph 6. and notifies the Director of such finding in writing, the Director shall, within 90 days after receipt of such notification, forward to EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. If the EPA Administrator finds that a new or revised permit application is necessary or that the Director must require the permittee to submit additional information and extends this 90 day period, the Director shall forward the subject determination within 180 days of receipt of EPA's notification.
- (ii) Within 90 days from receipt of an EPA objection, the Director shall resolve such objection and terminate, modify, or revoke and reissue the permit in accordance with EPA's objection.

8. Public participation.

40 CFR Part 70.7(h) is hereby incorporated and adopted by reference.

(f) **Permit review by EPA and affected states.**

1. The Director shall provide the EPA Administrator a copy of each permit application (including any application for permit modification), each proposed permit, and each final Part 70 permit. The Director may require the applicant to provide a copy of the permit application (including the compliance plan) directly to the EPA Administrator. Upon approval by the EPA Administrator, the Director may submit to the EPA Administrator a permit application summary form and any relevant portion of the permit application and compliance plan, in place of the complete permit application and compliance plan.
2. Review by affected States.

- (i) The Director shall give notice of each draft permit to any affected State on or before the time that the Director provides this notice to the public under subparagraph (e)8., except to the extent that subparagraphs (e)5.(i) or (e)5.(ii) require the timing of the notice to be different.
- (ii) The Director, as part of the submittal of the proposed permit to the EPA Administrator [or as soon as possible after the submittal for minor permit procedures allowed under subparagraphs (e)5.(i) or (e)5.(ii)], shall notify the EPA Administrator and any affected State in writing of any refusal by the Director to accept all recommendations for the proposed permit that the affected State submitted during the public or affected State comment period. The notice shall include the Director's reasons for not accepting any such recommendation. The Director is not required to accept recommendations that are not based on applicable requirements or the requirements of this paragraph (10).

3. EPA objection.

- (i) No permit for which an application must be transmitted to the EPA Administrator under subparagraph (f)1. shall be issued if the EPA Administrator objects to its issuance in writing within a timely manner pursuant to 40 CFR 70.8(c) and 40 CFR 70.8(d) which are hereby incorporated by reference.

(g) Insignificant Activities List

Unless otherwise required by the Director, the following air pollutant sources/activities must be listed, but need not be described in detail, in the Part 70 permit application. Exclusion of these emissions from detailed reporting does not exclude them from inclusion in any applicability determination. Additionally, this insignificant listing may not be used to avoid any applicable requirement (i.e. NESHAP, NSPS, etc.) as defined in 40 CFR Part 70.2, which is incorporated by reference in subparagraph (a)4.

1. Mobile Sources.

- (i) Cleaning and sweeping of streets and paved surfaces.

2. Combustion Equipment.

- (i) Firefighting equipment, including fire pumps or other emergency/safety equipment used to fight fires or train firefighters or other emergency personnel.
- (ii) Small incinerators that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act and are not considered a "designated facility" as specified in 40 CFR 60.32e of the Federal emissions guidelines for Hospital/Medical/ Infectious Waste Incinerators, that are operating as follows:
 - (I) Less than 8 million BTUs per hour heat input, firing types 0, 1, 2 and/or 3 waste; or
 - (II) Less than 8 million BTUs per hour heat input with no more than 10% pathological (Type-4) waste by weight combined with types 0, 1, 2 and/or 3 waste; or
 - (III) Less than 4 million BTUs per hour heat input firing Type 4 waste.
 - (IV) For the purpose of this subparagraph, the following definitions apply:
 - I. "Type 0 waste" means trash. This refers to a mixture of combustible waste such as paper, cardboard, wood and floor sweepings; which contains up to 10% petrochemical waste, 5% non-combustibles and 10% moisture, by weight; which is generated from commercial activities; and having a higher heat value (HHV) of approximately 8,500 BTU/lb.
 - II. "Type 1 waste" means rubbish. This refers to a mixture of combustible waste such as paper, cardboard, wood foliage and floor sweepings; which contains up to 10% petrochemical waste, 5% non-combustibles and 10% moisture, by weight; which is generated from domestic and commercial activities; and having a HHV of approximately 6,500 BTU/lb.
 - III. "Type 2 waste" means refuse. This refers to an evenly distributed mixture of rubbish and garbage as usually received in municipal waste; which

contains up to 50% moisture content, by weight and 7% non-combustible solids; and having a HHV of approximately 4,300 BTU/lb.

IV. "Type 3 waste" means garbage. This refers to animal and vegetable wastes from restaurants, cafeterias, hotels, markets, and like installations; which contains up to 70% moisture, by weight, and 5% non-combustible solids; and having a HHV of approximately 2,500 BTU/lb.

V. "Type 4 waste" means human and animal remains. This refers to carcasses, organs, and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds; and having a HHV of approximately 1,000 BTU/lb.

(iii) Open burning in compliance with Georgia Rule [391-3-1-.02\(5\)](#).

(iv) Stationary Engines Burning:

- (I) Natural gas, gasoline, diesel fuel, or dual fuels which are used exclusively as emergency generators; or
- (II) Natural gas, LPG, and/or diesel fuel and used for peaking power (including emergency generators used for peaking power) where the peaking power use does not exceed 200 hours-per-year, except in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton where such engines with a rated capacity equal to and greater than 100 kilowatts are not insignificant activities; or
- (III) Natural gas, LPG, and/or diesel fuel used for other purposes, provided that the output of each engine does not exceed 400 horsepower and that no individual engine operates for more than one thousand hours-per-year; or

(IV) Gasoline used for other purposes, provided that the output of each engine does not exceed 100 horsepower and that no individual engine operates for more than 500 hours-per-year except in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton where such engines with a rated capacity equal to and greater than 100 kilowatts used for peaking power are not insignificant activities.

(V) For the purpose of this subparagraph, the following definitions shall apply:

I. An "emergency generator" means a generator whose function is to provide back-up power when electric power from the local utility is interrupted and which operates for less than 500 hours-per-year, except in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton where such generator operates less than 200 hours-per-year.

II. "Used for peaking power" means used to reduce the electrical power requirements on the local utility grid. This could be for supplying power during the local utility's peak demand periods or for peak shaving by the facility.

3. Trade Operations.

- (i) Brazing, soldering and welding equipment, and cutting torches related manufacturing and construction activities whose emissions

of hazardous air pollutants (HAPs) fall below 1,000 pounds per year.

4. Maintenance, Cleaning, and Housekeeping.

- (i) Blast-cleaning equipment using a suspension of abrasive in water and any exhaust system (or collector) serving them exclusively.
- (ii) Portable blast-cleaning equipment.
- (iii) Non-Perchloroethylene Dry-cleaning equipment with a capacity of 100 pounds per hour or less of clothes.
- (iv) Cold cleaners having an air/vapor interface of not more than 10 square feet and that do not use a halogenated solvent.
- (v) Non-routine clean out of tanks and equipment for the purposes of worker entry or in preparation for maintenance or decommissioning.
- (vi) Devices used exclusively for cleaning metal parts or surfaces by burning off residual amounts of paint, varnish, or other foreign material, provided that such devices are equipped with afterburners.
- (vii) Cleaning Operations: Alkaline/phosphate cleaners and associated cleaners and burners.

5. Laboratories and Testing.

- (i) Laboratory fume hoods and vents associated with bench-scale laboratory equipment used for physical or chemical analysis.
- (ii) Research and development facilities, quality control testing facilities and/or small pilot projects, where combined daily emissions from all operations are not individually major and are not support facilities making significant contributions to the product of a collocated major manufacturing facility.

6. Pollution Control.

- (i) Sanitary wastewater collection and treatment systems, except incineration equipment or equipment subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.

- (ii) On site soil or groundwater decontamination units that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.
- (iii) Bioremediation operations units that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.
- (iv) Landfills that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.

7. Industrial Operations.

- (i) Concrete block and brick plants, concrete products plants, and ready mix concrete plants producing less than 125,000 tons per year.
- (ii) Any of the following processes or process equipment which are electrically heated or which fire natural gas, LPG or distillate fuel oil at a maximum total heat input rate of not more than five million BTUs per hour:
 - (I) Furnaces for heat treating glass or metals, the use of which do not involve molten materials or oil-coated parts.
 - (II) Porcelain enameling furnaces or porcelain enameling drying ovens.
 - (III) Kilns for firing ceramic ware.
 - (IV) Crucible furnaces, pot furnaces, or induction melting and holding furnaces with a capacity of 1,000 pounds or less each, in which sweating or distilling is not conducted and in which fluxing is not conducted utilizing free chlorine, chloride or fluoride derivatives, or ammonium compounds.
 - (V) Bakery ovens and confection cookers.
 - (VI) Feed mill or grain mill ovens.
 - (VII) Surface coating drying ovens.
- (iii) Carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, shot blasting, shot peening, or polishing; ceramics, glass, leather, metals, plastics,

rubber, concrete, paper stock or wood, also including roll grinding and ground wood pulping stone sharpening, provided that:

- (I) The activity is performed indoors; and
 - (II) No significant fugitive particulate emissions enter the environment; and
 - (III) No visible emissions enter the outdoor atmosphere.
-
- (iv) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy (e.g., blueprint activity, photographic developing and microfiche).
 - (v) Grain, food, or mineral extrusion processes.
 - (vi) Equipment used exclusively for sintering of glass or metals, but not including equipment used for sintering metal-bearing ores, metal scale, clay, fly ash, or metal compounds.
 - (vii) Equipment for the mining and screening of uncrushed native sand and gravel.
 - (viii) Ozonization process or process equipment.
 - (ix) Electrostatic powder coating booths with an appropriately designed and operated particulate control system.
 - (x) Activities involving the application of hot melt adhesives where VOC emissions are less than 5 tons per year and HAP emissions are less than 1,000 pounds per year.
 - (xi) Equipment used exclusively for mixing and blending water-based adhesives and coatings at ambient temperatures.
 - (xii) Equipment used for compression, molding and injection of plastics where VOC emissions are less than 5 tons per year and HAP emissions are less than 1,000 pounds per year.
 - (xiii) Ultraviolet curing processes where VOC emissions are less than five tons per year and HAP emissions are less than 1,000 pounds per year.

8. Storage Tanks and Equipment.

- (i) All petroleum liquid storage tanks storing a liquid with a true vapor pressure of equal to or less than 0.50 psia as stored.
- (ii) All petroleum liquid storage tanks with a capacity of less than 40,000 gallons storing a liquid with a true vapor pressure of equal to or less than 2.0 psia as stored that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.
- (iii) All petroleum liquid storage tanks with a capacity of less than 10,000 gallons storing a petroleum liquid.
- (iv) All pressurized vessels designed to operate in excess of 30 psig storing petroleum fuels that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.
- (v) Gasoline storage and handling equipment at loading facilities handling less than 20,000 gallons per day or at vehicle dispensing facilities that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.
- (vi) Portable drums, barrels, and totes provided that the volume of each container does not exceed 550 gallons.
- (vii) All chemical storage tanks used to store a chemical with a true vapor pressure of less than or equal to 10 millimeters of mercury (0.19 psia).

(11) Permit by Rule.

(a) General Requirements.

1. Accepting a Permit by Rule does not exempt that facility from the obligation to apply for and obtain a Construction (SIP) Permit and/or an Operating (SIP) Permit unless specifically exempted in the permit by rule. Complying with the requirements of a Permit by Rule does not relieve a facility of having to comply with other requirements of the Rules.
2. The permitting authority may, after notice and opportunity for public participation, issue a Permit by Rule covering numerous similar sources. Any Permit by Rule shall identify criteria and standards by which sources may qualify for the Permit by Rule. Any facility wishing to operate under a

Permit by Rule shall certify that in writing to the permitting authority, unless specifically exempted from this requirement in the specific Permit by Rule. To sources that qualify, the permitting authority shall grant the conditions and terms of the Permit by Rule by Certification letter. Notwithstanding the shield provisions of 40 CFR Part 70.6(f), the source shall be subject to enforcement action for operation without a Part 70 Permit if the source is later determined not to qualify for the conditions and terms of the Permit by Rule.

3. It is the responsibility of any facility accepting a "Permit by Rule" to submit a report within 15 days following the last day of any month in which the facility exceeds the annual limit during the previous 12 months or monthly limit during the previous month. The report shall include the following:
 - (i) Facility name, ID, and location.
 - (ii) The "Permit by Rule" name, number and applicable limits.
 - (iii) A summary of the records showing the exceedance along with an explanation.
 - (iv) What the facility plans to do to prevent future occurrences.

(b) Permit by Rule Standards.

1. Fuel-Burning Equipment Burning Natural Gas/LPG and/or Distillate Oil.
 - (i) Notwithstanding any other provision of these Rules, this standard applies to facilities with external combustion fuel burning equipment rated at less than or equal to 100 million BTU per hour, with a potential to emit in excess of the Part 70 major source threshold, without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Facilities for which the only source of regulated air pollutants from external combustion fuel-burning equipment (excluding turbines) is from equipment permitted to burn natural gas/LPG and/or distillate oil exclusively shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit. All facilities located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale,

which were granted a Permit by Rule by certification letter dated prior to January 1, 2004 and which seek to continue to operate under this Permit by Rule, shall submit a new written certification of compliance with revised paragraphs (I) and (II) by no later than October 31, 2004.

- (I) Monitoring and Record keeping. A log of the monthly fuel use must be kept. The total fuel usage for the previous twelve consecutive months must be included in each month's log. Consumption of distillate oil shall be recorded in gallons, consumption of LPG shall be recorded in gallons and consumption of natural gas shall be recorded in cubic feet. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.
- (II) Fuel Usage. Facility fuel usage shall be limited to 900 million cubic feet of natural gas (or 7.0 million gallons of LPG) and 1.6 million gallons of distillate oil during any twelve consecutive months except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale, where fuel usage shall be limited to 300 million cubic feet of natural gas (or 1.5 million gallons of LPG) and 500,000 gallons of distillate oil during any twelve consecutive months.

2. Fuel-Burning Equipment Burning Natural Gas/LPG and/or Residual Oil.

- (i) Notwithstanding any other provision of these Rules, this standard applies to facilities with external combustion fuel burning equipment rated at less than or equal to 100 million BTU per hour, with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Facilities for which the only source of regulated air pollutants from external combustion fuel burning equipment is from equipment permitted to burn only natural gas/LPG and/or residual fuel oil exclusively shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that have potential emissions greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit. All facilities located in the counties of Cherokee, Clayton,

Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale, which were granted a Permit by Rule by certification letter dated prior to January 1, 2004 and which seek to continue to operate under this Permit by Rule, shall submit a new written certification of compliance with revised paragraphs (I) and (II) by no later than October 31, 2004.

- (I) Monitoring and Recordkeeping. A log of the monthly fuel use must be kept. The total fuel usage for the previous twelve consecutive months must be included in each month's log. Consumption of residual fuel oil shall be recorded in gallons, consumption of LPG shall be recorded in gallons and consumption of natural gas shall be recorded in cubic feet. This log shall be kept for five years past the date of last entry. The log shall be available for inspection or submittal to the Division.
- (II) Fuel Usage. Annual facility fuel usage shall be limited to 1,000 million cubic feet of natural gas (or 7.5 million gallons of LPG) and 400,000 gallons residual fuel oil during any twelve consecutive months except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale, where fuel usage shall be limited to 300 million cubic feet of natural gas (or 1.5 million gallons of LPG) and 200,000 gallons of residual fuel oil.

3. On-Site Power Generation.

- (i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Facilities that operate internal combustion engines for purposes of generating emergency power, peaking power, and/or temporary on-site power and where such equipment burns natural gas/LPG, #1 fuel oil (kerosene/JP4 or JP5) and/or #2 fuel oil/diesel exclusively shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit. All facilities located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton,

Gwinnett, Henry, Paulding, and Rockdale, which were granted a Permit by Rule by certification letter dated prior to January 1, 2004 and which seek to continue to operate under this Permit by Rule, shall submit a new written certification of compliance with revised paragraphs (I) and (II) by no later than October 31, 2004.

- (I) **Monitoring and Record Keeping.** A log of the monthly total horsepower-hours for the facility based on the number of hours of operation of each unit per month times the maximum horsepower rating of that unit must be included in each month's log. The total horsepower-hours for the previous twelve consecutive months must be included in each month's log. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.
- (II) **Power Production Limits.** A facility's power generation is limited to a total of no more than 6.7 million horsepower-hours during any twelve consecutive months except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale counties, where the total is no more than 1.675 million horsepower-hours during any twelve consecutive months.

4. Concrete Mixing Plants.

- (i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Concrete mixing plants shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that would otherwise have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit.
- (I) **Monitoring and Recordkeeping.** A log of the monthly production must be kept. The total production for the previous twelve consecutive months must be included in each month's log. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.

- (II) Annual Production. Production on the plant site shall be limited to 600,000 cubic yards during any twelve consecutive months.

5. Hot Mix Asphalt Plants.

- (i) Notwithstanding any other provision of these Rules, this standard applies to hot mix asphalt facilities with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Hot mix asphalt plants shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that would otherwise have potential emissions of greater than major source thresholds or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit. All facilities located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale, which were granted a Permit by Rule by certification letter dated prior to January 1, 2004 and which seek to continue to operate under this Permit by Rule, shall submit a new written certification of compliance with revised paragraphs (I) and (II) by no later than October 31, 2004.

(I) Monitoring and Record Keeping.

- I. New asphalt plants (which commenced construction or modification after June 11, 1973) permitted to burn natural gas/LPG and/or distillate oil only shall maintain a monthly log of production and hours of operation. The total production and hours of operation for the previous twelve consecutive months must be included in each month's log. These logs shall be kept for five years from the date of last entry and shall be available for inspection and/or submittal to the Division.
- II. New and existing asphalt plants permitted to burn natural gas/LPG, distillate oil, and residual oil in any combination shall maintain a monthly log of production, hours of operation and monthly fuel use. The total production, hours of operation and fuel oil usage for the previous twelve consecutive months must be included in each month's log. Fuel oil

certifications showing sulfur content equal to or less than 1.5% shall also be maintained. These logs and certifications shall be kept for five years from the date of last entry and shall be available for inspection and/or submittal to the Division.

(II) Annual Production.

- I. New asphalt plants (which commenced construction or modification after June 11, 1973) permitted to burn natural gas/LPG and/or distillate oil only shall limit:
 - A. Production to 400,000 tons during any twelve consecutive months; and
 - B. Operations to 3000 hours during any twelve consecutive months.
- II. New and existing asphalt plants permitted to burn natural gas/LPG, distillate oil, and residual oil in any combination shall limit:
 - A. Production to 200,000 tons during any twelve consecutive months;
 - B. Fuel sulfur content to less than or equal to 1.5%;
 - C. Operation to 3000 hours during any twelve consecutive months; and
 - D. Fuel oil usage to 678,000 gallons during any twelve consecutive months.
- III. New asphalt plants (which commenced construction or modification after June 11, 1973) permitted to burn natural gas/LPG and/or distillate oil only, which are located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall limit:

- A. Production to 300,000 tons during any twelve consecutive months; and
- B. Operations to 3000 hours during any twelve consecutive months.

IV. New and existing asphalt plants permitted to burn natural gas/LPG, distillate oil, and residual oil in any combination, which are located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall limit:

- A. Production to 125,000 tons during any twelve consecutive months;
- B. Fuel sulfur content to less than or equal to 1.5%;
- C. Operation to 3000 hours during any twelve consecutive months; and
- D. Fuel oil usage to 250,000 gallons during any twelve consecutive months.

6. Cotton Ginning Operations.

- (i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Cotton ginning operations shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that have potential emissions greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit.
 - (I) Monitoring and Record keeping. A log of the monthly production must be kept. The total production for the previous twelve consecutive months must be included in each month's log. This log shall be kept for five years from the

date of last entry. The log shall be available for inspection or submittal to the Division.

- (II) Annual Production. Production shall be limited to 120,000 standard bales of cotton during any twelve consecutive months.

7. Coating and/or Gluing Operations.

- (i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in amounts equal to or exceeding the Part 70 and Part 63 major source thresholds without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 or Part 63 major source thresholds. This standard applies only to facilities:
 - (I) Where the actual VOC emissions from coating and/or gluing operations represent at least 90 percent of the plant wide actual VOC emissions; and
 - (II) Where the actual HAP emissions from coating and/or gluing operations represent at least 90 percent of the plant wide actual HAP emissions or where the actual HAP emissions from non-coating and non-gluing operations are less than 1.0 tons per year.
- (ii) This standard establishes federally enforceable conditions limiting the potential to emit for VOC and HAPs. Coating and/or gluing operations shall be deemed to have a Permit by Rule if the conditions in one of the following paragraphs (I), (II), (III) or (IV) are met. Facilities that have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I), (II), (III), or (IV) and the remainder of this subsection shall obtain a Part 70 Permit. In accordance with the General Requirements in subparagraph (11)(a)2., the owner or operator of a facility wishing to operate under this Permit-by-Rule must also declare which of the four options are going to be met.
 - (I) The owner or operator of the source shall consume less than 20,000 pounds of any VOC and/or HAP containing materials during any twelve consecutive months. A log of

the monthly consumption of VOC and/or HAP containing material must be kept. The total consumption for the previous twelve consecutive months must be included in each month's log. Records for materials (including but not limited to coatings, thinners, and solvents) shall be recorded in pounds. These records shall be maintained and made readily available for inspection for a minimum of five years upon date of entry and shall be submitted to the Division upon request.

- (II) The owner or operator of the facility shall use less than 250 total gallons each month, of coating, gluing, cleaning, and washoff materials at the facility. The owner or operator shall demonstrate compliance by maintaining records of the total gallons of coating, gluing, cleaning, and washoff materials used each month. These records shall be maintained and made readily available for inspection for a minimum of five years upon date of entry and shall be submitted to the Division upon request.
- (III) The owner or operator of the source shall use less than 3,000 total gallons per rolling 12-month period, of coating, gluing, cleaning, and washoff materials at the facility. A rolling 12-month period includes the previous 12 months of operation. The owner or operator of the facility shall demonstrate compliance by maintaining records of the total gallons of coating, gluing, cleaning, and washoff materials used each month and the total gallons used each rolling 12-month period. These records shall be maintained and made readily available for inspection for a minimum of five years upon date of entry and shall be submitted to the Division upon request.
- (IV) The owner or operator of the facility shall use materials containing less than 5 tons of any one HAP per rolling 12-month period, less than 12.5 tons of any combination of HAPs per rolling 12-month period, less than 25 tons of VOC per rolling 12-month period for sources located in ozone non-attainment counties (Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale counties), and less than 50 tons of VOC per rolling 12-month period for facilities not located in ozone non-attainment counties. The

owner or operator shall demonstrate compliance by maintaining records that demonstrate that annual emissions do not exceed these levels, including monthly usage records for each finishing, gluing, cleaning, and washoff material used to include the VOC and individual HAP content of each material; certified product data sheets for these materials; summation of VOC and individual and total HAP usage on a monthly basis; and the total VOC and individual and total HAP usage each rolling 12-month period and any other records necessary to document emissions. These records shall be maintained and made readily available for inspection for a minimum of five years upon date of entry and shall be submitted to the Division upon request.

- (iii) The owner or operator that chooses to comply with this Permit by Rule for Coating and/or Operations shall maintain all purchase orders and/or invoices of materials containing VOC's and HAP's for a minimum of five years. These purchase orders and/or invoices must be made available to the Division upon request for use in confirming the general accuracy of the records retained and reports submitted.
- (iv) For the purpose of this paragraph, the following definitions apply:
 - (I) "Certified product data sheet (CPDS)" means documentation furnished by coating or adhesive suppliers or an outside laboratory that provides the Volatile Hazardous Air Pollutant (VHAP), as listed in Table 2 of 40 CFR Part 63, Subpart JJ, content of a finishing material, contact adhesive, or solvent, by percent weight, measured using Method 311 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants (PTM), or an equivalent or alternative method [or formulation data if the coating meets the criteria specified in 40 CFR 63.805(a)]; the solids content of a finishing material or contact adhesive by percent weight, determined using data from Method 24 of the Georgia PTM as referenced in this section, or an alternative or equivalent method [or formulation data if the coating meets the criteria specified in 40 CFR 63.805(a)]; and the density, measured by Method 24 of the Georgia PTM as referenced in this section or an alternative or equivalent method. Therefore,

the reportable VHAP content shall represent the maximum aggregate emissions potential of the finishing material, adhesive, or solvent in concentrations greater than or equal to 1.0 percent by weight or 0.1 percent for VHAP that are carcinogens, must be reported on the CPDS. The purpose of the CPDS is to assist the affected source in demonstrating compliance with the emission limitations presented in subparagraph (11)(b)7.(ii)(IV).

(Note: Because the optimum analytical conditions under Method 311 vary by coating, the coating or adhesive supplier may also choose to include on the CPDS the optimum analytical conditions for analysis of the coating, adhesive, or solvent using Method 311. Such information may include, but not be limited to, separation column, oven temperature, carrier gas, injection port temperature, extraction solvent, and internal standard.)

- (II) "Coating" means a protective, decorative, or functional film applied in a thin layer to a surface. Such materials include, but are not limited to, paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, enamels, inks, and temporary protective coatings. Aerosol spray paints used for touch-up and repair are not considered coatings under this section of the rule.
- (III) "Gluing" means those operations in which adhesives are used to join components, for example, to apply a laminate to a wood substrate or foam to fabric.

8. Printing Operations.

- (i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Printing operations shall be deemed to have a Permit by Rule if the conditions in paragraph (I), and (II) are met. Facilities that have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit.

- (I) Monitoring and Record keeping. A log of the monthly consumption of VOC and/or Hazardous Air Pollutant containing material must be kept. The total consumption for the previous twelve consecutive months must be included in each month's log. Records for materials (including but not limited to inks, thinners, and solvents) shall be recorded in pounds. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.
- (II) Annual consumption. The consumption of any VOC and/or Hazardous Air Pollutant emitting materials (including but not limited to inks, thinners, and solvents) by the facility shall be limited to 20,000 pounds during any twelve consecutive months.

9. Non-Reactive Mixing Operations.

- (i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Non-reactive mixing operations shall be deemed to have a Permit by Rule if the conditions in paragraphs (I) through (V) are met. Facilities that have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in this rule shall obtain a Part 70 Permit.
 - (I) Monitoring and Record keeping. A monthly log of materials mixed must be kept. The mixing total for the previous twelve consecutive months must be included in each month's log. Records for materials (including but not limited to coatings, thinners, and solvents) shall be recorded in pounds. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.
 - (II) Annual mixing limit. Materials mixed shall be limited to 500 tons during any twelve consecutive months.
 - (III) Mixing/blending tanks shall be equipped with lids.

- (IV) Tank lids must be closed at all times during operation except when charging raw materials, retrieving samples, or discharging finished product.
- (V) Mixing tanks must be maintained at a temperature of less than 150°F.

10. Fiberglass Molding and Forming Operations.

- (i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Fiberglass molding operations shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that have potential emissions greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit.
 - (I) Monitoring and Record keeping. A log of the combined monthly usage of polyester resin and gel coat must be kept. The previous twelve consecutive month material usage total must be included in each month's log. Records for the combined weight of polyester resin and gel coat shall be recorded in pounds. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.
 - (II) Material Usage. Annual facility material usage shall be limited to 89,000 pounds during any twelve consecutive months for any combination of hand and spray lay-up operations. Annual facility material usage shall be limited to 120,000 pounds during any twelve consecutive months for spray lay-up operations only. This material input must represent the combined weight of polyester resin and gel coat used during any twelve consecutive months.

11. Peanut/Nut Shelling Operation.

- (i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are

federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source threshold. Peanut/nut shelling facilities shall be deemed to have a Permit by Rule if the conditions in paragraph (I), (II) and (III) are met. Facilities that have potential emissions greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraph (I), (II) and (III) shall obtain a Part 70 Permit.

- (I) **Monitoring and Recordkeeping.** A log of the monthly unshelled peanuts/nuts processed must be kept. The total amount of unshelled peanuts/nuts processed for the previous 12 consecutive months must be included in each month's log. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.
 - (II) **Annual Process input:** Facility process input shall be limited to 130,000 tons of unshelled nuts during any twelve consecutive months.
 - (III) **Annual hours of operation** shall not exceed 5000 hours during any twelve consecutive months.
- (ii) For the purposes of this standard, the term process, as it applies to peanut/nut shelling facilities, shall include all of the activities associated with the nut shelling process from nut drying, cleaning, shelling, to and including product and waste material handling at the facility.

(12) Generic Permit.

- (a) **Under penalty** of law, the holder of any Air Quality General Generic Permit must adhere to the terms, limitations, and conditions of that permit and subsequent revisions of that permit.
- (b) **The limitations,** controls, and requirements in federally enforceable operating permits are permanent, quantifiable, and otherwise enforceable as a practical matter.
- (c) **Prior to the issuance** of any federally enforceable operating permit, EPA and the public will be notified and given a chance for comment on the draft permit.

(13) Emission Reduction Credits.

(a) **Applicability.**

This section provides for the creation, banking, transfer, and use of nitrogen oxides and VOC Emission Reduction Credits in Federally designated ozone non-attainment areas in Georgia and any areas designated by the Director as contributing to the ambient air level of ozone in Federally designated ozone non-attainment areas in Georgia. The following sources are eligible to create and bank nitrogen oxides and VOC Emission Reduction Credits:

1. [reserved]
2. Any stationary source located within the counties of Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale and which has the potential to emit nitrogen oxides or VOCs in amounts greater than 100 tons-per-year.
3. Electrical Generating Units located at any stationary source within the counties of Banks, Barrow, Butts, Carroll, Chattooga, Clarke, Dawson, Floyd, Gordon, Hall, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Spalding, Troup, Upson, and Walton and which has the potential to emit nitrogen oxides in amounts greater than 100 tons-per-year.

(b) **Eligibility of Emission Reductions.**

1. In order to be approved by the Division as an Emission Reduction Credit, a reduction in emissions must be real, permanent, quantifiable, enforceable, and surplus and shall have occurred after December 31, 1996.
2. To be eligible for consideration as Emission Reduction Credits, emission reductions may be created by any of the following methods:
 - (i) Installation of control equipment;
 - (ii) A change in process inputs, formulations, products or product mix, or raw materials;
 - (iii) A reduction in actual emission rate;
 - (iv) A reduction in operating hours;
 - (v) Production curtailment;

- (vi) Shutdown of emitting sources or facilities; or
- (vii) Any other enforceable method as determined by the Division.

(c) Quantification of Emission Reduction Credits.

1. For purposes of calculating the amount of emission reduction that can be quantified as an Emission Reduction Credit, the following procedures must be followed:
 - (i) The source must calculate its average actual annual emissions prior to the emission reduction. Actual emissions prior to the reduction shall be calculated in tons per year. In calculating average actual annual emissions prior to the emission reduction, the source shall use data from the 24-month period immediately preceding the reduction in emissions. The Division may allow the use of a different time period upon determination that such period is more representative of normal source operation.
 - (ii) The Emission Reduction Credit generated by the emission reduction shall be calculated by subtracting the allowable annual emissions rate following the reduction from the average actual annual emissions prior to the reduction.

(d) Discounting and Revocation of Emission Reduction Credits.

1. Except as provided below, the Director shall not discount or otherwise reduce the value of Emission Reduction Credits banked under this section.
 - (i) [reserved]
 - (ii) Discounting Based on Time Banked.

Emission Reduction Credits banked under this section will not expire at any time. However, Emission Reduction Credits will be discounted at a rate of 10 percent of the original Emission Reduction Credit value per year beginning on the 11th anniversary of the date on which the reduction in emissions initially occurred, up to a maximum total discount of 50 percent of the original Emission Reduction Credit value on the 15th anniversary of the date on which the reduction in emissions initially occurred. Annual discounting under this subsection (ii) shall not occur if the affected Emission Reduction Credits have already been discounted by 50% or more under the following subsection (iii) due to the

promulgation of more stringent regulations affecting the source category that created the Emission Reduction Credits.

(iii) Discounting for More Stringent Regulations.

If any State or Federal statute, rule, or regulation decreases an allowable emission rate or otherwise requires a reduction in nitrogen oxides or VOC from a particular source category or categories, any banked nitrogen oxides or VOC Emission Reduction Credits created by that source category or categories shall be reduced to reflect the new more stringent allowable emission limit or required reduction.

(iv) Discounting or Revocation for Cause.

The Director may revoke, suspend, or reduce the value of Emission Reduction Credits for cause, including evidence of noncompliance with permit conditions imposed to make the emission reductions permanent and enforceable; failure to achieve in practice the emission reductions on which the Emission Reduction Credits are based; or misrepresentations made in the Emission Reduction Credit application or any other applications on which the Emission Reduction Credits are based, supporting data entered therein or attached thereto, or any subsequent submittal or supporting data.

2. The owner of a Certificate of Emissions Reduction Credit may submit an application to re-evaluate a Certificate of Emission Reduction Credit to determine whether the amount of credits specified in the Certificate of Emission Reduction Credit has been discounted or revoked in accordance with subparagraph 1., above. Such application shall be submitted on forms and contain information specified by the Division.

(e) Creation and Banking of Emission Reduction Credits.

1. Sources seeking to create and bank Emission Reduction Credits must submit an application on forms supplied by the Division and signed by the applicant. The application shall include, at a minimum, the following information:
 - (i) The company name, contact person and phone number, and street address of the source seeking the Emission Reduction Credit;

- (ii) A description of the type of source, including SIC code, where the proposed emission reduction shall occur;
 - (iii) A detailed description of the method or methods to be employed by the source to create the emission reduction;
 - (iv) The date the emission reduction occurred or is to occur;
 - (v) Quantification of the Emission Reduction Credit, as required under subsection (c);
 - (vi) The proposed method for ensuring the reductions are permanent and enforceable, including any necessary application to amend the source's operating permit or, in the case of a shutdown of process equipment or an entire source, request for permit revocation;
 - (vii) Whether any portion of the reduction in emissions to be used to create the Emission Reduction Credit has previously been used to avoid New Source Review through a "netting demonstration;" and
 - (viii) Any other information that may be required to demonstrate that the reduction in emissions is real, permanent, quantifiable, enforceable, and surplus, as defined in subsection (b).
2. The Division will determine whether the application is complete and will notify the source seeking the Emission Reduction Credit of its determination. A Certificate of Emission Reduction Credit will be issued to the source upon a determination by the Director that the emission reduction meets the requirements of this section. Upon issuance of the Certificate, the Division will simultaneously take any action required to ensure the reduction is permanent and enforceable, including issuance of a revised permit or revocation of a permit.
3. Certificates of Emission Reduction Credit shall be issued by the Director and shall contain the following information:
- (i) The amount of the credit, in tons per year;
 - (ii) The pollutant reduced (nitrogen oxides or VOC);
 - (iii) The date the reduction occurred;
 - (iv) The street address and county of the source where the reduction occurred; and

(v) The date of issuance of the Certificate.

4. The Division shall maintain an Emission Reduction Credit registry that constitutes the official record of all Certificates of Emission Reduction Credit issued and all withdrawals made. The registry shall be available for public review. For each certificate issued, the registry will indicate the amount of the Emission Reduction Credit, the pollutant reduced, the location of the facility generating the Emission Reduction Credit, and the facility contact person.

(f) Use of Emission Reduction Credits.

1. Emission Reduction Credits may be used in any manner authorized under this subsection (f).
2. Persons holding Emission Reduction Credits may withdraw the Emission Reduction Credits and may dispose of them in any manner not inconsistent with this Section.
3. An Emission Reduction Credit may be withdrawn only by the owner of record or by the Director and may be withdrawn in whole or in part. In the case of a partial withdrawal, the Division shall issue a revised certificate of Emission Reduction Credit to the owner of record reflecting the new amount of the credit and shall revoke the original Certificate.
4. Emission Reduction Credits may be used for the following purposes:
 - (i) As offsets required by Section 391-3-1-.03(8) for a major new source of nitrogen oxides or VOC in a federally designated ozone non-attainment area, or an area designated by the Director as an area contributing to the ambient concentration of ozone in a federally designated ozone non-attainment area;
 - (ii) As offsets required by Section 391-3-1-.03(8) for a major modification to an existing major source of nitrogen oxides or VOC in a federally designated ozone non-attainment area, or an area designated by the Director as an area contributing to the ambient concentration of ozone in a federally designated ozone non-attainment area;
 - (iii) As part of a netting demonstration under the following conditions:

- (I) The source using the Emission Reduction Credits is the same source that created and banked the Emission Reduction Credits, and;
 - (II) The emission reduction represented by the Emission Reduction Credits occurred within the five-year period before construction commences on the modification; or
 - (iv) As internal offsets under Section 391-3-1-02(8)(c)(13)(iii) and (iv) of these Rules provided that the source using the Emission Reduction Credits is the same source that created and banked the Emission Reduction Credits.
5. Emission Reduction Credits can only be used to offset emissions of the same pollutant that was reduced by the source that created and banked the Emission Reduction Credit.
 6. Emission reduction credits used as offsets as required by Section 391-3-1-.03(8) within a federally designated ozone non-attainment area shall have been created within that federally designated ozone non-attainment area. Emission reduction credits created within any area designated by the Director as contributing to the ambient air level of ozone in a federally designated ozone non-attainment area may not be used as offsets as required by Section 391-3-1-.03(8) in that federally designated non-attainment area.

(g) Transfer of Certificates of Emission Reduction Credit.

1. If the owner of a Certificate of Emission Reduction Credit transfers the Certificate to a new owner, the Division shall issue a Certificate of Emission Reduction Credit to the new owner and shall revoke the certificate held by the current owner of record.
2. If the owner of a Certificate of Emission Reduction Credit transfers part of the Emission Reduction Credits represented by the Certificate to a new owner, the Division shall issue a Certificate of Emission Reduction Credit to the new owner reflecting the transferred amount and shall issue a Certificate of Emission Reduction Credit to the current owner of record reflecting the amount of Emission Reduction Credit remaining after the transfer. The original Certificate of Emission Reduction credit shall be revoked.

(h) Administrative Fees.

1. Any Source or person seeking to create, certify, bank, use, transfer, or re-evaluate Emission Reduction Credits shall pay fees to the Division in accordance with the following schedule:
 - (i) \$6000 per application to create, certify and bank emission credits in accordance with subparagraph (e) of this paragraph.
 - (ii) \$3500 per application to use a banked emission credit in accordance with subparagraph (f)4. of this paragraph. If the Certificate of Emission Reduction Credit has either been transferred in accordance with subparagraph (g) of this paragraph or re-evaluated in accordance with subparagraph (d)2. of this paragraph, or both, within 12 months prior to submission of an application to use a banked emission credit, the administrative fee to use a banked emission credit shall be reduced by the amount administrative fee(s) paid to the Division for transfer and re-evaluation. The 12-month period shall be based on the date of issuance of the new Certificate of Emission Reduction Credit to the new owner (for a transfer) or the date of written notification of the owner of the results of the re-evaluation by the Division (for a re-evaluation).
 - (iii) \$3000 per application to transfer a Certificate of Emission Reductions Credit as per subparagraph (g) of this paragraph. If a re-evaluation of the Certificate of Emission Reduction Credit has been completed by the Division in accordance with subparagraph (d)2. of this paragraph within 12 months prior to submission of an application to transfer the Certificate of Emission Reduction Credit, the administrative fee to transfer the Certificate of Emission Reduction Credit shall be reduced by the amount administrative fee paid for re-evaluation. The 12-month period shall be based on the date of written notification of the owner of the results of the re-evaluation by the Division.
 - (iv) \$2500 per application to re-evaluate an Certificate of Emission Reduction Credit as per subparagraph (d)2. of this paragraph.
2. Payment of administrative fees required by this subsection shall be submitted along with an application to create, certify, bank, use, transfer, or re-evaluate Emission Reduction Credits.

(i) **Definitions.**

For the purposes of this section, the following definitions shall apply:

1. "Electrical Generating Unit" means a fossil fuel fired stationary boiler, combustion turbine, or combined cycle system that serves a generator that produces electricity for sale.
2. "Enforceable" means enforceable by the Division. Methods for ensuring that Emission Reduction Credits are enforceable shall include, but not be limited to, conditions in air quality construction or operating permits issued by the Division.
3. "Netting Demonstration" means the act of calculating a "net emissions increase" under the preconstruction review requirements of Title I, Part D of the Federal Act and the regulations promulgated thereunder.
4. "Permanent" means assured for the life of the corresponding Emission Reduction Credit through an enforceable mechanism such as a permit condition or revocation.
5. "Quantifiable" means that the amount, rate and characteristics of the Emission Reduction Credit can be estimated through a reliable method and are approved by the Division.
6. "Real" means a reduction in actual emissions emitted into the air.
7. "Surplus" means not required by any local, state, or federal law, regulation, order, or requirement and in excess of reductions used by the Division in issuing any other permit or to demonstrate attainment of federal ambient air quality standards or reasonable further progress towards achieving attainment of federal ambient air quality standards. For the purpose of determining the amount of surplus emission reductions, any seasonal emission limitation or standard shall be assumed to apply throughout the year. Emission reductions which have previously been used to avoid New Source Review through a netting demonstration are not considered surplus.

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Rule 391-3-1-.04. Air Pollution Episodes.

(1) **General:** In order to prevent the excessive buildup of air contaminant concentrations during an Air Pollution Episode great enough to cause danger to the public health, the Director will proclaim that an Air Pollution Episode exists when the accumulation of air contaminants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons in the specific area affected. The proclamation of an Air Pollution Episode can be for a specific, limited area affected by certain emissions. In making this determination, the Director will be guided by the following criteria:

(a) **Alert:** The Director will proclaim that an Air Pollution Alert exists when any one of the following air contaminant concentrations is measured at any monitoring site and meteorological conditions are such that pollutant concentrations can be expected to remain at these levels for 12 or more hours or can be expected to increase, or, for ozone, when the situation is likely to recur within the next 24 hours:

1. Sulfur Dioxide - 800 micrograms per cubic meter (0.3 parts per million), 24-hour average.
2. Particulate Matter 10 microns or less (PM₁₀) - 350 micrograms per cubic meter, 24-hour average.
3. Particulate Matter 2.5 microns or less (PM_{2.5}) - 150 micrograms per cubic meter, 24-hour average.
4. Carbon Monoxide - 17 milligrams per cubic meter (15 parts per million), 8-hour average.
5. Ozone (O₃) - 170 parts per billion, 8-hour average.
6. Nitrogen Dioxide
 - (i) 1130 micrograms per cubic meter (1.2 parts per million), 1-hour average.
 - (ii) 282 micrograms per cubic meter (0.3 parts per million), 24-hour average.

(b) **Warning:** The Director will proclaim that an Air Pollution Warning exists when any one of the following air contaminant concentrations is measured at any monitoring site and meteorological conditions are such that pollutant concentrations can be expected to remain at these levels for 12 or more hours or can be expected to increase, or for ozone, when the situation is likely to recur within the next 24 hours, unless control actions are taken:

1. Sulfur Dioxide - 1,600 micrograms per cubic meter (0.6 parts per million), 24-hour average.

2. Particulate Matter 10 microns or less (PM₁₀) - 420 micrograms per cubic meter, 24-hour average.
3. Particulate Matter 2.5 microns or less (PM_{2.5}) - 200 micrograms per cubic meter, 24-hour average.
4. Carbon Monoxide - 34 milligrams per cubic meter (30 parts per million), 8-hour average.
5. Ozone (O₃) - 200 parts per billion, 8-hour average.
6. Nitrogen Dioxide
 - (i) 2,260 micrograms per cubic meter (1.2 parts per million), 1-hour average.
 - (ii) 565 micrograms per cubic meter (0.3 parts per million), 24-hour average.

(c) **Episode Criteria - Emergency:** The Director will proclaim that an Air Pollution Emergency exists when any one of the following contaminant concentrations is measured at any monitoring site and meteorological conditions are such that pollutant concentrations can be expected to remain at these levels for 12 or more hours or can be expected to increase, or for ozone, when the situation is likely to recur within the next 24 hours, unless control actions are taken:

1. Sulfur Dioxide - 2,100 micrograms per cubic meter (0.8 parts per million), 24-hour average.
2. Particulate Matter 10 microns or less (PM₁₀) - 500 micrograms per cubic meter, 24-hour average.
3. Particulate Matter 2.5 microns or less (PM_{2.5}) - 210 micrograms per cubic meter, 24-hour average.
4. Carbon Monoxide - 46 milligrams per cubic meter (40 parts per million), 8-hour average.
5. Ozone (O₃) - 250 parts per billion, 8-hour average.
6. Nitrogen Dioxide
 - (i) 3,000 micrograms per cubic meter (1.6 parts per million), 1-hour average.

(ii) 750 micrograms per cubic meter (0.4 parts per million), 24-hour average.

- (d) **Episode Criteria - Termination:** Once proclaimed by the Director, an air pollution episode level will remain in effect until the criteria for air contaminant concentrations applicable to the respective level are no longer met. At such time, the next lower status will be assumed.
- (e) **Status Declaration Authority:** The Director shall have the authority to make public declarations of Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency Status [as defined in **Emergency Air Episode Plan for the State of Georgia** (dated July 2008)] as the Director or agent deems appropriate.

(2) **Emission Reduction Standby Plans:**

- (a) Upon the request of the Director, any source owner, operator, or lessee shall prepare and furnish to the Director a written Emission Reduction Standby Plan for use in reducing the emission of air contaminants when the source is notified of the existence of an Air Pollution Warning or Emergency in its area of influence. Such plans shall identify the sources of air contaminants, the amount of reduction to be achieved, the method by which the reduction will be accomplished, and the times required to put each such reduction step into effect. The plan will specify progressively more stringent control actions to be taken at each of the air pollution episode levels. The submitted Emission Reduction Standby Plan shall be subject to review and approval by the Director. If the plan is judged to be inadequate by the Director, it shall be disapproved and an amended plan will be prepared and resubmitted by the source owner, operator, or lessee.
- (b) When notified by the Director of the existence of an Air Pollution Episode of Warning or Emergency in an area influenced by its emissions, the source owner, operator, or lessee shall immediately put into effect the control actions enumerated in the approved Emission Reduction Standby Plan on file with the Director, as appropriate for the specific episode level in effect.
- (c) During an Air Pollution Episode of Warning or Emergency Status, Emission Reduction Standby Plans as required by subparagraph (2) shall be made available on the premises to any person authorized to enforce the provisions of applicable rules and regulations.

- (3) **Emission Reduction Measures:** Emission reduction measures outlined in the **Emergency Air Episode Plan for the State of Georgia** (dated July 2008) may be taken by the Director upon his or her declaration that an Air Pollution Episode exists for any air contaminants for which air standards have been adopted.

Cite as Ga. Comp. R. & Regs. R. 391-3-1-.04

Authority: O.C.G.A. Sec. [12-9-1](#) *et seq.*

History. Original Rule entitled "Air Pollution Episodes" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Amended: F. Oct. 31, 1975; eff. Nov. 20, 1975.

Amended: F. Mar. 23, 2009; eff. Apr. 12, 2009.

Amended: F. June 30, 2009; eff. July 20, 2009.

Rule 391-3-1-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-1-.05

Authority: Authority O.C.G.A. Sec. [12-9-1](#) *et seq.*

History. Original Rule entitled "Variances" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Regulatory Exceptions" adopted. F. Mar. 20, 1979; eff. Apr. 9, 1979.

Repealed: New Rule of same title adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. June 23, 2006; eff. July 13, 2006.

Rule 391-3-1-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-1-.06

Authority: Ga. L. 1967, p. 581 *et seq.*

History. Original Rule entitled "Water Quality Control" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: F. Oct. 31, 1975; eff. Nov. 20, 1975.

Rule 391-3-1-.07. Inspections and Investigations.

In carrying out the provisions of these rules and regulations, the Director, or his duly authorized representative, shall have the power to enter at reasonable times upon any private or public property, and the owner, managing agent, or occupant of such property, shall permit such entry for the purpose of inspecting and investigating conditions relating to pollution or the possible pollution of the air of the State.

Cite as Ga. Comp. R. & Regs. R. 391-3-1-.07

Authority: Ga. L. 1967, p. 581 *et seq.*, Ga. L. 1972, pp. 1015, 1058.

History. Original Rule entitled "Inspections and Investigations" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Amended: F. Oct. 31, 1975; eff. Nov. 20, 1975.

Rule 391-3-1-.08. Confidentiality of Information.

Information relating to secret processes, devices, or methods of manufacture or production obtained by the Division shall be kept confidential. Provided, however, reports on the nature and amounts of stationary source emissions obtained by the Division shall be available for public inspections from the Division.

Cite as Ga. Comp. R. & Regs. R. 391-3-1-.08

Authority: Ga. L. 1967, p. 581 *et seq.*, Ga. L. 1975, p. 1522.

History. Original Rule entitled "Confidentiality of Information" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.
Amended: F. Oct. 31, 1975; eff. Nov. 20, 1975.

Rule 391-3-1-.09. Enforcement.

- (1) The administration and enforcement of these rules and regulations shall be as prescribed in the Act (O.C.G.A. Section [12-9-1](#), *et seq.*, as amended) and in compliance with the applicable minimum requirements as prescribed by the Georgia Administrative Procedures Act (O.C.G.A. Section [50-13-1](#), *et seq.*, as amended).
- (2) To the extent provided by law, the Director will make every effort to remedy any violation of the provisions of this Act, the rules and regulations promulgated thereunder or any order of the Director, by conference, conciliation and persuasion prior to undertaking enforcement action in accordance with the Act.

Cite as Ga. Comp. R. & Regs. R. 391-3-1-.09

Authority: O.C.G.A. Sec. [12-9-1](#) *et seq.*

History. Original Rule entitled "Enforcement" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Amended: F. Oct. 31, 1975; eff. Nov. 20, 1975.

Repealed: New Rule of same title adopted. F. Mar. 20, 1979; eff. Apr. 9, 1979.

Amended: F. Nov. 2, 1992; eff. Nov. 22, 1992.

Rule 391-3-1-.10. Continuance of Prior Rules.

In furtherance of the legislative intent expressed in O.C.G.A. Section [12-9-20](#), all rules or regulations, or amendments thereof, promulgated or enacted by the board of Natural Resources prior to the effective date of the Georgia Air Quality Act, (Georgia Law 1992, p. 2886, *et seq.*) are hereby readopted and continued as so amended, as rules or regulations adopted under the authority of the Georgia Air Quality Act. As readopted, such rules or regulations are and shall be subject to all revisions, repeals, additions, or amendments promulgated or adopted by the Board of Natural Resources subsequent to June 30, 1992.

Cite as Ga. Comp. R. & Regs. R. 391-3-1-.10

Authority: O.C.G.A. Sec. [12-9-1](#) *et seq.*

History. Original Rule entitled "Continuance of Prior Rules" adopted. F. Mar. 20, 1979; eff. Apr. 9, 1979.

Amended: F. Nov. 2, 1992; eff. Nov. 22, 1992.

Rule 391-3-1-.11. Small Business Stationary Source Technical and Environmental Compliance Assistance Program Administration.

Pursuant to the Georgia Air Quality Act, O.C.G.A. Section [12-9-25](#), the Manager shall administer the small business stationary source technical and environmental compliance assistance program.

Cite as Ga. Comp. R. & Regs. R. 391-3-1-.11

Authority: O.C.G.A. & 12-9-1, et seq., as amended.

History. Original Rule entitled "Small Business Assistance Administration" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Amended: New title "Small Business Stationary Source Technical and Environmental Compliance Assistance Program Administration." F. July 3, 2018; eff. July 23, 2018.

Rule 391-3-1-.12. Duties of the Small Business Stationary Source Technical and Environmental Compliance Assistance Program.

The small business stationary source technical and environmental compliance assistance program, in order to effectively assist small businesses with stationary sources, shall carry out the following duties or responsibilities:

- (a) Participate in and/or sponsor meetings and conferences with small business representatives, State regulatory officials, and/or industry groups to promote cooperation and further compliance by small business stationary sources with the Act and Rules;
- (b) Develop, collect, coordinate, and/or disseminate information to small businesses concerning compliance methods and technologies for small business stationary sources;
- (c) Assist small business stationary sources in understanding compliance requirements, pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes, products and/or methods of operation that help reduce air pollution, and other areas concerning technical and environmental compliance;
- (d) Assist small business stationary sources in determining applicable requirements and obtaining permits under the Act and Rules;
- (e) Facilitate the participation of small businesses in the development of new regulations that impact small business stationary sources;
- (f) Assure that the language in public information documents regarding proposed and final Rules applicable to small business stationary sources is readily understandable by the lay person;
- (g) Assist small business stationary sources in assuring receipt of notices of their rights under the Act to assure reasonably adequate time for evaluation of compliance methods and applicable proposed and/or final regulations;
- (h) Provide information to small business stationary sources regarding their obligations under the Act and Rules, including the referral of such sources to qualified auditors for providing audits of the operations of such sources to determine compliance with the Act and Rules;

- (i) Serve as the Secretariat for the development and dissemination of small business compliance advisory panel reports and advisory opinions, and provide administrative and logistical support to the small business compliance advisory panel; and
- (j) Carry out any and all duties and responsibilities which may be delegated to the small business stationary source technical and environmental compliance assistance program pursuant to O.C.G.A. Section [12-9-25](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-1-.12

Authority: O.C.G.A. &12-9-1, *et seq.*, as amended.

History. Original Rule entitled "Duties of the Small Business Ombudsman Office" adopted F. Nov. 2, 1992; eff. Nov. 22, 1992.

Amended: F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. Jul. 12, 2013; eff. Aug. 1, 2013.

Amended: New title "Duties of the Small Business Stationary Source Technical and Environmental Compliance Assistance Program." F. July 3, 2018; eff. July 23, 2018.

[Rule 391-3-1-.13. Acid Rain.](#)

40 CFR part 72 and 40 CFR part 76, as amended, are hereby adopted and incorporated by reference for purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act. The term "permitting authority" shall mean the Director of the Environmental Protection Division, Department of Natural Resources, State of Georgia and the term "Administrator" shall mean the Administrator of the United States Environmental Protection Agency. If the provisions or requirements of 40 CFR part 72 conflict with or are not included in Section [391-3-1-.03\(10\)](#) of these Rules, the part 72 provisions and requirements shall apply and take precedence.

Cite as Ga. Comp. R. & Regs. R. 391-3-1-.13

Authority: O.C.G.A. Sec. 12-9, [12-9-1](#) *et seq.* The Georgia Air Quality Act.

History. Original Rule entitled "Acid Rain" adopted. F. May 24, 1994; eff. June 13, 1994.

Amended: F. Jun. 3, 1997; eff. Jun. 23, 1997.

Amended: F. Jun. 18, 1999; eff. July 8, 1999.

[Rule 391-3-1-.14. General Conformity.](#)

40 CFR Part 51, Subpart W, as amended April 5, 2010, is hereby incorporated and adopted by reference for the purpose of implementing Section 176 (c) of the Clean Air Act, with respect to the conformity of general federal actions to the applicable implementation plan.

Cite as Ga. Comp. R. & Regs. R. 391-3-1-.14

Authority: The Georgia Air Quality Act, O.C.G.A. Section 12-9, *et seq.*

History. Original Rule entitled "General Conformity" adopted. F. Oct. 31, 1994; eff. Nov. 20, 1994.

Amended: F. Sept. 16, 2010; eff. Oct. 6, 2010.

Rule 391-3-1-.15. Transportation Conformity.

The criteria and procedures specified in the "Transportation Conformity Manual" dated April 15, 2010, implement the requirements of Section 176(c)(4)(E) of the Clean Air Act for state implementation plans to include criteria and procedures for consultation, enforcement, and enforceability with respect to the conformity of transportation plans, programs, and projects developed, funded or approved under Title 23 United States Code (23 U.S.C.) or the Federal Transit Laws to the applicable implementation plan.

Cite as Ga. Comp. R. & Regs. R. 391-3-1-.15

Authority: O.C.G.A. Sec. [12-9-1](#)*et seq.*

History. Original Rule entitled "Transportation Conformity" adopted. F. Sept. 16, 2010; eff. Oct. 6, 2010.

Subject 391-3-2. GROUNDWATER USE.

Rule 391-3-2-.01. Purpose.

The purpose of this Chapter is to establish procedures to be followed to obtain a permit to withdraw, obtain or utilize ground water and for the submission of information concerning the amount of ground water withdrawal, its intended use, and the proposed aquifer or aquifers of withdrawal to the Environmental Protection Division of the Department of Natural Resources (hereinafter the Division). It is also intended to outline the procedures of the Division in the granting, denial, revocation, modification and granting with conditions of permits to withdraw ground water. These regulations also provide for the gathering of information on the geologic and hydrologic character of the rock at and below the surface of the earth, well data, ground water levels and related material. The Regulations include implementation of water conservation in conjunction with the withdrawal of ground water.

Cite as Ga. Comp. R. & Regs. R. 391-3-2-.01

Authority: O.C.G.A. Sec. [12-5-91](#).

History. Original Rule entitled "Purpose" adopted. F. May 13, 1974; eff. June 3, 1974, as specified by the Agency.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Rule 391-3-2-.02. Definitions.

All terms used in this Chapter shall be interpreted in accordance with the definitions set forth in the Ground Water Use Act, (O.C.G.A. [12-5-90](#)*et seq.*), and as otherwise herein defined:

- (a) "Aquifer" means a geologic formation, group of such formations, or a part of such a formation that is water bearing. An aquifer may consist of a stratum or zone of rock below the surface of the earth capable of containing and producing water as from a well. (Authority O.C.G.A. Section [12-5-92\(1\)](#))

- (b) "Consumptive use" means any use of water withdrawn from the ground other than "nonconsumptive use" as herein defined.
- (c) "Nonconsumptive use" means the use of water withdrawn from the ground water system or aquifer in such a manner that it is returned to the ground water system or aquifer from which it was withdrawn without substantial diminution in quantity or substantial impairment in quality at or near the point from which it was withdrawn.
- (d) "Farm use" means irrigation of any land used for general farming, forage, aquaculture, pasture, turf production, orchards, or tree and ornamental nurseries; provisions for water supply for farm animals, poultry farming, or any other activity conducted in the course of a farming operation. Farm use shall also include the processing of perishable agricultural products and the irrigation of recreational turf except in Chatham, Effingham, Bryan, and Glynn counties where irrigation of recreational turf shall not be considered a farm use. (Authority O.C.G.A. Section [12-5-92](#), paragraph 5.1)
- (e) "Division" means the Environmental Protection Division of the Department of Natural Resources.
- (f) "Drawdown" means the extent to which the ground water level is being lowered when a well is being pumped or when the water is discharging from a flowing well, and is the difference, in feet, between the static water level and pumping level.
- (g) "Geologic Information" means the information relative to the origin, history of the rock, which includes a description of the lithology, age, stratigraphic sequence, structural relationship, areal distribution and thickness of the rock at or below the surface of the earth, and which is obtained by examination of the rock exposed at the ground surface and from well cuttings, well cores, and geophysical logging from drilled wells.
- (h) "Hydrologic information" means information related to water standing or moving in porous media and includes hydraulic conductivity, transmissivity, porosity, storage coefficient, specific capacity, chemical quality of the water, potentiometric surface, water recharge of the rock at or below the surface of the earth, water levels, drawdown, and radius of influence of the cone of depression in areas of ground water withdrawal, and which is obtained by pumping tests, flowmeter, laboratory tests, water surface measurements, observation wells, and accepted mathematical formulas.
- (i) "Pumping level" means the distance, in feet, from the land surface or other permanent specified datum, preferably the top of the casing to the water surface (water level) in the well when water is being pumped from the well.
- (j) "Rock" means the material that forms the essential part of the earth's solid crust, and includes loose, incoherent masses, such as a bed of sand, gravel, clay or volcanic ash, as well as firm, hard, solid masses of granite, metamorphics, sandstone, limestone, and shale.
- (k) "Specific conductance" means the water's capacity to convey an electric current and is related to the total concentration of the ionized substances in the water and the

temperature at which the measurement is made and is generally reported as micromhos/cm or microSiemens/cm.

- (l) "Static water level" means the distance, in feet, from the land surface or other permanent specified datum, preferably the top of the casing, to the water level in a well or to the pressure head (shut-in head) after the flow is shut off from a flowing well, when no water is being pumped from the well and the water level has reached equilibrium.
- (m) "Water table" means the surface of an unconfined water body at which the pressure is atmospheric. It is defined by the levels at which water stands in wells that penetrate the water body far enough to hold standing water.
- (n) "Monthly average withdrawal" means the total amount of water pumped by a water source or water system in any one month of the same year in which the "annual average withdrawal" is measured, divided by the number of days in that month. This amount is expressed in gallons per day (gpd).
- (o) "Annual average withdrawal" means the total yearly amount of water pumped by a water source or water system divided by the number of days in that year. This amount is expressed in gallons per day (gpd).
- (p) "Maximum day withdrawal" means the highest total amount of water pumped by a water source or water system in a 24-hour period. This amount is expressed in gallons per day (gpd).
- (q) "Design pumping capacity" means the actual rate that a well pump will produce water at the time the well pump was installed. This rate will vary with the horsepower of the pump motor, total dynamic head, and size of discharge pipe.
- (r) "Chemigation" means the injection of chemicals, fertilizers, fungicides, herbicides, insecticides, or nematicides into irrigation water.
- (s) "Unaccounted for Water" (UAW) means the difference between the total amount of water pumped into the water system from the source(s) and the amount of metered water use by the customers of the water system expressed as a percentage of the total water pumped into the system. UAW generally includes system leakage and unmetered uses such as fire fighting, flushing, broken water mains, etc.

Cite as Ga. Comp. R. & Regs. R. 391-3-2-.02

Authority: Ga. Laws 1972, p. 976 *et seq.*, as amended by Ga. Laws 1973, p. 1273 *et seq.* Effective June 3, 1974.

O.C.G.A. Secs. [12-5-90](#), [12-5-91](#).

History. Original Rule was filed on May 13, 1974; effective June 3, 1974, as specified by the Agency.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Amended: F. Dec. 9, 1994; eff. Dec. 29, 1994.

Rule 391-3-2-.03. Permit Required.

- (1) No person shall after December 1, 1974, withdraw, obtain or utilize ground water in excess of one hundred thousand (100,000) gallons per day for any purpose unless such person has first obtained a permit therefor from the Division, unless exempted by law or these Regulations. For farm use, no person shall after July 1, 1991 withdraw, obtain, or utilize ground water in excess of 100,000 gallons per day on a monthly average unless such person has obtained a permit from the Division. (Authority O.C.G.A. Section [12-5-105](#))
- (2) Pending the issuance or denial of a permit, any person who has applied for a ground water use permit and who was withdrawing or using ground water prior to April 18, 1973 (or July 1, 1988 in the case of farm use), may continue the same use which existed prior to that date.
- (3) Any combination of farm and non-farm use, or nonconsumptive ground water use, shall be considered a non-farm ground water use, unless the Director determines that the predominant use to which the water is put is farm use.

Cite as Ga. Comp. R. & Regs. R. 391-3-2-.03

Authority: Ga. Laws 1972, pp. 976, 982, 986, as amended by Ga. Laws 1973, p. 1273, 1277, 1281. Effective June 3, 1974; O.C.G.A. Sec. [12-5-95](#).

History. Original Rule was filed on May 13, 1974; effective June 3, 1974, as specified by the Agency.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Rule 391-3-2-.04. Permit Application. Amended.

- (1) Any person who was withdrawing, obtaining or utilizing ground water prior to April 18, 1973 (or July 1, 1988 in the case of farm use), and who is required under Rule [391-3-2-.03](#) of this Chapter to obtain a permit shall submit an application for a permit to use ground water to the Division, on forms prepared and furnished, upon request, by the Division. The applicant shall furnish the Division with sufficient documented evidence as set forth in Paragraphs (5) or (6) of this Rule to evaluate the effects of the described water use upon the water resources of the area.
- (2) Any person who started to withdraw, obtain, or utilize ground water after April 18, 1973 (or July 1, 1988 in the case of the farm use), and who is required under the Rule [391-3-2-.03](#) of this Chapter to obtain a permit, shall submit an application for a permit to use ground water to the Division, on forms prepared and furnished, upon request, by the Division. The applicant shall furnish the Division with sufficient documented evidence as set forth in Paragraphs (5) or (6) of this Rule to evaluate the proposed water use upon the water resources of the area. (Authority O.C.G.A. Sec. [12-5-105](#))
- (3) Any person intending to withdraw, obtain, or utilize ground water and who is required under the Rule [391-3-2-.03](#) of this Chapter to obtain a permit, shall submit an application for a permit to use ground water to the Division, on forms prepared and furnished, upon request, by the Division. No ground water shall be withdrawn, obtained, or utilized until a

permit has been granted. The applicant shall furnish the Division with sufficient documented evidence as set forth in Paragraphs (5) or (6) of the Rule to evaluate the impacts of the proposed water use upon the water resources of the area.

- (4) During the early stages of planning for a proposed ground water withdrawal, and in any case prior to the start of well construction, the intended user should have a conference with representatives of the Division to determine the acceptability of the proposed well or wells, the aquifer or aquifers to be utilized, the well spacing and well depth, and the amount of intended ground water use. Such conference shall be granted within thirty (30) days after request therefor. The intended user should furnish the Division with such available documented evidence as set forth in Paragraphs (5), (6), or (7) of this Rule for presentation at the conference or for later submittal, but prior to well construction. Based in part on the information furnished by the intended user and upon other considerations, a letter of concurrence may be issued by the Division setting forth such terms and conditions as the Division deems necessary. Upon completion of the construction of the well or wells and prior to any ground water use, the intended user shall submit an application for a ground water use permit to the Division pursuant to Rules [391-3-2-.05](#) and [391-3-2-.06](#) of this Chapter. The proposed water user proceeds at his own risk if he does not obtain a letter of concurrence from the Division prior to well construction.
- (5) Sufficient documented evidence shall include, but not be limited to, the following (except for farm use permit applications):
 - (a) name and address of the applicant;
 - (b) the location of the existing or proposed well(s), identified by number, for which the permit is requested, marked on the best map available;
 - (c) the latitude and longitude, to the nearest ten (10) seconds, of the wells, obtained from the location map;
 - (d) the county in which the well(s) is located;
 - (e) the ground elevation of the well(s), if available;
 - (f) the amount of water withdrawn or proposed to be withdrawn or used, and a statement to indicate the extent to which such use or withdrawal is reasonably necessary to meet the needs of the applicant;
 - (g) any present or anticipated unreasonable adverse effects or potential unreasonable adverse effects on other water uses or users, including but not limited to, adverse effects on public or farm use;
 - (h) a statement specifying the beneficial use of the ground water withdrawn or to be withdrawn and whether the water use is a consumptive or non consumptive use, as herein defined;

- (i) if the water use is, or proposes to be, a non consumptive use, the applicant shall state the following:
 - 1. the treatment of the water and procedure used, or the proposed treatment of the water and the procedure to be used, to return the water to the aquifer or ground water system from which it is, or is proposed to be, withdrawn;
 - 2. the location of the injection well or wells to be shown on the same map as the existing, or proposed, withdrawal wells;
 - 3. the chemical, physical and bacteriological quality; and any other specified water quality analysis the Division may require, of the returned water, noting specifically any substantial impairment of the water quality from the water withdrawn;
 - 4. the aquifer or ground water system from which the ground water is withdrawn, or intended to be withdrawn, and the amount of water to be returned to the aquifer or groundwater system; and
 - 5. any substantial decrease in quantity as originally withdrawn from the aquifer or groundwater system.
- (j) the aquifer or aquifers from which the ground water is withdrawn, or intended to be withdrawn;
- (k) for existing wells, the well construction data for each well, on forms provided by the Division, including but not limited to, the following information:
 - 1. name of driller;
 - 2. date of drilling;
 - 3. total well depth in feet;
 - 4. diameter of drilled hole;
 - 5. diameter and depth of casing, including casing material;
 - 6. depth of grouting;
 - 7. diameter and depth of the setting of the well screen or well screens, if used, and the material and type of screen;
 - 8. type of permanent pump, size, horsepower, and yield;
 - 9. static water level and pumping level; and

10. number of hours the well is pumped per day.

- (6) For farm use, sufficient documented evidence shall include, but not be limited to, the following:
- (a) applicant's full name;
 - (b) mailing address;
 - (c) county in which existing or proposed well is located;
 - (d) purpose of withdrawal;
 - (e) well construction data including, but not limited to the following:
 - 1. well depth;
 - 2. depth of pump intake below ground surface;
 - 3. design pumping capacity of well; and
 - 4. depth of well casing.
 - (f) month and year of well pump installation;
 - (g) number of acres irrigated from this well and average number of inches of water applied from this well per year;
 - (h) whether or not chemicals, fertilizers, fungicides, herbicides, insecticides, or nematicides are injected into the irrigation water; and
 - (i) county map supplied by the Division (or equivalent) showing the location of the water source. (Authority O.C.G.A. Sec. [12-5-105](#))
- (7) Any person submitting an application for a ground water use permit who is at the time of application withdrawing, obtaining, or utilizing ground water, and who is unable to furnish accurate information concerning the amounts of ground water being withdrawn or used shall be required, as the Division deems necessary, to do the following:
- (a) install one or more water meters; or
 - (b) some other more economical means acceptable to the Division, for measuring the ground water withdrawn or used.
- (8) The Division, in determining the amount of ground water withdrawn or used by an applicant, may use one or more of the following:

- (a) the rated capacity of the pump or pumps;
 - (b) the rated capacity of the cooling system;
 - (c) the standards or methods employed by the United States Geological Survey indetermining such quantities; or
 - (d) any other acceptable method.
- (9) Except for farm use, those applicants intending to withdraw, obtain or utilize groundwater from wells constructed after April 18, 1973, shall submit, in addition to the information required in paragraph (5) of this Rule, well construction details and specifications, as the Division deems necessary, including, but not limited to, the following:
- (a) total depth of well, in feet;
 - (b) size of drilled hole;
 - (c) size and depth of casing and type of casing material;
 - (d) size and depth of the placing of the well screen or screens and the type of material, if used;
 - (e) depth of grouting;
 - (f) deep well air line of steel, iron or heavy gage copper material, with screw cap, for water level measurements; and
 - (g) filling, plugging and sealing procedures for any well or wells that are to be abandoned.
- (10) Due to the corrosive nature of the ground water in certain areas of the State, proposed well construction specifications and casing material may require modification as the Division deems necessary to avoid any potential unreasonable adverse effects on the aquifer or ground water system, or of other water uses.
- (11) In the preparation of a permit application for a new permit or modification of an existing permit which includes an increase in the permitted water use (except for a farm use permit application) the applicant must submit to the Director for approval a water conservation plan prepared in accordance with the following guidelines. The plan must address the following items (or contain a statement why the item is not an appropriate part of the plan).
- (a) System management;
 - 1. Within the most recent 24 month period a minimum of twelve consecutive months of UAW data;

2. A description of current and planned programs to reduce UAW such as those listed below (include proposed schedules for planned activities);
 - (i) Leak detection and elimination;
 - (ii) Availability of accurate maps of the water system;
 - (iii) Meter maintenance, testing, replacement, calibration, etc.;
 - (iv) Prevention of tank overflows;
 - (v) Flushing programs without degradation of water quality;
 - (vi) Prevention of unauthorized water use--fire hydrants, fire lines etc.;
 - (vii) A list of unmetered service connections including publicly owned facilities, churches, etc.,
 - (viii) Other;
3. A list of inter-connections with other water systems and a description of any contractual agreements, type (emergency back-up, wholesale sale or purchase) and purchase amounts;
4. Any additional current or planned activities pertaining to system management that will contribute to water conservation.

(b) Treatment plant management;

1. The condition, calibration frequency, type, etc. of raw and finished water metering;
2. An analysis of in-plant water use for filter backwashing, overflows, laboratory use, etc. as a percentage of total plant production. Also, the plan must outline any ongoing or planned plant improvements (including schedules for planned improvements) and/or revised operational procedures to reduce in-plant use;
3. A description of any recycling or reuse of filter backwash water.

(c) Rate making policies;

1. A list of non-billed service connections. Also, if available, a breakdown by number of meters or % of total production for each class of customer, e.g., residential, commercial, industrial, wholesale;

2. A copy of the water rate structure currently in use including any surcharges, demand charges, etc., which may apply to certain customers and a description of the effects of this rate structure on water conservation;
 3. A description of any system policies concerning second meters for landscape irrigation and any use of sewer meters for billing;
 4. A statement in response to the following questions:
 - (i) Is the water system self-supporting?
 - (ii) Are water system expenditures subsidized by non-water/sewer system revenues?
- (d) A drought contingency plan submitted for approval by the Director and prepared in accordance with the following guidelines. The plan should include alternative system and resource management strategies to be implemented under drought conditions that may severely reduce the availability of the resource. The plan shall be consistent with Chapter 391-3-30 with respect to restrictions on outdoor water use. If there are conflicts between this plan and Chapter 391-3-30 with respect to restrictions on outdoor water use, Chapter 391-3-30 shall prevail. The applicant must provide the following items in the plan (or a statement as to why the item is not an appropriate part of the plan):
1. Drought conditions or events that put the drought contingency plan into effect;
 - (i) The applicant must develop a system for determining drought severity based on some approved indicator, e.g.:
 - (I) System demands;
 - (II) Ground water levels;
 - (III) Other;
 2. Potable water use priorities program;
 - (i) The following order of potable water use priorities is generally recommended but maybe modified as needed based on local conditions:
 - (I) Emergency facilities for essential life support measures;
 - (II) Domestic and personal uses, including drinking, cooking, washing, sanitary and health related;

(III) Farm uses;

(IV) Industrial uses (including those industries on public water systems);

(V) Other uses such as lawn sprinkling, non-commercial car washing, garden watering, etc.;

(VI) Outdoor recreational uses;

3. Restrictions on lower priority uses (including enforcement procedures);

4. Rationing and/or other emergency procedures.

(e) Plumbing ordinances and/or codes;

1. Description of compliance with State Water Conservation Law which requires the use of ultra-low flow plumbing fixtures. The applicant may include copies of adopted ordinances if applicable;

2. Ordinances/codes or other special requirements pertaining to outside water use such as landscape irrigation systems, commercial car washes, etc.;

(f) Recycling--reuse; A description or accounting of any recycling or reuse of treated wastewater;

(g) A description of current and planned education programs for the promotion of water conservation.

(h) Progress report;

Five years after issuance of a new or modified Ground Water Use Permit, the permittee must submit to the Director a progress report that outlines actions and/or improvements made to conserve water and reduce water loss, e.g., leak detection/repair, meter installation, calibration, or replacement, summer and peak use surcharges, enforcement of ultra-low flow plumbing fixture requirements, etc. Permittees with a total permitted withdrawal less than one million gallons per day may use a simplified reporting form as supplied by the Division.

(i) Water use data;

Permittees must submit to the Director an annual water use data report that includes information on unaccounted for water for the past 12 months. The report

must be submitted annually starting 12 months after new or modified permit issuance.

(j) Long range planning;

All permittees must incorporate water conservation into long term water demand and supply planning. Permittees must develop water demand projections covering a 20 year time period using a method or methods approved by the Director. The demand projects must reflect the effects (demand reduction) inherent in the implementation of new or enhanced water conservation programs.

(k) A description of any additional water conservation activities.

(12) Permitted capacities of applicant's water treatment and wastewater treatment plants, existing or planned, that will treat water and wastewater to be generated by new or increased use.

(13) Any other information deemed necessary; provided, however, any information already provided to the Director in connection with prior dealings, with the Division may be incorporated into the application by specific and detailed reference and a statement that the information is still valid and correct.

Cite as Ga. Comp. R. & Regs. R. 391-3-2-.04

Authority: Ga. Laws 1972, pp. 976, 982, 985, *et seq.*, as amended by Ga. Laws 1973, pp. 1273, 1277. Effective June 3, 1974. O.C.G.A. Secs. [12-5-7](#), [12-5-8](#), [12-5-90](#), [12-5-91](#).

History. Original Rule entitled "Permit Application" was filed on May 13, 1974; effective June 3, 1974, as specified by the Agency.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Amended: F. Dec. 9, 1994; eff. Dec. 29, 1994.

Amended: F. July 15, 2015; eff. August 4, 2015.

Rule 391-3-2-.05. Division Consideration of Permit Applications, Modifications, Revocations and Denials.

(1) In considering permit applications, revocations, and modifications, the Division shall consider.

- (a) the number of persons using an aquifer and the object, extent, and necessity of their respective withdrawals or uses;
- (b) the nature and size of aquifer;
- (c) the physical and chemical nature of any impairment of the aquifer, adversely affecting its availability or fitness for other water uses (including public and farm use);

- (d) the probable severity and duration of such impairment under foreseeable conditions;
 - (e) the injury to public health, safety or welfare which results if such impairment were not prevented or abated;
 - (f) the kinds of businesses or activities to which the various uses are related;
 - (g) the importance and necessity of the uses claimed by the permit applicants, or of the water uses of the area and the extent of any injury or detriment caused or expected to be caused to other water uses (including public and farm use);
 - (h) diversion from or reduction of flows in other water courses or aquifers;
 - (i) any other relevant factors, such as, but not limited to, the best geologic and hydrologic information available on the aquifer or ground water system of the area;
 - (j) documentation of effective water conservation. (Authority O.C.G.A. Section [12-5-91](#))
- (2) In any case where a permit applicant can prove to the Division's satisfaction that the applicant was withdrawing or using water prior to April 18, 1973 (or July 1, 1988 in the case of the farm use), the Division shall take into consideration the extent to which prior use or withdrawal was reasonably necessary in the judgement of the Division to meet his needs, and shall grant a permit which shall meet those reasonable needs. Provide d, however, that the granting of such permit shall not have unreasonably adverse effects upon other uses in the area, including public and farm use, and including potential as well as present use. In determining whether a permit will have an unreasonable adverse effect, the Division shall consider the factors set forth in Paragraph (1) of this Rule.
- (3) The Division shall also take into consideration in the granting of any permit the prior investments of any person in lands, and plans for the usage of water in connection with such lands which plans have been submitted to the Division within reasonable time after July 1, 1973. Provided, however, that the granting of such permit shall not have unreasonably adverse effects upon other water uses in the area, including public use, and including potential as well as present use. In determining whether a permit will have an unreasonable adverse effect, the Division will consider the factors set forth in Paragraph (1) of this Rule.
- (4) In the case of farm use, where a permit applicant can prove to the Division's satisfaction that a well pumping capacity was installed prior to July 1, 1988 the Division shall grant a permit for such capacity from this well. The application for such capacity must be received by the Division on or before July 1, 1991. (Authority O.C.G.A. Section [12-5-105](#))
- (5) The Division shall have the power to:

- (a) modify or revoke any permit when the Division deems necessary upon not less than sixty (60) days written notice to any person affected when the ground water use or withdrawal is not in compliance with the terms of the permit, or when there is found to be an unreasonable adverse effect upon the water uses or users in the area, including public and farm use, and including potential as well as present use, based upon the considerations set forth in Paragraph (1) of this Rule, except that this paragraph will not apply to farm use permits issued after initial use has commenced; or
- (b) deny a permit application if the application therefor or the effect of the water use proposed or described therein upon the water resources of the area is found to be contrary to the public interest or general welfare; such a decision shall be based upon the considerations set forth in Paragraph (1) of this Rule.

Cite as Ga. Comp. R. & Regs. R. 391-3-2-.05

Authority: Ga. Laws 1972, pp. 976, 982 *et seq.*; as amended by Ga. Laws 1973, pp. 1273, 1280 *et seq.* Effective June 3, 1974. O.C.G.A. Sec [12-5-105](#).

History. Original Rule was filed on May 13, 1974; effective June 3, 1974, as specified by the Agency.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Rule 391-3-2-.06. Granting of a Permit to Use Ground Water.

- (1) When sufficient evidence is provided by the applicant that the water withdrawn or used, or intended to be withdrawn or used, is a nonconsumptive use, as defined in Paragraph (c) of Rule [391-3-2-.02](#) of this Chapter, a permit therefore shall be issued by the Division without the conditions set forth in Paragraph (4) of this Rule; provided, however, that in determining whether a use of ground water is nonconsumptive, the Division may take into consideration, based on the best geologic and hydrologic information available, whether any material injury or detriment to other water users of the area by reason of the reduction of water pressure in the aquifer or system has not been adequately compensated by the permit applicant who caused or substantially contributed to such injury or detriment. Any permit issued for a nonconsumptive use does not imply consent to inject any waste or pollutant material into the ground water system.
- (2) When the water withdrawn or used, or proposed to be withdrawn or used, by the permit applicant, is a consumptive use, and when there are not unreasonable adverse effects on other water uses, including public and farm use, and including potential as well as present use, based upon the consideration set forth in Rule [391-3-2-.05](#) of this Chapter, a permit to use ground water shall be issued by the Division containing such conditions as set forth in Paragraph (5) of this Rule as the Division deems necessary to the development and use of the water resources. The permit will become final unless a request for hearing is made within thirty (30) days from the date of service of such permit.

- (3) The Division may grant any temporary permit for such period of time as the Division shall specify where conditions make such temporary permit essential, even though the action allowed by such permit may not be consistent with this Chapter. A temporary permit may be issued whenever the Division has insufficient information to evaluate the effects of a permit application as set forth in Paragraph (1) of Rule [391-3-2-.05](#) of this Chapter.
- (4) A permit for a consumptive use may contain, but not be limited to, one or more of the following conditions:
- (a) total permitted well depth in feet;
 - (b) the aquifer(s) or ground water system to be utilized;
 - (c) maximum pumping rate;
 - (d) pumping level (elevations below which water may not be pumped);
 - (e) amount of ground water to be withdrawn or used;
 - (f) well spacing to minimize well interference;
 - (g) time of withdrawal;
 - (h) require observation or monitoring well(s) to be installed for monitoring ground water levels and water quality.
- (5) Water withdrawn under any permit shall be used only for the purposes set forth in the permit.
- (6) The permit holder shall notify the Division by registered letter of any changes in the beneficial use, or if a greater amount of water is to be withdrawn. A permit may be modified by the Division at the request of the permit holder after the Division has considered the factors set forth in Paragraph (1) of Rule [391-3-2-.05](#) of this Chapter.
- (7) Except for farm use, a permit to use ground water shall expire and be of no further effect if the purposed ground water use has not been exercised within two (2) years of the effective date of the permit, unless such period is extended for good cause by the Division.

Cite as Ga. Comp. R. & Regs. R. 391-3-2-.06

Authority: Ga. Laws 1972, pp. 976, 980 *et seq.*, as amended by Ga. Laws 1973, pp. 1273, 1275, 1278. Effective June 3, 1974; O.C.G.A. Sec. [12-5-96](#).

History. Original Rule was filed on May 13, 1974; effective June 3, 1974, as specified by the Agency.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

[Rule 391-3-2-.07. Duration of Permit and Renewal.](#)

- (1) Except for farm use, no permit granted under Rule [391-3-2-.06](#) of this Chapter shall be issued for a longer period than the longest of the following:
 - (a) ten years; or
 - (b) the period found by the Division to be necessary for reasonable amortization of the applicant's withdrawal or water-using facilities.
- (2) A permit may be renewed following its expiration upon compliance with the provisions for the submitting a new permit application.
- (3) Permits for farm use shall carry no expiration date.
- (4) Except for farm use, a permit shall not be transferred except with the approval of the Division. The Division shall transfer farm use permits upon written notification that a change in ownership has occurred.

Cite as Ga. Comp. R. & Regs. R. 391-3-2-.07

Authority: Ga. Laws 1972, pp. 976, 984 *et seq.*, as amended by Ga. Laws 1973, pp. 1273, 1279. Effective June 3, 1974; O.C.G.A. Sec. [12-5-105](#).

History. Original Rule was filed on May 13, 1974; effective June 3, 1974, as specified by the Agency.

Amended: F. Apr. 23, 1990; eff. Apr. 23, 1990.

Rule 391-3-2-.08. Submission of Ground Water Use Report.

- (1) Every person who has obtained a permit to use ground water (except a permit for farm use) shall file with the Division a certified statement of the quantities of water used or withdrawn, sources of water, and the nature of the use thereof. The statement shall be on forms prepared and furnished by the Division and shall be submitted to the Division semiannually, starting sixty (60) days after the effective date of the permit and every six (6) months thereafter, unless otherwise designated by the Division, and shall be submitted not later than fifteen (15) days after the reporting date. The report shall include, but not be limited to, the following:
 - (a) name of permit holder and permit number;
 - (b) beneficial use of ground water used;
 - (c) source of ground water, identifying the aquifer or aquifers utilized and identify the well or wells using each aquifer;
 - (d) quantity of water used or withdrawn monthly from each aquifer (if a well penetrates more than one aquifer, it is to be noted);
 - (e) average hours pumped per day;

- (f) the static and pumping levels of each aquifer utilized and the date the water levels were measured; the measurements are to be made during the last month of the reporting period; and
 - (g) for a nonconsumptive use, the amount of water returned to the aquifer or ground water system from which the water is withdrawn.
- (2) The permit holder shall have a specific conductance analysis of the ground water from the well or wells performed by a laboratory acceptable to the Division, starting sixty (60) days after the date of the permit, and annually thereafter, unless otherwise designated by the Division, and a copy of the report shall be submitted to the Division not later than fifteen (15) days after the reporting date and may accompany the Ground Water Use Report. The Division may specify which well or wells are to be tested. The Division may collect water samples from the well or wells and perform specific conductance analyses as it deems necessary. The specific conductance analysis shall be according to a method acceptable to the Division. (Authority O.C.G.A. Section [12-5-97](#))
- (3) If any person who is required to submit a Ground Water Use Report is unable to furnish accurate information concerning the amounts of ground water being withdrawn or used (in the case of farm use "withdrawal" or "use" means design pumping capacity), or if there is evidence that a report is false or inaccurate or if a person is withdrawing or using a larger quantity or under different conditions than permitted, the Division shall take such actions as it deems necessary including, but not limited to, any one of the following: (Authority O.C.G.A. Section [12-5-105](#))
 - (a) in determining the amount of ground water being withdrawn or used:
 - 1. require the person to install one or more water meters (except farm use);
 - 2. require the person (including farm use) to use some other economical means acceptable to the Division for measuring the ground water used;
 - 3. require the person to use the rated capacity of the pump or pumps;
 - 4. require the person to use the rated capacity of the cooling system;
 - 5. require the person to use the standards or methods employed by the United States Geological Survey in determining such quantities;
 - 6. any other acceptable method.
 - (b) require the person to withdraw or use only the amount of ground water permitted;
or
 - (c) revoke or amend the permit.

Cite as Ga. Comp. R. & Regs. R. 391-3-2-.08

Authority: Ga. Laws 1972, pp. 976, 980, 985 *et seq.*, as amended by Ga. Laws 1973, pp. 1273, 1275, 1280. Effective June 3, 1974. O.C.G.A. Sec. [12-5-97](#).

History. Original Rule was filed on May 13, 1974; effective June 3, 1974, as specified by the Agency.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Rule 391-3-2-.09. Dewatering Wells.

- (1) Any person withdrawing ground water in excess of 100,000 gallons per day for dewatering the subsurface rock to a depth of not more than thirty (30) feet, or to a greater depth if approved by the Division, for the purpose of construction of trenches for sewer or water pipes, or excavation for foundations, or utility construction shall be excluded from obtaining a permit to withdraw ground water, provided such use is for a period of not more than sixty (60) days, unless an extension of time is approved by the Division for a justifiable reason.
- (2) Any person withdrawing in excess of 100,000 gallons per day for dewatering the subsurface rock for any purpose other than stated in Paragraph (1) of this Rule shall make application for a permit to withdraw, obtain or utilize ground water to the Division as required in Rule [391-3-2-.04](#) of this Chapter.

Cite as Ga. Comp. R. & Regs. R. 391-3-2-.09

Authority: Ga. Laws 1972, pp. 976, 982, as amended by Ga. Laws 1973, pp. 1273, 1277. Effective June 3, 1974; O.C.G.A. Sec. [12-5-96](#).

History. Original Rule was filed on May 13, 1974; effective June 3, 1974, as specified by the Agency.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Rule 391-3-2-.10. Salt Water Encroachment or Deterioration of Water Quality.

To protect against or abate salt water encroachment or deterioration of the water quality of the ground water, the Division shall take into consideration the best information on the geologic and hydrologic characteristics of the rocks and the ground water withdrawals of the area involved and shall require the user to take such action as it deems necessary for control of brackish or salt water intrusion into fresh water aquifers. The control measures may include, but not be limited to, the following:

- (a) pumping arrangements to reduce ground water withdrawal in areas of concentrated pumping;
- (b) rearrangement of the location of wells to eliminate or reduce concentrated areas of ground water withdrawals;

- (c) requirement of selective withdrawal from other available fresh water aquifers than presently used;
- (d) curtailment of ground water withdrawal of proposed water users in the area;
- (e) selective curtailment or reduction of ground water withdrawal where it is found to be in the public interest or general welfare to protect the water resources;
- (f) conjunctive use of fresh water or brackish water or salt water aquifers, or waters of less desirable quality where water quality of a specific character is not essential;
- (g) use of observation or monitoring wells, drilled into fresh water aquifers between areas of ground water withdrawal and the seacoast, to detect the inward movement of salt water or to detect the deterioration of water quality;
- (h) use of interceptor wells, drilled into the area of encroachment, to intercept the brackish or salt water moving toward the center of excessive ground water withdrawal;
- (i) use of relief wells, drilled into the brackish or salt water aquifer, to relieve hydraulic pressure in the aquifer causing encroachment;
- (j) plugging with cement of deep wells that have penetrated brackish or salt water zones or zones of undesirable quality water, where hydraulic pressure cause leakage and contaminate fresh water aquifers of lower pressures;
- (k) abandonment of wells, which are then to be filled, plugged and sealed; and
- (l) Such other control or abatement techniques as are technically feasible and proven to be successful in other areas and nationally.

Cite as Ga. Comp. R. & Regs. R. 391-3-2-.10

Authority: Ga. Laws 1972, pp. 976, 980 *et seq.*, as amended by Ga. Laws 1973, pp. 1273, 1275 *et seq.* Effective June 3, 1974; O.C.G.A. Sec. [12-5-91](#).

History. Original Rule was filed on May 13, 1974; effective June 3, 1974, as specified by the Agency.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Rule 391-3-2-.11. Unreasonable Adverse Effects on Ground Water Withdrawal.

In order to protect against or abate unreasonable adverse or potential adverse effects on other water users within the area, including but not limited to adverse effects on public and farm use, the Division shall take into consideration the best information available on the geologic and hydrologic characteristics of the rocks and ground water withdrawals of the area and shall require the user to take such actions as it deems necessary. The control measures which the Division may require the user to take may include, but not be limited to, the following:

- (a) selective withdrawal from other fresh water aquifers than presently utilized;
- (b) pumping arrangements to reduce ground water withdrawal in areas concentrated pumping;
- (c) selective curtailment or reduction of ground water withdrawal where it is found to be in the public interest to protect the water resources; and
- (d) such other control techniques as are technically feasible and proven successful in other areas and nationally.

Cite as Ga. Comp. R. & Regs. R. 391-3-2-.11

Authority: Ga. Laws 1972, pp. 976, 980 *et seq.*, as amended by Ga. Laws 1973, pp. 1273, 1275 *et seq.* Effective June 3, 1974; O.C.G.A. Sec. [12-5-91](#).

History. Original Rule was filed on May 13, 1974; effective June 3, 1974, as specified by the Agency.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Rule 391-3-2-.12. Geologic and Hydrologic Information.

- (1) The Division shall gather and obtain all necessary geologic and hydrologic information on the characteristics of the aquifer or ground water system of the State for the purpose of evaluation, control and management of the ground water resources.
- (2) Any person who drills a well to obtain ground water and who is required under this Chapter to obtain a permit to use ground water shall furnish the Division at the time of application for a permit to use ground water such geologic and hydrologic information and well construction data as the Division requires.

Cite as Ga. Comp. R. & Regs. R. 391-3-2-.12

Authority: Ga. Laws 1972, pp. 976, 981, as amended by Ga. Laws 1973, pp. 1273, 1275 *et seq.* Effective June 3, 1974; O.C.G.A. Sec. [12-5-96](#).

History. Original Rule was filed on May 13, 1974; effective June 3, 1974, as specified by the Agency.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Rule 391-3-2-.13. Test Wells.

Any person drilling a well for the purpose of obtaining geologic and hydrologic information for the study of ground water availability should submit to the Division all information obtained from the testing program. Prior approval of the testing program should be obtained from the Division. Test wells drilled and not developed for ground water use and not used as observation wells, shall be plugged and sealed in compliance with Rule [391-3-2-.14](#), Abandoned Wells. Test wells drilled by the Division, or its authorized agent, shall be exempt from the permit requirements, but shall meet the other requirements of this Rule.

Cite as Ga. Comp. R. & Regs. R. 391-3-2-.13

Authority: Ga. Laws 1972, pp. 976, 981, as amended by Ga. Laws 1973, pp. 1273, 1275 *et seq.* Effective June 3, 1974; O.C.G.A. Sec [12-5-96](#).

History. Original Rule was filed on May 13, 1974; effective June 3, 1974, as specified by the Agency.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Rule 391-3-2-.14. Abandoned Wells.

- (1) Any existing well or wells which have been abandoned and no longer put to beneficial use and which have been deemed by the Division to have an unreasonable or potential unreasonable adverse effect on other water uses or users, or which result, or may result, in physical or chemical impairment of the aquifer or ground water system, shall be filled, plugged and sealed at the owner's expense in a manner acceptable to and approved by the Division.
- (2) Whenever the Division deems an abandoned well to be an imminent danger to health, safety or welfare of the public or to the ground water quality, the well may be plugged, filled, and sealed by the Division. Such action shall be taken only after notice to the owner and after a period of five days from such notice, during which period the owner may file an objection to such action. If such an objection is filed, the Division shall not permanently plug, fill and seal the well, but may install a temporary plug or seal.
- (3) Upon the filing, plugging and sealing of an abandoned well or wells, the Division shall be informed by certified statement from the contractor within thirty (30) days after the sealing that the well or wells have been sealed according to the procedure approved by the Division.
- (4) Observation wells used for the investigation or management of ground water by the Division or approved for this purpose shall not be considered "abandoned" so long as they are maintained for this purpose. Wells without shall be covered with a secure cap when measurements are not being made.

Cite as Ga. Comp. R. & Regs. R. 391-3-2-.14

Authority: O.C.G.A. Sec. [12-5-91](#).

History. Original Rule entitled "Abandoned Wells" adopted. F. May 13, 1974; eff. June 3, 1974, as specified by the Agency.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Rule 391-3-2-.15. Enforcement.

The administration and enforcement of these Rules and Regulations shall be in accordance with the Ground Water Use Act (O.C.G.A. Section [12-5-90](#) *et seq.*) and the Georgia Administration Procedure Act. Such enforcement procedures include, but are not limited to, administrative orders, court orders, injunctive relief, and civil and criminal penalties.

Cite as Ga. Comp. R. & Regs. R. 391-3-2-.15

Authority: O.C.G.A. Sec. [12-5-99](#)*et seq.*

History. Original Rule entitled "Enforcement" adopted. F. May 13, 1974; eff. June 3, 1974, as specified by the Agency.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Rule 391-3-2-.16. Permitting Based on Regional Water Development and Conservation Plans.

- (1) **Purpose.** The purpose of Section 391-3-2-.16 is to provide minimum uniform statewide regulations for the issuance of any permit for the use of groundwater based on Regional Water Development And Conservation Plans. As authorized by O.C.G.A. §§ [12-5-31](#) and [12-5-96](#), in a manner consistent with O.C.G.A. §§ [12-5-520](#), *et seq.*, and as provided in the Comprehensive State-wide Water Management Plan, Regional Water Development And Conservation Plans shall promote the sustainable use of Georgia's waters through the selection of an array of management practices, to support the State's economy, to protect public health and natural systems, and to enhance the quality of life for all citizens.
- (2) **Policy.** As provided in the Comprehensive State-wide Water Management Plan, the characteristics of water resources and water users vary significantly in differing regions across Georgia. Protecting the ability of the State's water resources to meet needs for water supply and assimilation of waterborne contaminants requires regional, resource-based plans that identify the management practices appropriate to the resources and users in each region.
- (3) **Definitions.** All terms used in this Section shall be interpreted in accordance with the definitions as set forth in this Paragraph, or in any other Paragraph of this Section:
 - (a) "Comprehensive State-wide Water Management Plan" is the plan provided for by O.C.G.A. §§ [12-5-520](#)*et seq.* whose purpose is to help guide the stewardship of Georgia's water resources to ensure that those resources continue to support the State's economy while maintaining healthy natural systems. The Comprehensive State-wide Water Management Plan mandates preparation of regional Water Development and Conservation Plans;
 - (b) "Instream uses" means all those human and ecological uses of water which occur within the banks of rivers and streams, including, without limitation, waste assimilation, hydropower production, recreation, maintenance of aquatic habitats, and support of biological integrity;
 - (c) "Offstream uses" means the purposes for which water is withdrawn from streams, rivers, lakes, or aquifers;
 - (d) "Water Development and Conservation Plan," as provided in O.C.G.A. §§ [12-5-31\(h\)](#) and [12-5-96\(e\)](#), means a regional resource-based plan, developed in accordance with O.C.G.A. §§ [12-5-520](#)*et seq.*, that promotes the efficient use of

water resources, promotes the conservation and reuse of water, guards against a shortage of water, and is consistent with the public welfare of the state, or an addendum to any statutorily required water management plan(s) prepared to satisfy the purposes of this rule and the Comprehensive State-wide Water Management Plan. Such plans include water development, conservation, and sustainable use and are based upon detailed scientific analysis of water sources, the projected future condition of the resources, current demand, and estimated future demands on the resources. Furthermore, as provided in the Comprehensive State-wide Water Management Plan, such plans identify the water management practices to be employed in each Water Planning Region to ensure that current and future needs for water supply and assimilative capacity are met within the capacity of the water resources;

- (e) "Water Planning Region" is a defined area that includes one or more water quantity and/or quality resources;
 - (f) "Water resource" is a body of surface water or groundwater that is available or potentially available for offstream and/or instream use, including, without limitation, agricultural, industrial, residential, recreational, or environmental activities, among others. Water resources may include freshwater bodies, brackish waters, and ocean water;
- (4) Use by Division of adopted Regional Water Development and Conservation Plans.
- (a) As provided in O.C.G.A. §§ [12-5-31](#), [12-5-96](#), and [12-5-522](#), the Director shall ensure that the issuance of any permit for the use of water is based upon the Comprehensive State-wide Water Management Plan and all applicable Water Development and Conservation Plans. Additionally, any political subdivision or local water authority not in compliance with the Comprehensive State-wide Water Management Plan shall be ineligible for state grants or loans for water projects, except for those projects designed to bring such political subdivision or local water authority into compliance with the plan.

Cite as Ga. Comp. R. & Regs. R. 391-3-2-.16

Authority: O.G.G.A. Sec. [12-5-20](#)*et seq.*, [12-5-31](#), [12-5-90 et seq.](#), [12-5-96](#), [12-5-520 et seq.](#)

History. Original Rule entitled "Permitting Based on Regional Water Development and Conservation Plans" adopted. F. Mar. 23, 2009; eff Apr. 12, 2009.

Subject 391-3-3. SURFACE MINING.

Rule 391-3-3-.01. Authority and Administration.

- (1) **Authority.** Rules and regulations regarding surface mining and reclamation of affected lands are adopted pursuant to the Georgia Surface Mining Act of 1968, as amended.

- (2) **Definitions.** All terms used in the rules and regulations shall be interpreted in accordance with the definitions as set forth in the Georgia Surface Mining Act of 1968, as amended, unless otherwise defined in the rules and regulations:
- (a) "Act" means the Georgia Surface Mining Act of 1968, as amended;
 - (b) "Director" means the Director of the Division of Environmental Protection of the Department of Natural Resources, State of Georgia;
 - (c) "Division" means the Division of Environmental Protection of the Department of natural Resources, State of Georgia.
- (3) **Enforcement.** The administration and enforcement of any rules and regulations shall be in accordance with the Georgia Surface Mining Act of 1968, as amended, the Executive Reorganization Act of 1972, as amended, and the Georgia Administrative Procedure Act, as amended.
- (4) **Powers and Duties of the Director.** Powers and duties vested in the Director pursuant to Act include, but are not limited to, the following:
- (a) To administer and enforce the provisions of the Act and all rules and regulations promulgated thereunder;
 - (b) To issue such orders as may be necessary to enforce compliance with the Act all rules and regulations promulgated thereunder;
 - (c) To examine and pass upon permit applications and Mining Land Use Plans;
 - (d) To revoke permits of mining operators who refuse to carry out their Mining Land Use Plans;
 - (e) To deny a new permit to a mining operator whose permit has been revoked, until the mining operator gives assurance satisfactory to the Director of his ability and intent to fully comply with the Act with respect to affected land under the revoked permit.
 - (f) To forfeit bonds or cash of mining operators who refuse to carry out their Mining Land User Plans;
 - (g) To carry out land use projects on lands where bonds or cash have been forfeited, using funds available for such purposes;
 - (h) To institute and prosecute all such court actions as may be necessary to obtain the enforcement of any order issued by the Director in carrying out the provisions of the Act;
 - (i) To seek civil penalties in accordance with the Act;

- (j) To decline to assert jurisdiction under the Act over any class or category of mines when the effect of the operation of such mines is not sufficiently substantial to warrant the exercise of jurisdiction;
- (k) To exercise all incidental powers necessary to carry out the purposes of the Act.

Cite as Ga. Comp. R. & Regs. R. 391-3-3-.01

Authority: Ga. L. 1968 *et seq.*, as amended by Ga. L. 1972, p.1015, as amended; Ga. L. 1992, p. 1098 *et seq.*, as amended.

History. Original Rule was filed on September 6, 1973; effective September 26, 1973.

Amended: Original Rule entitled "Organization and Administration" repealed and a new Rule entitled "Organization" adopted. Filed October 23, 1974; effective November 12, 1974.

Amended: Rule repealed and a new Rule entitled "Authority and Administration" adopted. Filed July 19, 1976; effective August 8, 1976.

Amended: F. Jul. 23, 1992; eff. Aug. 12, 1992.

Rule 391-3-3-.02. Permits.

- (1) **General Requirement.** Prior to commencing any surface mining operation, a mining operator shall be required to obtain from the Director a permit to conduct such surface mining operation.
- (2) **Application for Permit** The application for a permit shall be made on forms supplied by the Director, and shall be signed by the applicant. The application shall contain the name of the Applicant; certification that the Mining Operator is the rightful owner or holds a valid lease or option to purchase or lease the affected lands which, at a minimum, extends two years beyond the final reclamation date shown in the Mining Land Use Plan; a certification that the information provided in or submitted by the mining operator as part of the Application and Mining Land Use Plan is true and correct, and the Mining Operator agrees to comply with provisions of the Mining Land Use Plan, provisions of the Act and Rules, and conditions of the permit; a statement granting to the Environmental Protection Division or any authorized representative of the Director the right of entry and travel upon affected lands; and such other information as is required by the Director. Such application shall be filed with the Director well in advance of the date on which the mining operator desires to commence mining, so that adequate time will be available to the Director to review the application and accompanying documents. Said application shall be accompanied by a Mining Land Use Plan, which shall be prepared in accordance with the provisions of the Act and these rules and regulations.
- (3) **Issuance of Permit.** A permit will be issued by the Director on evidence satisfactory to the Director of compliance with the provisions of the Act and these rules and regulations. No such permit will be issued until a mining operator files with the Division the appropriate performance bond, government securities, irrevocable letter of credit, cash or any combination thereof, unless said mining operator has been exempted from this

requirement by the Director in accordance with the Act and these rules and regulations. A permit, once issued, shall be valid from the date of issuance until the completion of mining, unless otherwise revoked pursuant to the Act and these rules and regulations. Such permit shall be conditioned upon the permittee's compliance with the approved Mining Land Use Plan.

- (4) **Revocation of Permit.** If a mining operator fails to comply with the Mining Land Use Plan, the Division will notify said operator in writing of the specific items of noncompliance and request that corrections be made. If the mining operator thereafter fails to comply within a reasonable time, the Director may revoke said mining operator's permit in accordance with the Act, as amended. The decision to revoke a permit is left to the discretion of the Director and will be based on violation of the Act, Rules, permit conditions, or Mining Land Use Plan. Mining by a permitted operator on an unauthorized site (lands not permitted) while holding other valid permits shall constitute prima facie evidence of violation of an approved Mining Land Use Plan and all permits that an operator holds may be suspended or revoked.
- (5) **Transferability of Permit.** A permit, once issued, is not transferable from one mining operator to another. Whenever the legal ownership of a mining operation changes, the new owner may continue such operation provided that, within 60 days of such change in ownership, the new operator files with the Director an approveable application, Mining Land Use Plan, and appropriate bonding. In such cases of change in ownership, the original owner shall be held responsible for lands affected by the operation unless written proof of the assumption of responsibility by the new owner, satisfactory to the Director, is filed with the Division.
- (6) **Exemption.** Tunnels, shafts and dimension stone quarries are by law exempted from the provision of the Act.

Cite as Ga. Comp. R. & Regs. R. 391-3-3-.02

Authority: Ga. L. 1968, p. 9, *et seq.*, as amended, specifically by Ga. L. 1976, p. 527; Ga. L. 1972, p. 1015, as amended; p. 1098 *et seq.*, as amended.

History. Original Rule was filed on September 6, 1973; effective September 26, 1973.

Amended: Filed October 23, 1974; effective November 12, 1974.

Amended: Original Rule entitled "Licensing" repealed and a new Rule entitled "Permits" adopted. Filed July 19, 1976; effective August 8, 1976.

Amended: F. Jul. 23, 1992; eff. Aug. 12, 1992.

Rule 391-3-3-.03. Bonding.

- (1) Upon approval by the Director of a Mining Land Use Plan or an amended Mining Land Use Plan submitted by the mining operator, the Division shall furnish approved surety bond forms to the mining operator, and advise said mining operator as to the amount of bond that will be required. A mining operator shall submit to the Director an acceptable performance bond, payable to the Governor of Georgia or his successor, within 60 days

from the date of mail receipt or personal delivery to the operator such forms, unless otherwise exempted from the bonding requirement by the Director. Mining operators shall have the option of posting a surety bond, government securities, irrevocable letter of credit, cash or any combination thereof. If a cash bond is to be submitted, the mining operator shall submit a cashier's check or money order payable to the Georgia Department of Natural Resources. A mining operator submitting government securities shall purchase securities having a current market value equal to the full amount of the required bond. Additionally, government securities that contain interest coupons shall have all outstanding coupons attached thereto.

- (2) Bond requirements will be fixed in an amount of not less than \$1,000 nor more than \$2,500 per acre or fraction thereof of the area affected land. When determining the amount of bond required, the Director will consider the character and nature of the land reclamation requirements as approved in the operator's Mining Land Use Plan or amended Mining Land Use Plan and the degree to which the mining operator has complied with the provisions of any existing or past approved Mining Land Use Plan.
- (3) **Exemption from the Bonding Requirement.** Any mining operator who desires an exemption from the bonding requirements of this section shall make a written request for such an exemption from the Director. The Director, in determining whether such a request should be granted, will consider (1) the financial responsibility of the mining operator; (2) the degree to which the mining operator has complied with the provision of any existing or past approved Mining Land Use Plan; and (3) such other matters as the Director may deem appropriate and relevant. In considering the financial responsibility of the mining operator, the Director may require a mining operator to submit the latest available financial statement.
- (4) The bond, government securities, irrevocable letter of credit, or cash shall be held until the affected lands or any portion thereof are satisfactorily reclaimed. The Division shall inspect and evaluate affected lands to determine if the provisions of the Act, the rules and regulations promulgated thereunder, and the operator's approved Mining Land Use Plan have been properly fulfilled. The operator shall notify the Division by filing a final reclamation report when the provisions of his Mining Land Use Plan have been fulfilled. Upon receipt of the operator's final reclamation report advising that the provisions of the Mining Land Use Plan have been fulfilled, the Division will have the site(s) covered by said Plan inspected for compliance. Within 60 days from the date of such inspection, the Division will notify the mining operator in writing as to whether said operator has fulfilled the reclamation responsibility under his Plan. If said reclamation responsibility has been fulfilled, a mining operator who has not been granted an exemption from the bonding requirement will have his bonding obligation terminated.
- (5) Any mining operator who has been granted an exemption from the bonding requirement and who subsequently violates any provision of the Act or these rules and regulations, or who defaults on his obligations under any Mining Land Use Plan, may be required by the Director to post a bond.

Cite as Ga. Comp. R. & Regs. R. 391-3-3-.03

Authority: Ga. L. 1968, p. 9, et. seq., as amended; specifically by Ga. L. 1976, p. 527; Ga. L. 1972, p. 1015, as amended; Ga. L. 1992, p. 1098, *et seq.*, as amended.

History. Original Rule was filed on September 6, 1973; effective September 26, 1973.

Amended: Filed October 23, 1974; effective November 12, 1974.

Amended: Filed July 19, 1976; effective August 8, 1976.

Amended: F. Jul. 23, 1992; eff. Aug. 12, 1992.

Rule 391-3-3-.04. Substitution of Previously Mined Site.

An operator may desire to substitute and reclaim an area mined in the past for lands currently being mined. Such substitution may be made on an acre for acre basis, and an operator's request for same shall be prepared as to form and content in a manner acceptable to the Division. Reclamation shall be initiated on substituted acres the first growing season following the commencement of mining on the land for which substitution is being made and must be completed no later than the three years from that date, unless a period of other duration is approved by the Division as a part of the mining operator's approved Mining Land Use Plan.

Cite as Ga. Comp. R. & Regs. R. 391-3-3-.04

Authority: Ga. L. 1968, p. 9, et. seq., as amended; Ga. L. 1972, p.1015, as amended; Ga. L. 1992, p. 1098, et. seq., as amended.

History. Original Rule was filed on September 6, 1973; effective September 26, 1973.

Amended: Filed October 23, 1974; effective November 12, 1974.

Amended: Filed July 19, 1976; effective August 8, 1976;

Amended: F. Jul. 23, 1992; eff. Aug. 12, 1992.

Rule 391-3-3-.05. Mining Land Use Plan.

- (1) **Plan Submittal.** Each surface mining operator, prior to being issued a permit to engage in surface mining, shall submit a Mining Land Use Plan that is acceptable to the Division and which meets the requirements of the Act and Rules, including provisions for protection of the environment and resources of the State and reclamation of affected lands in a reasonable period of time. Operators will submit an original and two (2) copies of an application and Mining Land Use Plan on forms provided by the Division, along with all engineering drawings, specifications, maps or other attachments as necessary.
- (2) **Preparation of Plan.** Mining Land Use Plans will be prepared as to form and content in a manner acceptable to the Division and will comply with the rules and regulations. The plan will contain a specific plan of action, being based on sound engineering and conservation principles, for accomplishing the operator's reclamation objective and for protection of adjacent watersheds from effects of erosion and siltation. The Mining Land Use Plan shall be consistent with land use in the area of the mine. The Mining Land Use Plan shall include, but not be limited to, a description of the company; the minerals or materials to be mined; mining methods; lands and community to be affected; reclamation objective; estimated schedule of mining advancement; schedule of reclamation, including time to accomplish reclamation; affected acreage; natural drainage and water disposal;

provisions for erosion and siltation control, including adequate measures to control erosion on the periphery of affected land where mining ceases or becomes inactive; protection of contiguous natural and other resources, including properties on the National Register of Historic Places; topsoil use; overburden (spoil) or refuse disposal placement or use; backfilling; highwall reduction, grading and sloping; lake development; site cleanup; and revegetation of reclaimed lands.

- (3) **National Register of Historic Places.** Adverse effects on historic places include, but are not limited to, the following: physical destruction, damage or alteration of all or part of the property; isolation of the property from or alteration of the character of the property's setting when that character contributes to the property's qualification for the National Register; introduction of visual, audible or atmospheric elements that are out of character with the property or alter its setting.
- (4) **Amended Mining Land Use Plan.** If it is determined to be desirable to vary from an approved Mining Land Use Plan, any changes in the Plan must be submitted in writing to the Division for approval as an amendment to the original Plan prior to changing or varying from such Plan. Amended Plans submitted by the operator will be complete in all details necessary to correctly show the operator's new plan of action and will show by map all lands to be affected and reclaimed.
- (5) **Disapproval of Plan.** Mining Land Use Plans submitted by mining operators that are not prepared in a manner acceptable to the Division and that do not contain the required supporting documents and maps will be disapproved. In the event an operation has submitted a Mining Land Use Plan for approval that is not acceptable to the Division, the Plan shall be disapproved. The operator will be advised of the various elements of the Plan that are not acceptable, and the operator's disapproved Plan will be returned to the operator for revision and resubmission. It is the operator's responsibility to provide a properly prepared, acceptable and sufficient Mining Land Use Plan that will provide for the protection of the environment in the development and operation of the site and reclamation of mined lands.

Cite as Ga. Comp. R. & Regs. R. 391-3-3-.05

Authority: Ga. L. 1968, p. 9, et. seq., as amended; Ga. L. 1972, p. 1015 as amended; Ga. L. 1992, p. 1098, et. seq., as amended.

History. Original Rule was filed on September 6, 1973; effective September 26, 1973.

Amended: Original Rule entitled "Mined Land Use Plans" repealed and a new Rule entitled "Mined Land Use Plan" adopted. Filed October 23, 1974; effective November 12, 1974.

Amended: Filed July 19, 1976; effective August 8, 1976.

Amended: Rule retitled: "Mining Land Use Plan". F. Jul. 23, 1992; eff. Aug. 12, 1992.

Rule 391-3-3-.06. Final Acceptable Reclamation.

Following the removal or disposal of all structures, equipment, stockpiles, mining refuse and all other materials associated with surface mining, the affected land will be reclaimed in accordance with the provision of the mining operator's approved Mining Land Use Plan. All lands, except

those specifically exempted by the Division in the operator's approved Mining Land Use Plan, will have a neat, clean appearance and contain a high quality, permanent vegetative cover.

Cite as Ga. Comp. R. & Regs. R. 391-3-3-.06

Authority: Ga. L. 1968, p. 9, et. seq., as amended; Ga. L. 1972, p.1015 as amended; Ga. L. 1992, p. 1098, et. seq., as amended.

History. Original Rule was filed on September 6, 1973; effective September 26, 1973.

Amended: Original Rule entitled "Disposal of Mined Land Use Plan" repealed and a new Rule entitled "Final Acceptable Reclamation" adopted. Filed October 23, 1974; effective November 12, 1974.

Amended: Filed July 19, 1976; effective August 8, 1976;

Amended: F. Jul. 23, 1992; eff. Aug. 8, 1976.

Amended: F. Jul. 23, 1992; eff. Aug. 12, 1992.

Rule 391-3-3-.07. Maps and Aerial Photographs.

- (1) **Location Map.** The operator will include as a part of his Mining Land Use Plan an accurate location map of affected lands.
- (2) **Land Use Map.** The operator will prepare and submit as a part of his Mining Land Use Plan a detailed Land Use Map, prepared in a manner acceptable to the Division. Said Map shall include, but not be limited to, details of anticipated mining advancement and provision for drainage and erosion control measures.
- (3) **Aerial Photographs.** Aerial photographs or reproductions thereof that accurately portray affected lands to be mined may be submitted by the operator in lieu of the required maps provided the operator has plotted and correctly identified all land use data on the photograph. Aerial photographs or reproductions thereof, which have a scale of less than 330 feet per inch or more that 660 feet per inch (unless a scale of another size is approved by the Division) and which are not of adequate photo interpretation quality are unacceptable. Operators will submit the most recent available photograph that correctly shows the various physical features of lands being affected.

Cite as Ga. Comp. R. & Regs. R. 391-3-3-.07

Authority: Ga. L. 1968, p. 9, et. seq., as amended; Ga. L. 1972, p. 1015 as amended; Ga. L. 1992, p. 1098. et. seq., as amended.

History. Original Rule was filed on September 6, 1973; effective September 26, 1973.

Amended: Original Rule entitled "Hearings, Court Action, Enforcement and Petitions" repealed and a new Rule entitled "Maps and Aerial Photographs" adopted. Filed October 23, 1974; effective November 12, 1974.

Amended: Filed July 19, 1976; effective August 8, 1976;

Amended: F. Jul. 23, 1992; eff. Aug. 12, 1992.

Rule 391-3-3-.08. Protection of the Public Interest.

The mining operator's plan shall incorporate sound engineering and conservation measures for protecting the health and welfare of the people of this State from adverse effects of surface mining. Operators will be required to grade all peaks, ridges, and valleys resulting from surface

mining, and to backfill all pits and trenches resulting from same in a manner to minimize any hazardous effects of mining adjacent to any State or county-maintained public road. If the original ground elevation of the area mined was at or below the road elevation, operators will be required to grade to the original elevation and plane, a strip of land of a reasonable width, lying adjacent and parallel to the public road involved. If the original ground elevation of the area mined was above the road elevation and mining caused the resulting elevation to be below the road elevation, operators will be required to grade to at least the same elevation and plane as the road a strip of land of a reasonable width, lying adjacent and parallel to the public road involved.

Cite as Ga. Comp. R. & Regs. R. 391-3-3-.08

Authority: Ga. L. 1968, p. 9, et. seq., as amended; Ga. L. 1972, p. 1015 as amended; Ga. L. 1992, p. 1098, et. seq., as amended.

History. Original Rule was filed on September 6, 1973; effective September 26, 1973.

Amended: Original Rule entitled "Emergency Activities" repealed and a new Rule entitled "Enforcement" adopted. Filed October 23, 1974; effective November 12, 1974.

Amended: Rule repealed and a new Rule entitled "Protection of the Public Interest" adopted. Filed July 19, 1976; effective August 8, 1976.

Amended: F. Jul. 23, 1992; eff. Aug. 12, 1992.

Rule 391-3-3-.09. Protection of the Environment and Contiguous Natural and Other Resources.

Whenever a mining site lies contiguous to any waters of the State or whenever, in the judgement of the Division, proposed mining at such site will adversely affect any portion of the watershed of the State, an operator will be required to follow sound engineering and conservation measures to provide protective barriers, such as dams, berms, silt ponds, or other similar structures, between the lands to be affected and waters or watersheds involved. All structures are to be approved by the Division as a part of the operator's Mining Land Use Plan and are to be substantial for the protection of contiguous natural resources of the State. All structures referred to above are to be constructed a reasonable distance from waters of the State, or that portion of a watershed of the State adversely affected, as determined by the Division. Before natural creeks, streams, rivers, lakes, or other bodies of water may be altered in course or relocated, the plan for such alteration or relocation must be approved by the Division as part of the operator's approved Mining Land Use Plan. Where a mining site is to be located on lands or adjacent to lands containing natural or other resources which may be adversely affected by the mining operation, the mining operator shall include as an attachment to the Mining Land Use Plan, a plan to alleviate and/or mitigate adverse effects of such impacts.

Cite as Ga. Comp. R. & Regs. R. 391-3-3-.09

Authority: Ga. L. 1968, p. 9, et. seq., as amended; Ga. L. 1992, p. 1098, *et seq.*, as amended.

History. Original Rule was filed on September 6, 1973; effective September 26, 1973.

Amended: Original Rule entitled "Confidentiality of Information" repealed and a new Rule entitled "Protection of the Public Interest" adopted. Filed October 23, 1974; effective November 12, 1974.

Amended: Rule repealed and a new Rule entitled "Confidentiality of Information" adopted. Filed July 19, 1976; effective August 8, 1976.

Repealed: New Rule entitled "Protection of the Environment and Contiguous Natural and Other Resources" adopted. F. Jul. 23, 1992; eff. Aug. 12, 1992.

Rule 391-3-3.10. Confidentiality of Information.

Any information relating to secret mining methods obtained by the Division or its employees while carrying out the provision of the Act or these rules and regulations shall, at the request of the mining operator, be kept confidential.

Cite as Ga. Comp. R. & Regs. R. 391-3-3-.10

Authority: Ga. L. 1968, p. 9, *et seq.*, as amended; Ga. L. 1972, p. 1015, as amended; Ga. L. 1992, p. 1098, *et seq.*, as amended.

History. Original Rule entitled "Field Visits" was filed on September 6, 1973; effective September 26, 1973.

Amended: Rule repealed and a new Rule entitled "Confidentiality of Information" adopted. Filed October 23, 1974; effective November 12, 1974.

Amended: Rule repealed. Filed July 19, 1976; effective August 8, 1976.

Repealed: New Rule entitled "Confidentiality of Information" adopted. F. Jul. 23, 1992; eff. Aug. 12, 1992.

Rule 391-3-3.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-3-.11

Authority: Ga. L. 1968; p. 9, as amended; Ga. L. 1972, p. 1015, as amended.

History. Original Rule entitled "Exhibit of Forms" was filed on September 6, 1973; effective September 26, 1973.

Amended: Rule repealed. Filed October 23, 1974; effective November 12, 1974.

Subject 391-3-4. SOLID WASTE MANAGEMENT.

Rule 391-3-4.01. Definitions.

- (1) "Active Life" means the period of operation beginning with the initial receipt of solid waste and ending at completion of closure activities.
- (2) "Active Portion" means that part of a solid waste handling facility or landfill unit that has received or is receiving wastes and that has not been closed.
- (3) "Aquifer" means a geological formation, group of formations, or portion of a formation capable of yielding significant quantities of ground water to wells or springs.
- (4) "Affected County" means, in addition to the county in which a facility is or is proposed to be located, each county contiguous to the host county and each county and municipality within a county that has a written agreement with the facility to dispose of solid waste.
- (5) "Asbestos-Containing Waste" means any solid waste containing more than 1 percent, by weight, of naturally occurring hydrated mineral silicates separable into commercially used fibers, specifically the asbestiform varieties of serpentine, chrysotile, cummingtonite-grunerite, amosite, riebeckite, crocidolite, anthophyllite, tremolite, and actinolite, using the method specified in Appendix A, Subpart F, 40 CFR Part 763, Section 1.

- (6) "Baling" means a volume reduction technique whereby solid waste is compressed into bales.
- (7) "Biomedical Waste" means any solid waste which contains pathological waste, biological waste, cultures, and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other waste from such animals), chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials, which have not been decontaminated, as further defined in Rule [391-3-4-.15](#).
- (8) "Boiler" means a device as defined in Chapter 391-3-11, the Rules for Hazardous Waste Management.
- (9) "Bulking Agent" means the non-reactive, solid material that is used to reduce the moisture content of waste via a physical process such that the waste no longer meets the definition of Liquid Waste as defined in these rules.
- (10) "CCR Landfill" means an area of land or an excavation that receives CCR and which is not a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground or surface coal mine, or a cave. For purposes of this Chapter, a CCR landfill also includes sand and gravel pits and quarries that receive CCR, CCR piles, and any practice that does not meet the definition of a beneficial use of CCR. This definition includes both active and inactive landfills.
- (11) "CCR Surface Impoundment" means a natural topographic depression, man-made excavation, or diked area owned or operated by an electric utility or independent power producer, which is designed to hold an accumulation of CCR and liquids, and the unit treats, stores, or disposes of CCR. This definition includes both active and inactive surface impoundments, new and lateral expansions of surface impoundments, dewatered surface impoundments, and NPDES-CCR surface impoundments.
- (12) "CCR Unit" means any CCR landfill, CCR surface impoundment, or the lateral expansion of such landfill or impoundment, or a combination of more than one of these units, based on the context of the paragraph(s) in which it is used. This term includes both new and existing units, unless otherwise specified.
- (13) "Certificate" means a document issued by a college or university of the University System of Georgia or other organization approved by the Director, stating that the operator has met the requirements of the Board for the specified operator classification of the certification program.
- (14) "Closure" means a procedure approved by the Division which provides for the cessation of waste receipt at a solid waste disposal site and for the securing of the site in preparation for post-closure.

- (15) "Coal Combustion Residuals (CCR)" means fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers.
- (16) "Collector" means the person or persons as defined herein who, under agreements, verbal or written, with or without compensation does the work of collecting and/or transporting solid wastes, from industries, offices, retail outlets, businesses, institutions, and/or similar locations, or from residential dwellings, provided however, that this definition shall not include an individual collecting and/or transporting waste from his own single family dwelling unit.
- (17) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.
- (18) "Composting" means the controlled biological decomposition of organic matter into a stable, odor free humus.
- (19) "Construction/Demolition Waste" means waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such waste include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other non-putrescible wastes which have a low potential for groundwater contamination.
- (20) "Construction/Demolition Waste Landfill" means a landfill unit that accepts construction/demolition waste. A Construction/Demolition Waste unit also may receive inert waste and yard trimmings and may be publicly or privately owned.
- (21) "Contaminant which is likely to pose a danger to human health" means any constituent in Appendix I, II, III, or IV or other site specific constituents as specified by the Division in the Groundwater Monitoring or Corrective Action Plan that is found at levels statistically confirmed above a groundwater protection standard.
- (22) "Detected" means statistically significant evidence of contamination has been determined to exist by using methods specified in Rule [391-3-4-.14](#).
- (23) "Director" means the Director of Environmental Protection Division of the Department of Natural Resources.
- (24) "Disposal Facility" means any facility or location where the final disposition of solid waste occurs and includes, but is not limited to, landfilling and solid waste thermal treatment technology facilities.
- (25) "Division" means the Environmental Protection Division of the Department of Natural Resources.

- (26) "Generator" means any person in Georgia or in any other state who creates solid waste.
- (27) "Garbage" means food waste including waste accumulations of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.
- (28) "Groundwater" means water below the land surface in a zone of saturation.
- (29) "Hazardous Waste" means any solid waste which has been defined as hazardous waste in regulations promulgated by the Board of Natural Resources, Chapter 391-3-11.
- (30) "High Moisture Content Waste" means sludge, non-hazardous solidified liquids and bulking agents and/or solidification/stabilization agents with moisture content greater than 40%. The moisture content of non-hazardous household waste is excluded from this definition.
- (31) "Household waste" means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).
- (32) "Host Local Government" means the host county or other local governmental jurisdiction within whose boundaries a municipal solid waste disposal facility is located.
- (33) "Industrial Furnace" means a device as defined in Chapter 391-3-11, the Rules for Hazardous Waste Management.
- (34) "Industrial Waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under the Hazardous Waste Management Act and regulations promulgated by the Board of Natural Resources, Chapter 391-3-11. Such waste includes, but is not limited to, wastes resulting from the following manufacturing processes: Electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; inorganic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil or gas waste.
- (35) "Inert Waste Landfill" means a disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above.
- (36) "Lateral expansion" means a horizontal expansion of the waste boundaries of an existing MSWLF unit or landfill unit.

- (37) "Leachate" means a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such wastes.
- (38) "Landfill Unit" means an area of land of which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile. Permanent disposal requires the placement of daily, intermediate, and/or final earth, synthetic, or a combination of earth and synthetic cover over the solid waste.
- (39) "Leachate Collection System" means a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.
- (40) "Liner" means a continuous layer of natural or man-made materials beneath or on the sides of a disposal site or disposal site cell which restricts the downward or lateral escape of solid waste constituents, or leachate.
- (41) "Liquid Waste" means any waste material that is determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for the Evaluation of Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).
- (42) "Materials Recovery Facility" means a solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.
- (43) "Monofill" means a method of solid waste disposal that involves the landfilling of one waste type or wastes having very similar characteristics in a segregated trench or area which is physically separated from dissimilar or incompatible waste.
- (44) "Mulch" means a product produced by grinding, shredding or chipping of yard trimmings, land-clearing debris, untreated and unpainted wood, or any combination thereof, that has not undergone controlled aerobic decomposition to produce a stabilized organic product.
- (45) "Mulching" means the grinding, shredding or chipping of yard trimmings, land-clearing debris, untreated and unpainted wood, or any combination thereof, that has not undergone controlled aerobic decomposition to produce a stabilized organic product.
- (46) "Municipal Solid Waste" means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste, but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.
- (47) "Municipal Solid Waste Landfill (MSWLF) Unit" means a discrete area of land or an excavation that receives household waste, and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under [40 CFR](#)

[Part 257.2](#). A MSWLF unit also may receive other types of solid waste, such as commercial solid waste, nonhazardous sludge, small quantity generator waste and industrial solid waste. Such a landfill may be publicly or privately owned.

- (48) "Municipal Solid Waste Disposal Facility" means any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and includes, but is not limited to, municipal solid waste landfills and solid waste thermal treatment technology facilities.
- (49) "Municipal Solid Waste Disposal Facility Operator" means the operator certified in accordance with Rule [391-3-4-.18](#) and stationed on the site who is in responsible charge of and has direct supervision of the daily field operations of a municipal solid waste disposal facility to ensure that the facility operates in compliance with the permit.
- (50) "Municipal Solid Waste Landfill" means a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges, or small quantity generator hazardous wastes, is disposed of by means of placing an approved cover thereon.
- (51) "Open Burning" means the combustion of solid waste without:
 - (a) Control of combustion air to maintain adequate temperature for efficient combustion;
 - (b) Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
 - (c) Control of the emission of the combustion products.
- (52) "Open Dump" means a disposal facility at which solid waste from one or more sources is left to decompose, burn or to otherwise create a threat to human health or the environment.
- (53) "Operating Records" means written records including, but not limited to, permit applications, monitoring reports, inspection reports, and other demonstrations of compliance with this Chapter, which records are kept on file at the facility or at an alternative location as approved by the Division.
- (54) "Operator" means the person(s) responsible for the overall operation of a facility or part of a facility.
- (55) "Owner" means the person(s) who owns a facility or part of a facility.
- (56) "Person" means the State of Georgia or any other state or any agency or institution thereof, and any municipality, county, political subdivision, public or private corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association or other entity in Georgia or

any other state. This term also includes any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste activities, or public or private corporation in Georgia or any other state. This term also includes employees, departments, and agencies of the federal government.

- (57) "Post-closure" means a procedure approved by the Division to provide for long- term financial assurance, monitoring and maintenance of a solid waste disposal facility to protect human health and the environment.
- (58) "Private Industry Solid Waste Disposal Facility" means a disposal facility which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.
- (59) "Processing Operation" means any method, system or other treatment designed to change the physical form or chemical content of solid waste and includes all aspects of its management (administration, personnel, land, equipment, buildings and other elements).
- (60) "Putrescible Wastes" means wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and wastes which are contaminated by such wastes.
- (61) "Qualified Ground water Scientist" means a professional engineer or geologist registered to practice in Georgia who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields that enable that individual to make sound professional judgments regarding groundwater monitoring, contaminant fate and transport, and corrective action.
- (62) "Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.
- (63) "Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.
- (64) "Recovered Materials" means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.
- (65) "Recovered Materials Processing Facility" means a facility engaged solely in the storage, processing, recycling, and resale or reuse of recovered materials. Such facility shall not be considered a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

- (66) "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials, intermediates, or products which can be used as a substitute for products not derived by such processes.
- (67) "Regional Landfill or Regional Solid Waste Disposal Facility" means a facility owned by a county, municipality, or special district empowered to engage in solid waste management activities, or any combination thereof, which serves two or more any combination of counties, municipalities, or special solid waste districts.
- (68) "Release" means the discharge, deposit, injection, dumping, spilling, emitting, releasing, leaking, or placing of any substance into or on any land or water of the state.
- (69) "Relevant Point of Compliance" is a vertical surface located at the hydraulically downgradient limit of the waste management unit boundary that extends down into the uppermost aquifer underlying the facility. This point will be specified by the Director and shall be no more than 150 meters from the waste management unit boundary and shall be located on land owned by the owner of the landfill unit. The downgradient monitoring system must be installed at this point, and monitoring conducted to ensure that the concentration values listed in Table 1 of Rule [391-3-4-.07](#) will not be exceeded in the uppermost aquifer.
- (70) "Saturated Zone" means that part of the earth's crust in which all voids are filled with water.
- (71) "Scavenge" means the unpermitted removal of solids waste from a solid waste handling facility.
- (72) "Shredding" means the process by which solid waste is cut or torn into smaller pieces for final disposal or further processing.
- (73) "Significant Groundwater Recharge Areas" means any area as designated on Hydrologic Atlas 18 Most Significant Ground-Water Recharge Areas of Georgia, 1989, as published by the Georgia Geologic Survey, Environmental Protection Division, Georgia Department of Natural Resources, unless an applicant for a solid waste handling permit or other interested party can demonstrate to the satisfaction of the Director that an area designated on Hydrologic Atlas 18 is or is not, in fact, a significant groundwater recharge area.
- (74) "Site" means the entire property a permitted solid waste handling facility is located within and includes all activities within that property.
- (75) "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

- (76) "Solid Waste" means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials; post-use plastics and nonrecycled feedstock that are subsequently processed using a pyrolysis or gasification to fuels and chemicals process; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under [33 U.S.C. Section 1342](#); or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).
- (77) "Solid Waste Handling" means the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities but does not include recovered materials processing or pyrolysis or gasification to fuels and chemicals processes, or the holding of post-use plastics or nonrecycled feedstock at a pyrolysis facility or gasification to fuels and chemicals facility prior to processing at the facility where those materials are being held to ensure production is not interrupted.
- (78) "Solid Waste Handling Facility" means any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste but does not include recovered materials processing facilities or pyrolysis or gasification to fuels and chemicals facilities.
- (79) "Solid Waste Handling Permit" means written authorization granted to a person by the Director to engage in solid waste handling.
- (80) "Solid Waste Management Act" or the "Act", wherever referred to in these Rules, means the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. [12-8-20](#), *et seq.*
- (81) "Solid Waste Thermal Treatment Technology" means any solid waste handling facility, the purpose of which is to reduce the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste to energy.
- (82) "Solidification" means the process of:
- (a) mixing non-hazardous liquid wastes with bulking agents in order to produce a bulked waste with a low moisture content, or
 - (b) adding a solidification/stabilization (S/S) agent to bind the liquid waste into a solid form.
- (83) "Solidification/stabilization (S/S) agents" means binders and/or supplemental additives that chemically react with the liquid waste, resulting in a solid material with structural integrity where the liquid waste is bound and cannot be separated from the solid material.

- (84) "Tire" means a continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle and which is neither attached to the motor vehicle nor a part of the motor vehicle as original equipment.
- (85) "Transfer Station" means a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.
- (86) "Uppermost Aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the solid waste handling facility's property boundary.
- (87) "Vertical Expansion" means the expansion of landfill beyond the approved maximum final elevations and within the approved waste management boundaries of the existing permit.
- (88) "Waste Management Unit Boundary" means a vertical surface located at the hydraulically downgradient limit of the unit. This vertical surface extends down into the uppermost aquifer.
- (89) "Waste-to Energy Facility" means a solid waste handling facility that provides for the extraction and utilization of energy from municipal solid waste through a process of combustion.
- (90) "Yard Trimmings" means leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvacultural operations.

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.01

Authority: O.C.G.A. § [12-8-20](#) et seq., as amended.

History. Original Rule entitled "Definitions" was filed as 391-1-.01 on November 21, 1972; effective December 12, 1972, as specified by the Agency.

Amended: Rule renumbered as 391-3-4-.01. Filed September 6, 1973; effective September 26, 1973.

Amended: Rule repealed and a new Rule of same title adopted. Filed September 19, 1974; effective October 9, 1974.

Amended: F. Jun. 9, 1989; eff. Jun. 29, 1989.

Amended: F. Sept. 4, 1991; eff. Sept. 24, 1991.

Amended: F. Jun. 7, 1993; eff. Jun. 27, 1993.

Amended: F. Oct. 7, 1993; eff. Oct. 27, 1993.

Amended: F. Jun. 25, 2014; eff. July 15, 2014.

Amended: F. Nov. 2, 2016; eff. Nov. 22, 2016.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. June 10, 2021; eff. June 30, 2021.

Rule 391-3-4-.02. Solid Waste Handling Permits.

(1) Solid Waste Handling Permits Required. No person shall engage in solid waste handling or construct or operate a solid waste handling facility, except those individuals exempted from the provisions of the Georgia Comprehensive Solid Waste Management Act, under the provisions of O.C.G.A. [12-8-30.10](#) or O.C.G.A. [12-8-40](#) or those individuals who have a permit-by-Rule under Rule [391-3-4-.06](#), without first obtaining a permit from the Director authorizing such activity.

(a) Applicability. All new and existing solid waste handling permits.

(b) Application Completeness. The Director may issue permits for solid waste handling provided the application is judged complete and meets the requirements of the Georgia Comprehensive Solid Waste Management Act and these Rules. Solid Waste Handling Permits shall be required for, but are not limited to, persons engaged in the collection, transportation, treatment, utilization, storage, processing, or disposal of solid wastes, or any combination thereof, except as exempted by O.C.G.A. [12-8-30.10](#) or O.C.G.A. [12-8-40](#) and these Rules and shall be required for the construction or operation of all solid waste handling facilities, except as exempted by O.C.G.A. [12-8-30.10](#) or O.C.G.A. [12-8-40](#) and these Rules.

(c) Permit Review and Schedule. As of July 1, 2018, all new permits shall be reviewed every five years. All permits issued prior to July 1, 2018 will be reviewed within five years and will then be placed on a corresponding five year review schedule.

(d) Permit Review. Each permit for a solid waste handling facility will be reviewed by the Division every five years and shall be modified to assure that the facility continues to comply with the currently applicable requirements of these Rules. The permit review will require that the permittee submit and revise Design and Operational Plans and other supporting documents, as necessary, to include any changes to reflect the facility's current construction and operation. Permit reviews shall be filed with the Division as either a minor modification or a major modification.

1. In order for permits to remain in effect, applications for permit review shall be filed at least six (6) months, but not more than eighteen (18) months prior to the date of scheduled permit review.
2. Existing solid waste handling permits shall remain in effect during the review period.
3. If a timely and complete review package has not been submitted, the solid waste handling facility's right to operate ceases until a complete application has been submitted.

(2) Modification or Revocation of Permits for Cause: the Director may modify or revoke any permit issued pursuant to O.C.G.A. [12-8-24](#) if the holder of the permit found to be in

violation of any of the permit conditions; or if the holder of the permit fails to perform such activity in accordance with the approved plan; or if such activity creates a threat to human health or the environment. In the event of modification or revocation of a permit, the Director shall serve written notice of such action on the permit holder and shall set forth in such notice the reason for such action.

(3) Permit Modifications at the Request of the Permittee: all modifications of existing solid waste handling permits shall be classified as follows:

(a) Major Modifications include those changes which substantially alter the design of the facility, management practices, the types of wastes being handled, or the method of waste handling, and due to the nature of the changes, would likely have an impact on the ability of the facility to adequately protect human health and the environment. Major modifications therefore require closer review and public input than minor modifications. Major modifications shall include, but are not limited to, the following:

1. A modification which involves an expansion of an existing landfill's capacity.
2. A modification which involves a lateral expansion of a CCR surface impoundment.
3. A modification which adds a new solid waste handling process. This shall include but not be limited to the addition of an air curtain destructor, a materials recovery facility, a baling operation, a shredding operation, a processing operation, a municipal solid waste or sewage sludge composting operation, or a liquid solidification operation.
4. A modification which involves the change of a site suitability requirement which could have impacted the original siting of the facility.
5. Any other modification which the Director, in the exercise of his discretion, determines to meet the criteria set forth in Section (3)(a) of this Rule.

(b) Minor modifications include changes that do not substantially alter the permit conditions, that do not reduce the capacity of the facility to protect human health or the environment, or that enable a permittee to respond in a timely manner to common variations in the type and quantities of wastes managed, technological advancements, or changes necessary to comply with new Rules where these changes can be implemented without substantially changing design specifications or management practices in the permit. Minor modifications shall include, but are not limited to, the following:

1. Changing the name of a facility.

2. A modification which involves a change in administrative and operational information and maintenance of operational records.
3. A modification which involves a change in the sequence of operation.
4. A modification which involves the relocation of access roads.
5. A modification which adds or deletes on-site structures.
6. A modification which involves the addition of or a change to a groundwater or surface water monitoring system.
7. A modification which involves the addition of or a change to a landfill gas monitoring system.
8. A modification which involves the addition or deletion of a permit-by-Rule facility.
9. A modification which involves the deletion of any solid waste handling facility.
10. A modification which involves the deletion of permitted capacity or acreage.
11. A modification which involves the addition of or a change to an erosion and sedimentation control system.
12. A modification which involves the addition of or a change to a closure or post- closure plan.
13. A modification which involves the addition of or a change to a method of leachate handling.
14. A modification which involves the addition of or a change to a quality assurance plan.
15. A modification which involves the change of any compliance schedule which is part of the permit.
16. A modification which involves the addition of a corrective action plan.
17. A modification which involves a change in ownership, or in the case of a corporation of over five (5) percent of the stock in a corporation holding a permit, but does not involve the transfer of the permit.

18. A modification which involves the addition of acreage for the purpose of installing monitoring systems or installing structures for mitigating environmental impacts, where the original permitted acreage provides insufficient area to complete required improvements. This modification request must be accompanied by a hydrogeological assessment as specified in Rule [391-3-4-.05\(1\)\(j\)](#).
 19. A modification which involves the addition of or change in a soil or synthetic liner and leachate collection system to a waste unit holding a valid solid waste handling permit, if it does not require other significant site redesign.
 20. A modification which involves the removal or recovery of CCR from a CCR unit for the purpose of beneficial use.
- (c) All modifications of solid waste handling permits which are major modifications shall be subject to the following requirements:
1. Submission of a completed application for a permit modification.
 2. Submission of supporting documents which accompany the application for a permit modification which describe the exact change to be made to the permit conditions and supporting documents referenced by the permit and which explain why the change is needed.
 3. Submission of a revised design for the requested change.
 4. Submission of written verification by the applicant, as required by subparagraph (1)(a) of Rule [391-3-4-.05](#), that the facility, as proposed to be modified, conforms to all local zoning/land use ordinances, if any.
 5. Except for Private Industry Solid Waste Disposal Facilities, after July 1, 1992, submission of written verification by the applicant that the facility, as proposed to be modified, is consistent with the local or regional solid waste management plans and that the host jurisdiction and the jurisdictions generating solid waste destined to the facility can demonstrate that they are actively involved in and have a strategy for meeting the State-wide goal of waste reduction by July 1, 1996. The verification shall consist of letters from the host jurisdiction and generating jurisdictions verifying consistency with the approved local solid waste plan.
 6. Except for Private Industry Solid Waste Disposal Facilities, submission of written verification that a public hearing was held by the governing authority of the county or municipality in which the solid waste facility requesting the modification is located, not less than two weeks prior to

granting approval of the modification. Submission of written verification that notice of such hearing was posted at the site of such facility and advertised in a newspaper of general circulation serving the county or counties in which the facility is located at least thirty (30) days prior to such hearing. A typed transcript of the hearing must be provided to the Division.

7. Any application for a solid waste disposal facility vertical expansion shall meet the criteria as established in O.C.G.A. [12-8-24\(e\)\(3\)](#). Any operation of a vertical expansion shall be in accordance with conditions set forth in the modified permit. Conditions to be included in any such modified permit shall, at a minimum, include the following:
 - (i) A minimum 200 foot buffer shall be provided between the property line and the waste disposal boundary established by the vertical expansion.
 - (ii) Site survey control shall be provided to ensure compliance with the approved permit modification.
 - (iii) Erosion and sedimentation control devices shall be installed, rehabilitated, and maintained as appropriate to control all surface runoff and sediments from disturbed areas.
 - (iv) All areas exposed for more than three (3) months shall be vegetated.
 - (v) Closure plans, post-closure plan, and appropriate financial responsibility shall be maintained and updated as provided for in the approved permit modification.
 - (vi) All other conditions of the existing permit not in conflict with conditions (i) through (v) above.
 8. With the exception of major modifications granted under subparagraph (c)7. of this Rule, all major modifications shall meet the siting and design standards applicable to new permit applications in effect on the date the modification is approved.
- (d) All modifications of solid waste handling permits which are minor modifications shall be subject to the following requirements:
1. Submission of a written request by the permit holder requests a minor modification.
 2. Submission of supporting documents which accompany the written modification request which describe the exact change to be made to the

permit conditions and supporting documents referenced by the permit and which explain why the change is needed.

3. If applicable, submission of a revised design for the requested change.
 4. For a modification involving a change in ownership covered in subparagraph (4)(b)17. above, documentation must be provided to insure compliance with subparagraph (7)(a) below.
- (4) Transfer of Permits: permits are not transferable from one site or facility to another. Permits are transferable from one person to another provided a new permit application is completed by the proposed permittee, and the proposed permittee agrees to abide by all the permit conditions or outstanding orders in effect at the time of the requested transfer. Prior to the transfer of the permit, the new permittee must demonstrate compliance with Rule [391-3-4-.13](#). Until such time as this is demonstrated, the original permittee shall be fully responsible for financial responsibility for the facility. Unless notified otherwise by the Director, within 45 days of receipt by the Division of a properly completed request for transfer of the permit, the permit transfer shall stand approved.
- (5) Applications for permits and major permit modifications under O.C.G.A. [12-8-24](#) shall be on forms as may be prescribed and furnished from time to time by the Division and shall be accompanied by all pertinent information as the Division may require.
- (6) Material submitted shall be complete and accurate.
- (7) Application for a permit or for the transfer of a permit shall contain, but shall not be limited, to the following:
- (a) A sworn statement that the applicant and owner or operator, if different than applicant, for a permit or, in the case of a corporation, partnership, or association, an officer, Director, manager, or shareholder of five percent or more of stock or financial interest in said corporation, partnership, or association:
 1. Has not intentionally misrepresented or concealed any material fact in the application submitted to the Director;
 2. Is not attempting to obtain the permit by misrepresentation or concealment;
 3. Has not been finally convicted in the State of Georgia or any federal court of any felony involving moral turpitude within three years immediately preceding the application for a permit;
 4. Has not been convicted of any violations of any environmental laws punishable as a felony in any state or federal court within five years preceding the application for a permit;

5. Has not knowingly, willfully, and consistently violated the prohibitions specified in O.C.G.A. [12-8-30.7](#); and
 6. Has not been adjudicated in contempt of any court order enforcing any federal environmental laws or any environmental laws of the State of Georgia within five years preceding the application for a permit.
- (b) For a permit application, a statement that the applicant either owns the property on which the facility is to be located or had the permission of the owner to use the property for solid waste handling.
 - (c) For a permit application, in the case of a regional landfill or a landfill serving more than one county, a list of the areas to be served.
 - (d) For a permit application, written verification of zoning compliance as required by Rule [391-3-4-.05](#) paragraph (1)(a).
 - (e) For a permit application, a site assessment as required by Rule [391-3-4-.05](#), except CCR units which must meet criteria in [391-3-4-.10](#).
- (8) Applications for permits will be reviewed together with such other information as may be necessary to ascertain the effect of such solid waste handling upon air, water, and land resources and human health. Conditions under which the handling will be permitted will be specified in the permit issued.
 - (9) Except for Private Industry Solid Waste Disposal Facilities, each applicant for a permit shall provide verification that the facility is consistent with the local or regional solid waste management plans. The verification shall consist of letters from the host jurisdiction and generating jurisdictions verifying consistency with the approved local solid waste plans.
 - (10) Changes to Permit Status. The Director may approve a request to modify an existing solid waste handling permit to reflect the change of a facility's operational status. Such changes can include operating, closure, and post-closure.

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.02

Authority: O.C.G.A. § [12-8-20](#) et seq., as amended.

History. Original Rule entitled "General" was filed as [391-1-1-.02](#) on November 21, 1972; effective December 12, 1972, as specified by the Agency.

Amended: Rule renumbered as 391-3-4-.02. Filed September 6, 1973; effective September 26, 1973.

Amended: Rule repealed a new Rule entitled "Solid Waste Handling Permit" adopted. Filed September 19, 1974; effective October 9, 1974.

Amended: F. Jun. 9, 1989; eff. Jun. 29, 1989.

Amended: F. Sept. 4, 1991; effective Sept. 24, 1991.

Amended: F. Jun. 7, 1993 eff. Jun. 27, 1993.

Amended: F. Nov. 2, 2016; eff. Nov. 22, 2016.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. June 10, 2021; eff. June 30, 2021.

Rule 391-3-4-.03. Public Participation.

- (1) Any city, county, group of counties, or authority beginning a process to select a site for a municipal solid waste disposal facility shall first call a public meeting as described herein.
 - (a) Notice such meeting shall be published at least once per week for two weeks immediately preceding the public meeting in a newspaper of general circulation serving such municipality or county.
 - (b) Where such proposed facility will serve a regional solid waste management authority established pursuant to O.C.G.A. [12-8-53](#), the notice procedure outlined in subparagraph (a) above shall be followed in each jurisdiction participating in such authority.
 - (c) The purpose of the public meeting shall be to discuss the waste management needs of the local government or region and to describe the siting process to be followed.
- (2) The governing authority of any county or municipality taking action resulting in a municipal solid waste disposal facility siting decision shall notify the public as follows:
 - (a) Cause to be published in a newspaper of general circulation serving such city or county at least once per week for two weeks immediately preceding the date of such meeting, notice of the meeting at which the siting decision is to be made.
 - (b) Such notices shall state the time, place, and purpose of the meeting.
 - (c) The meeting shall be conducted by the governing authority taking the action.
- (3) Upon submission of an application to the Division for any municipal solid waste disposal facility for which a permit (other than a permit-by-Rule) is required, the applicant, within fifteen (15) days of the submission of said application, shall take the following actions:
 - (a) Publish public notice of the application in a newspaper of general circulation serving the host county if the proposed facility or expanded facility is to serve no more than one county;
 - (b) Publish public notice of the application in a newspaper of general circulation serving each affected if the proposed facility or expanded facility is to serve more than one county;
 - (c) Provide written notice of the permit application to the governing body of each affected county in subparagraph (a) or (b) above; to the governing body of each

local government within subparagraph (a) or (b) above; and to the regional development center;

- (d) Request that the public notice outlined herein to be displayed prominently in the courthouse of each county notified in (c) above.
 - (e) Upon notification by the Division that a proposed facility is suitable for the intended purpose, the host local government shall initiate a local notification and negotiation process as required in O.C.G.A. [12-8-32](#).
- (4) The governing authority of the county or municipality will hold a public hearing not less than two weeks prior to the issuance of any permit, except for a private industry disposal facility, and notice of such hearing shall be posted at the proposed site and advertised in a newspaper of general circulation serving the county or counties in which the proposed activity will be conducted, at least thirty (30) days prior to such hearing. A typed copy of the hearing transcript shall be submitted to the Division.
- (5) Whenever the Director issues, denies, revokes, suspends, or transfers, a permit or approves a major modification of a permit for a facility, he shall notify the chief elected official of the host local government in which the facility is located or is proposed to be located.

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.03

Authority: O.C.G.A. § [12-8-20](#) et seq., as amended.

History. Original Rule entitled "Solid Waste Plans" was filed as [391-1-1-.03](#) on November 21, 1972; effective December 12, 1972, as specified by the Agency.

Amended: Rule renumbered as 391-3-4-.03. Filed September 6, 1973; effective September 26, 1973.

Amended: Rule repealed and a new Rule entitled "Application for Permit" adopted. Filed September 19, 1974; effective October 9, 1974.

Amended: F. Jun. 9, 1989; eff. Jun. 29, 1989.

Repealed: New Rule entitled "Public Participation" adopted. F. Sept. 4, 1991.

Amended: F. Jun. 7, 1993; eff. Jun. 27, 1993.

Amended: F. Nov. 2, 2016; eff. Nov. 22, 2016.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. June 10, 2021; eff. June 30, 2021.

Rule 391-3-4-.04. General. Amended.

- (1) No person shall engage in solid waste handling in a manner which will be conducive to insect and rodent infestation or the harboring and feeding of wild dogs or other animals; impair the air quality; impair the quality of the ground or surface waters; impair the quality of the environment; or likely create other hazards to the public health, safety, or well-being as may be determined by the Director.

- (2) Provisions of these Rules apply to all persons presently engaged in solid waste handling as well as all persons proposing to engage in solid waste handling.
- (3) **Exemptions:** provisions of these Rules shall not apply to any individual disposing of solid wastes originating from his own residence onto land or facilities owned by him when disposal of such wastes does not thereby adversely affect the public health. These Rules shall not apply to any individual, corporation, partnership, or cooperative disposing of livestock feeding facility waste from facilities with a total capacity of up to 1,000 cattle or 5,000 swine. Provided that if such individual, corporation, partnership, or cooperative shall provide an approved waste disposal system which is capable of properly disposing of the run-off from a "ten year storm" such individual, corporation, partnership or cooperative shall be further exempt regardless of total per head capacity. Nothing in these Rules shall limit the right of any person to use poultry or other animal manure for fertilizer.
- (4) Prohibited Acts:
 - (a) Burning: no solid waste may be burned at a solid waste handling facility, except by thermal treatment technology facility approved by the Division.
 - (b) Scavenging: no person owning or operating a solid waste handling facility shall cause, suffer, allow or permit scavenging at such site.
 - (c) Open Dump: no solid waste may be disposed of by any person in an open dump, nor may any person cause, suffer, allow or permit open dumping on his property.
 - (d) Asphalt Shingles: no roofing shingles which contain asphalt may be disposed of except in construction and demolition or municipal solid waste landfills.
- (5) The owner or occupant of any premises, office, business establishment, institution, industry, or similar facilities shall be responsible for the collection and transportation of all solid waste accumulated at the premises, office, business establishment, institution, or similar facility to a solid waste handling facility operating in compliance with these Rules unless arrangements have been made for such service with a collector operating in compliance with these Rules.
- (6) Prohibited Wastes Disposal:
 - (a) If, because of unusual physical or chemical properties, or geological or hydrogeological conditions, or for other reasons, the Division finds that solid waste should not be accepted at a solid waste handling facility, the Division may require that such waste be prohibited, and that a proposal for disposal of such waste, with supporting data as may be deemed necessary, be submitted by the generator of such waste for consideration of approval by the Division. The prohibition of such waste shall continue in effect until an acceptable procedure for processing or disposal has been developed and approved.

- (b) The following solid wastes are specifically prohibited from disposal at solid waste disposal facilities in Georgia:
1. lead acid batteries;
 2. liquid waste in landfills, except as allowed in (9) below;
 3. regulated quantities of hazardous waste as defined in Rules promulgated by the Board of Natural Resources, Chapter 391-3-11;
 4. radioactive waste as defined in Rules promulgated by the Board of Natural Resources, Chapter 391-3-9, Radioactive Waste Material Disposal; and
 5. polychlorinated biphenyls (PCB) waste as defined in 40 CFR, Part 761.
- (c) Any generator who disposes of a prohibited waste or person who accepts for disposal a prohibited waste shall be deemed to be in violation of these Rules.

(7) Recovered Materials:

- (a) Recovered materials and recovered materials processing facilities are excluded from regulation as solid wastes and solid waste handling facilities. To be considered exempt from regulation, the material must have a known use, reuse, or recycling potential; must be feasibly used, reused, or recycled; and must have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing. Stockpiles of unprocessed yard trimmings, land-clearing debris, untreated and unpainted wood, or any combination thereof and mulch are considered recovered materials if the requirements for facilities with mulching operations as set forth in 391-3-4-.04(7)(g) are met.
- (b) Materials accumulated speculatively are solid waste and must comply with all applicable provisions of these regulations.
- (c) A recovered material is not accumulated speculatively if the person accumulating it can show that there is a known use, reuse, or recycling potential for the material, that the material can be feasibly sold, used, reused, or recycled and that during a rolling 12 month period seventy-five percent (75%), by weight or volume, of the recovered material stored at a facility is recycled, sold, used, or reused. Any material that is accumulated speculatively and not in accordance with these requirements must be handled as solid waste.
- (d) Proof of recycling, sale, use, or reuse shall be provided in the form of bills of sale, or other records showing adequate proof of movement of the material in question to a recognized recycling facility or for proper use or reuse from the accumulation point. In addition, proof must be provided that there is a known market or

disposition for the recovered material. Persons claiming that they are owners or operators of recovered materials processing facilities must show that they have the necessary equipment to do so.

- (e) A recovered material is "sold" if the generator of the recovered material or the person who recovered the material from the solid waste stream received consideration or compensation for the material because of its inherent value.
- (f) A recovered material is "used, reused or recycled" if it is either:
 - 1. Employed as an ingredient (including use as an intermediate) in a process to make a product (for example, utilizing old newspaper to make new paper products) or
 - 2. Employed in the same or different fashion as its original intended purpose without physically changing its composition (for example, use of old automobiles for spare parts or donation of clothing or furniture to charitable organizations) or
 - 3. Employed in a particular function or application as an effective substitute for a commercial product (for example, utilizing shredded tires in asphalt or utilizing refuse - derived fuel as a substitute for fuel oil, natural gas, coal, or wood in a boiler or industrial furnace) as long as such substitution does not pose a threat to human health or the environment and so long as the facility is not a solid waste thermal treatment facility.
 - 4. A material is not "used, reused or recycled" when it is applied to or placed on or in the land in a manner that constitutes disposal which, in the opinion of the Director, may pose a threat to human health and the environment (for example, utilizing soil containing levels of hazardous constituents, as listed in Chapter 391-3-11, 40 CFR Part 261, Appendix VIII for fill material when those levels are greater than the background levels in the area to be filled, land applying sludge in excess of generally accepted agricultural practices or use of inherently waste-like materials as fill material).
- (g) Mulching is considered a recovered material operation at facilities demonstrating compliance with the following criteria:
 - 1. A stockpile must have no greater than the following maximum dimensions:
 - (I) Area: 25,000 square feet
 - (II) Height: 25 feet

2. Unprocessed yard trimmings, land-clearing debris, untreated and unpainted wood or any combination thereof, must be processed no later than 90 days after receipt, unless otherwise stated in the Solid Waste Handling Permit.
 3. Mulch is not accumulated speculatively if the person accumulating it can show that there is a known use, reuse, or recycling potential for the material; that the material can be feasibly sold, used, reused, or recycled; and that during a rolling 12 month period seventy-five percent (75%) by weight or volume of the products stored at a facility are recycled, sold, used, or reused. Any material that is accumulated speculatively and not in accordance with these requirements must be handled as solid waste.
 4. The facility shall have on site a fire plan detailing steps to prevent, contain and extinguish a fire. The fire plan shall include documentation that the local fire authority or a Georgia State Certified Fire Inspector conducted a fire safety survey.
 5. Activities involving open flames and other flammable materials (oil, gas, fuel) shall not be allowed within 25 feet of a stockpile, with the exception of maintenance activities involving torches and welding equipment, as long as a fireproof barrier is used.
 6. The facility must provide a buffer between unprocessed yard trimmings, land-clearing debris, untreated and unpainted wood, mulch, and any combination thereof and the property line. The buffer shall be set by the local fire authority or a Georgia State Certified Fire Inspector and documented in the fire plan. If the local fire authority or a Georgia State Certified Fire Inspector does not establish a buffer, the minimum buffer shall be 50 feet. The buffer may include the fire lane.
 7. The facility shall utilize best management practices from the most recent edition of the Georgia Stormwater Management Manual to minimize the exposure of material storage areas to rain, snow, snowmelt, and runoff.
 8. The facility shall have erosion and sediment control measures adequate to prevent the escape of sediment from the facility property into Waters of the State. Construction and operating areas must utilize best management practices from the most recent edition of the Manual for Erosion and Sedimentation Control in Georgia.
- (h) Existing facilities producing mulch that have stockpiles of unprocessed yard trimmings, land clearing debris, untreated and unpainted wood, mulch, or any combination thereof on the effective date of this rule shall comply with the above sections (g) 1.- 8. within 6 months of the effective date of the rule.

(8) Asbestos Containing Waste.

(a) Collection.

1. Vehicles used for the transportation of containerized asbestos waste shall have an enclosed carrying compartment or utilize a covering sufficient to contain the transported waste, prevent damage to containers, and prevent release or spillage from the vehicle.
2. Vehicles used to reduce waste volume by compaction shall not be used.
3. Vacuum trucks used to transport waste slurry must be constructed and operated to ensure that liquids do not leak from the truck.

(b) Disposal.

1. Asbestos containing waste is to be disposed of only in a permitted landfill or other facility authorized by the Division for acceptance of asbestos containing waste.
2. Asbestos containing waste shall be sealed in leak-proof containers labeled with "Caution - Contains Asbestos Fibers - Avoid Opening or Breaking Container - Breathing Asbestos is Hazardous to Your Health."
3. Asbestos containing waste shall be disposed of in such a manner as not to destroy the integrity of the asbestos containing materials containers prior to the placement of cover material. This waste shall be completely covered immediately after deposition with a minimum of six (6) inches of non-asbestos material.

(9) Liquid Waste Restrictions at Landfills.

(a) Bulk or noncontainerized liquid waste may not be placed in landfill units unless:

1. The waste is household waste other than septic waste; or
2. The waste is leachate or gas condensate derived from the landfill unit, whether it is a new or existing landfill or lateral expansion, is designed with a composite liner and leachate collection system as described in paragraph (1)(d) of Rule [391-3-4-.07](#). The owner or operator must place the demonstration in the operating record and notify the Director that it has been placed in the operating record.

(b) Containers holding liquid waste may not be placed in a landfill unit unless:

1. The container is a small container similar in size to that normally found in household waste;

2. The container is designed to hold liquids for use other than storage; or
3. The waste is household waste.

(c) For purposes of this section:

1. "Liquid waste" means any waste material that is determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).
 2. "Gas condensate" means the liquid generated as a result of gas recovery process(es) at the landfill unit.
- (10) Variances, waivers, and alternative compliance schedules which may be granted under these Rules, Chapter 391-3-4, may not allow for the waiver or modification of a requirement found in 40 CFR, Part 258, as amended, 56 Fed. Reg. 51016-51039 (October 9, 1991), 80 Fed. Reg. 21468 (April 17, 2015); as amended at 80 Fed. Reg. 37991 (July 2, 2015) and 81 Fed. Reg. 51807 (August 5, 2016), except as provided in [391-3-4.10\(11\)](#).
- (11) Compliance with the Rules for Solid Waste Management, Chapter 391-3-4, does not relieve any person from complying with all other applicable local, state, or federal rules or statutes.

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.04

Authority: O.C.G.A. § [12-8-20](#) et seq., as amended.

History. Original Rule entitled "Collection and Transportation," was filed as [391-1-1-.04](#) on November 21, 1972; effective December 12, 1972, as specified by the Agency.

Amended: Rule renumbered as 391-3-4-.04. Filed September 6, 1973; effective September 26, 1973.

Amended: Rule repealed and a new Rule entitled "General" adopted. Filed September 19, 1974; effective October 9, 1974.

Amended: F. Jun. 9, 1989; eff. Jun. 29, 1989.

Amended: F. Sept. 4, 1991; eff. Sept. 24, 1991.

Amended: F. Jun. 7, 1993; eff. Jun. 27, 1993.

Amended: F. Jul. 31, 1997; eff. Aug. 20, 1997.

Amended: F. Sep. 13, 2016; eff. Oct. 3, 2016.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. June 10, 2021; eff. June 30, 2021.

Rule 391-3-4-.05. Criteria for Siting.

- (1) The following criteria must be met for a site proposed as a solid waste handling facility:

- (a) Zoning. The site must conform to all local zoning/land use ordinances. Written verification must be submitted to the Division by the applicant demonstrating that the proposed site complies with local zoning and land use ordinances, if any. This verification shall include a letter from the local governmental authority stating that the proposed site complies with local zoning or land use ordinances, if any. This verification shall be provided at the time of submission of a permit application and reaffirmed by the governmental authority prior to permit issuance.
- (b) Disposal Facility Siting Decision. Whenever any county, municipality group of counties, or authority begins a process to select a site for a municipal solid waste disposal facility, documentation shall be submitted which demonstrates compliance with O.C.G.A. [12-8-26\(a\)](#), and whenever the governing authority of any county or municipality takes action resulting in a publicly- or privately-owned municipal solid waste disposal facility siting decision, documentation shall be submitted which demonstrates compliance with O.C.G.A. [12-8-26\(b\)](#).
- (c) Airport Safety:
 - 1. New MSWLF units or lateral expansions of existing units shall not be located within 10,000 feet (3,048 meters) of any public-use or private-use airport runway end used by turbojet aircraft or within 5,000 feet (1,524 meters) of any public-use or private-use airport runway end used by only piston-type aircraft.
 - 2. Owners or operators of existing MSWLF units, that are located within 10,000 feet (3,048 meters) of any public- use or private-use airport runway end used by turbojet aircraft or within 5,000 feet (1,524 meters) of any public- use or private-use airport runway end used by only piston-type aircraft must demonstrate that the units are designed and operated so that the MSWLF units do not pose a bird hazard to aircraft.
 - 3. Owners or operators proposing to site new MSWLF units and lateral expansions within a five-mile radius of any public-use or private-use airport runway end used by turbojet or piston-type aircraft must notify the affected airport and the Federal Aviation Administration (FAA).
 - 4. The owner or operator must place the demonstration in paragraph 2. of this section in the operating record and notify the Director that it has been placed in the operating record not later than October 1, 1993.
 - 5. For purposes of this section:
 - a. "Public-use airport" means an airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

- b. "Private-use airport" means an airport that is not open to the public and which may not be used without prior permission of the airport owner and which has restrictions other than the physical capacities of available facilities and such airport is shown on the Sectional Aeronautical Charts published by the U.S. Department of Commerce for Atlanta, Jacksonville, or New Orleans, which charts are dated at least one year prior to the submission of a MSWLF permit or major permit modification application.
 - c. "Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.
- (d) Floodplains. A solid waste handling facility located in the 100-year floodplain shall not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in a washout of solid waste so as to pose a hazard to human health and the environment. The owner or operator must place a demonstration of compliance in the operating record and notify the Director that it has been placed in the operating record.
 - 1. For purposes of this section:
 - a. "Floodplains" means the low land and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, that are inundated by the 100-year flood.
 - b. "100-year flood" means a flood that has a 1-percent or greater chance of recurring in any given year or a flood of a magnitude equalled or exceeded once in 100 years on the average over a significantly long period.
 - c. "Washout" means the carrying away of solid waste by waters of the base flood.
- (e) Wetlands. A solid waste handling facility shall not be located in wetlands, as defined by the U.S. Corps. of Engineers, unless evidence is provided to the Director, by the applicant, that use of such wetlands has been permitted or otherwise authorized under all other applicable state and federal laws and rules. The owner or operator must place a demonstration of compliance in the operating record and notify the Directory that it has been placed in the operating record.
- (f) Fault Areas.

1. New landfill units and lateral expansions of existing landfills shall not be located within 200 feet (60 meters) of a fault that has had displacement in Holocene time unless the owner or operator demonstrates to the Director that an alternative setback distance of less than 200 feet (60 meters) will prevent damage to the structural integrity of the landfill unit and will be protective of human health and the environment.
2. For the purposes of this section.
 - a. "Fault" means a fracture or a zone of fractures in any material a long which strata on one side have been displaced with respect to that on the other side.
 - b. "Displacement" means the relative movement of any two sides of a fault measured in any direction.
 - c. "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene Epoch to the present.

(g) Seismic Impact Zones.

1. New landfill units and lateral expansions shall not be located in seismic impact zones, unless the owner or operator demonstrates to the Director that all containment structures, including liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site. The owner or operator must place the demonstration in the operating record and notify the Director that it has been placed in the operating record.
2. For the purposes of this section:
 - a. Seismic impact zone means an area with a ten percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull will exceed 0.10g in 250 years.
 - b. Maximum horizontal acceleration in lithified earth material means the maximum expected horizontal acceleration depicted on a seismic hazard map, with a 90 percent or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on a site -specific seismic risk assessment.
 - c. Lithified earth material means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or

small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.

(h) Unstable areas.

1. Owners or operators of new landfill units, existing landfill units, and lateral expansions located in an unstable area must demonstrate that engineering measures have been incorporated into the landfill unit's design to ensure that the integrity of the structural components of the landfill unit will not be disrupted. The owner or operator must place the demonstration in the operating record and notify the Director that it has been placed in the operating record. The owner or operator must consider the following factors, at a minimum, when determining whether an area is unstable:
 - a. On-site or local soil conditions that may result in significant differential settling;
 - b. On-site or local geologic or geomorphologic features; and
 - c. On-site or local human-made features or events (both surface and subsurface).
2. For the purposes of this section:
 - a. "Unstable area" means a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all of the landfill structural components responsible for preventing releases from a landfill. Unstable areas can include poor foundation conditions, areas susceptible to mass movements, and karst terrains.
 - b. "Structural components" means liners, leachate collection systems, final covers, run-on/run-off systems, and any other component used in the construction and operation of the landfill that is necessary for protection of human health and the environment.
 - c. "Poor foundation conditions" means those areas where features exist which indicate that a natural or man-induced event may result in inadequate foundation support for the structural components of a landfill unit.

- d. "Areas susceptible to mass movement" mean those areas of influence (i.e., areas characterized as having an active or substantial possibility of mass movement) where the movement of earth material at, beneath, or adjacent to the landfill unit, because of natural or man-induced events, results in the downslope transport of soil and rock material by means of gravitational influence. Areas of mass movement include, but are not limited to, landslides, avalanches, debris slides and flows, soil fluctuation, block sliding, and rock fall.
 - e. "Karst terrains" means areas where karst topography, with its characteristic surface and subterranean features, is developed as the result of dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terrains include, but are not limited to, sinkholes, sinking streams, caves, large springs, and blind valleys.
- (i) Significant Groundwater Recharge Areas. A new municipal solid waste landfill or lateral expansion of an existing municipal solid waste landfill shall not have any part of such site located within two miles of any area that has been designated by the Director as a significant groundwater recharge area unless such municipal solid waste landfill will have a liner and leachate collection system. In the case of a regional landfill which accepts solid waste generated outside the counties or special districts constituting the region or a municipal solid waste landfill which accepts solid waste generated outside the county in which the landfill is located, no part of such site shall be within any area that has been designated as a significant groundwater recharge area.
- (j) Hydrogeological Assessment. A hydrogeological site investigation shall be conducted with the following factors, as a minimum, evaluated:
1. Distance to nearest point of public or private drinking water supply: all public water supply wells or surface water intakes within two miles and private (domestic) water supply wells within one-half mile of a landfill must be identified;
 2. Depth to the upper most aquifer: for landfills, the thickness and nature of the unsaturated zone and its ability for natural contamination control must be evaluated;
 3. Uppermost aquifer gradient: for landfills, the direction and rate of flow of groundwater shall be determined in order to properly evaluate the potential for contamination at a specific site. Measurements of water levels in site exploratory borings and the preparation of water table maps are required.

Borings to water are required to estimate the configuration and gradient of the uppermost aquifer;

4. Topographic setting: features which shall be provided include, but are not limited to, all upstream and downstream drainage areas affecting or affected by the proposed site, floodplains, gullies, karst conditions, wetlands, unstable soils and percent slope;
 5. Geologic setting: for landfills, the depth to bedrock, the type of bedrock and the amount of fracturing and jointing in the bedrock shall be determined. In limestone or dolostone regions, karst terrain shall not be used for waste disposal. This consideration does not preclude the siting of landfills in limestone terrains, but rather is intended to prevent landfills from being sited in or adjacent to sink-holes, provided, however, that the demonstration required by subparagraph (h) has been made.
 6. Hydraulic conductivity: evaluation of landfill sites shall take into consideration the hydraulic conductivity of the surface material in which the wastes are to be buried, as well as the hydraulic conductivity of the subsurface materials underlying the fill;
 7. Sorption and attenuation capacity: for landfills, the sorptive characteristics of an earth material and its ability to absorb contaminants shall be determined; and
 8. Distance to surface water: municipal solid waste landfills shall not be situated within two miles upgradient of any surface water intake for a public drinking water source unless engineering modifications such as liners and leachate collection systems and ground-water monitoring systems are provided.
- (k) New MSWLF units shall not be located within two miles of a federally restricted military air space which is used for a bombing range unless the MSWLF was permitted and operational on July 1, 1997.
- (2) Construction/Demolition waste landfills must comply with the siting criteria specified in "Criteria for Performing Site Acceptability Studies for Solid Waste Landfills in Georgia", Circular 14, Appendix B.
 - (3) Industrial waste landfills permitted to receive only a single type industrial waste (monofill) or receive only a single industry's waste, must comply with the siting criteria specified in "Criteria for Performing Site Acceptability Studies for Solid Waste Landfills in Georgia", Circular 14, Appendix A. Commercial industrial waste landfills must meet the same siting criteria as municipal solid waste landfills.

- (4) A site assessment report addressing the criteria listed above shall be prepared by a geologist registered in Georgia or a geotechnical engineer registered in Georgia and submitted to the Division for review at the time of submitting a permit application. The site assessment report shall be prepared in accordance with Circular 14, 1991, (amended 1997) as published by the Georgia Geologic Survey, Georgia Environmental Protection Division.
- (5) Monitoring wells and borings shall be constructed by a driller having a valid and current bond with the Water Well Standards Advisory Council.
- (6) CCR units must meet the siting criteria in [391-3-4-.10](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.05

Authority: O.C.G.A. § [12-8-20](#) et seq., as amended.

History. Original Rule entitled "Disposal Operations" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Plans Required" adopted. F. Sept. 19, 1974; eff. Oct. 9, 1974.

Repealed: New Rule entitled "Criteria for Siting" adopted. F. June 9, 1989; eff. June 29, 1989.

Amended: F. Sept. 4, 1991; eff. Sept. 24, 1991.

Amended: F. June 7, 1993; eff. June 27, 1993.

Amended: F. July 31, 1997; eff. August 20, 1997.

Amended: F. Nov. 2, 2016; eff. Nov. 22, 2016.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. June 10, 2021; eff. June 30, 2021.

Rule 391-3-4-.06. Permit by Rule for Collection, Transportation, Processing, and Disposal.

- (1) Permit-by-Rule. Notwithstanding any other provision of these Rules, collection operations, transfer station operations, inert waste landfill operations, waste processing and thermal treatment operations, wastewater treatment and pretreatment plant sludge disposal operations, and yard trimmings waste landfill operations shall be deemed to have a solid waste handling permit if the conditions in paragraph (2) are met and the conditions in paragraph (3), for that particular category of operation are met.
- (2) **Notification.** Within 30 days of commencing solid waste handling activities which are covered under a permit-by-Rule, notification must be made to the Director of such activity. Notification shall be made on such forms as are provided by the Director. Persons failing to notify the Director of such activities shall be deemed to be operating without a permit.
- (3) Categories of Operations:
 - (a) Collection Operations:
 1. Vehicle construction: vehicles or containers used for the collection and transportation of garbage and similar putrescible wastes, or mixtures

containing such wastes, shall be covered, substantially leakproof, durable, and of easily cleanable construction.

2. Vehicle maintenance: solid waste collection and transportation vehicles shall be cleaned frequently and shall be maintained in good repair.
3. Littering and spillage: vehicles or containers used for the collection and transportation of solid waste shall be loaded and moved in such manner that the contents will not fall, leak or spill therefrom and shall be covered when necessary to prevent blowing of material from the vehicle.
4. No regulated quantities of hazardous wastes may be collected and transported except in accordance with the provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. [12-8-60](#) *et seq.*
5. Local ordinances: it is the responsibility of the collector to comply with all local rules, regulations, and ordinances pertaining to operation of solid waste collection systems.
6. All wastewater from cleaning of vehicles must be handled in a manner which meets all applicable environmental laws and regulations.
7. All collected solid waste must be deposited only in a permitted solid waste handling facility authorized to receive the applicable waste types.

(b) Transfer Station operations:

1. Solid Waste shall be confined to the interior of transfer station buildings, and not allowed to scatter to the outside. Waste shall not be allowed to accumulate, and floors shall be kept clean and well drained.
2. Sewage solids shall be excluded from transfer stations.
3. Dust, odors and similar conditions resulting from transfer operations shall be controlled at all times.
4. Rodents, insects and other such pests shall be controlled.
5. Any contaminated runoff from washwater shall be discharged to a wastewater treatment system and, before final release, shall be treated in a manner approved by the Division.
6. Hazardous Waste: no person owning or operating a transfer station shall cause, suffer, allow, or permit the handling of regulated quantities of hazardous waste.

7. Liquid wastes restricted from landfill disposal by Rule [391-3-4-.04\(9\)](#) shall be excluded from transfer stations. Transfer stations in existence on August 1, 2004 and in compliance with all other regulations applicable to permit by rule transfer stations may continue to handle such liquid wastes until a solid waste processing facility permit is issued or August 1, 2006, whichever occurs first.
- (c) Inert Waste Landfill Operations: Inert Waste Landfills in existence on the effective date of this Rule and in compliance with all other regulations applicable to permit by rule for inert waste landfill operations may continue to operate under the conditions below until a solid waste handling permit is issued or December 1, 2014, whichever occurs first. Provided a complete permit application is submitted by June 1, 2014, the Director may extend the deadline for permitting until a final decision on permit issuance or denial is made. If the requirements for a permit cannot be met by December 1, 2014, or other deadline established by the Director, the operator must cease receipt of waste on that date and complete closure by June 1, 2015, or six months from the Director's denial of the requested permit application. Any inert waste landfill which, as of January 1, 2014, has been certified by a professional engineer registered in accordance with Chapter 15 of Title 43 as being in full compliance with all permit by rule requirements established in the rules and regulations of the division as they existed on January 1, 2012, may continue to operate under such permit by rule requirements. Except as provided in sub-paragraph (f), no person may begin operating a new inert waste landfill after the effective date of this rule without first obtaining a site specific solid waste handling permit for an inert waste landfill.
1. Only waste that will not or is not likely to produce leachate of environmental concern may be disposed of in an inert waste landfill. Only earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, and land clearing debris such as stumps, limbs and leaves, are acceptable for disposal in an inert waste landfill.
 2. No portion of waste disposal area shall be located within one hundred (100) linear feet of any property line or enclosed structure.
 3. Materials placed in inert waste landfills shall be spread in layers and compacted to the least practical volume; and, a uniform compacted layer of clean earth cover no less than one (1) foot in depth shall be placed over all exposed inert waste material at least monthly.
 4. The inert waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.

5. Access to inert waste landfills shall be limited to authorized entrances which shall be closed when the site is not in operation.
6. Suitable means shall be provided to prevent and control fires. Stockpiled soil is considered to be the most satisfactory fire fighting material.
7. A uniform compacted layer of final cover not less than two (2) feet in depth and a vegetative cover shall be placed over the final lift not later than one month following final placement of inert waste within that lift.
8. Notice of final closure must be provided to the Director within 30 days of receiving the final load of waste. Any site not receiving waste for in excess of 180 days shall be deemed abandoned and in violation of these Rules unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.
9. All deeds for real property which have been used for landfilling shall include notice of the landfill operations, the date the landfill operation commenced and terminated, an accurate legal description of the actual location of the landfill, and a description of the type of solid wastes which have been deposited in the landfill. Concurrent with the submission of notice of final closure to the Director, the owner or operator must submit to the Director confirmation that the information required in this section has been noticed on the property deed.
10. All wastes received at the landfill must be measured and reported as required by Rule [391-3-4-.17](#).
11. All other applicable federal, state, and local laws, rules, and ordinances, including erosion and sediment control, and any applicable federal wetlands permits, must be fully complied with prior to commencement of landfilling operations.

(d) On-site Waste Processing and Thermal Treatment Operations:

1. For purposes of this Rule, "On-site Processing or Thermal Treatment Facility" shall mean a facility that processes or thermally treats, no less than 75 percent, by weight, solid waste generated at the permit-by-Rule facility location or facilities owned by the same person who owns the property containing the permit-by-Rule facility. On-site facilities may include fixed or mobile facilities either owned or under contract with the solid waste generator of 75 percent of the solid waste so long as the solid waste generator maintains legal control of the solid waste while at the permit-by-Rule facility.

2. Capacity: the on-site waste processing and thermal treatment technology facility shall be adequate in size and capacity to manage the projected volume of solid waste and residue generated.
3. Residue: on-site thermal treatment technology facilities shall be designed in such a manner to expedite the routine sampling of bottom and fly ash. Temperature and combustion time shall be sufficient to produce a satisfactory residue, essentially free of odors and unstable organic matter, and such residue shall be promptly deposited in a municipal solid waste landfill having a liner and leachate collection system and operated and maintained as provided herein, handled in such other manner as may be approved by the Division, or if shown by testing to be hazardous, handled in accordance with the provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. [12-8-60](#), *et seq.* Residue from thermal treatment technology facilities that burn only biomedical wastes may be deposited in any permitted municipal solid waste landfill. Residue from the burning of any wastes, other than biomedical wastes, must, if landfilled, be placed in landfills having liners and leachate collection systems unless the Division grants an exemption.
4. Storage: the areas for storing wastes prior to processing must be clearly defined and the maximum capacity specified. No waste may be stored in excess of the designated capacity.
5. Disposal of waste: treated waste from on-site processing facilities and any material not sold or used, reused, or recycled must be disposed in a permitted disposal facility.
6. Air quality: on-site processing and thermal treatment technology facilities shall be designed and operated in such manner as to meet any air quality standards of the Division.
7. Wastewater: on-site processing and thermal treatment technology facilities shall be designed so that any wastewater generated will be discharged to a wastewater treatment system and, before final release, will be treated in a manner approved by the Division.
8. Fire protection: on-site processing and thermal treatment technology facility designs shall provide for fire control equipment placed near the storage and charging area, and elsewhere as needed.
9. Supervision: operation and management of on-site thermal treatment technology facilities shall be under the direct supervision and control of an operator who is present at all times of operation and is qualified in thermal treatment technology management by training, education or experience.

Operation and management of on-site processing facilities shall be under the supervision and control of a responsible individual properly trained in the operation of such facilities at all times during operation.

10. Prohibited waste: no lead acid batteries, radioactive waste, or regulated quantities of hazardous waste or polychlorinated biphenyls may be accepted. The operator must have a plan for excluding these wastes.
11. Cleanliness and sanitation: on-site processing and thermal treatment technology facilities shall be maintained in a clean and sanitary condition. Solid waste shall be confined to the designated storage area.
12. Record keeping: accurate written, daily records by actual weight or by the methods approved in accordance with O.C.G.A. [12-8-31.1\(g\)](#) shall be kept of all waste processed or disposed at the on-site processing and thermal treatment technology facility. Such records shall include the source of the waste, by facility name and location. Copies of such records shall be maintained for a period of at least three (3) years and shall be submitted to the Division quarterly on such forms as prescribed by the Division.
13. Local ordinances: it is the responsibility of the operator of on-site processing and thermal treatment technology facilities to comply with all local rules, regulations, and ordinances pertaining to operation of these facilities and all other applicable federal and state laws and rules.
14. All facilities handling biomedical waste must, in addition to this Rule, meet any requirements of Rule [391-3-4.15](#).

(e) Wastewater Treatment or Pretreatment Plant Sludge Disposal:

1. All wastewater treatment or pretreatment plant sludges that are not beneficially used, reused, or recycled in accordance with Rule [391-3-4.04](#) or that are not disposed of by landfilling in accordance with Rule [391-3-4.07](#), must be handled in accordance with an approval or a permit issued by the Division under authority of the Georgia Water Quality Control Act, O.C.G.A. [12-5-20](#), *et seq.* or the Georgia Air Quality Act, O.C.G.A. [12-9-1](#) *et seq.*

(f) Yard Trimmings Waste Landfill Operations: Landfill Operations with 5 acres or less of waste disposal area and located in counties with a population less than 65,000 people and accepting exclusively yard trimmings as defined by these Rules can be permitted under the following conditions:

1. Only yard trimmings are acceptable for disposal in a yard trimmings waste landfill. Vegetative matter from land clearing operations shall not be disposed in a yard trimmings waste landfill.
2. No portion of the waste disposal area shall be located within two hundred (200) linear feet of any property line or enclosed structure.
3. Materials placed in yard trimmings waste landfills shall be spread in layers and compacted to the least practical volume; and, a uniform compacted layer of clean earth cover no less than one (1) foot in depth shall be placed over all exposed yard trimmings waste material at least monthly.
4. The yard trimmings waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.
5. Access to yard trimmings waste landfills shall be limited to authorized entrances which shall be closed when the site is not in operation.
6. Suitable means shall be provided to prevent and control fires. Stockpiled soil is considered to be the most satisfactory firefighting material.
7. A uniform compacted layer of final cover not less than two (2) feet in depth and a vegetative cover shall be placed over the final lift not later than one month following final placement of yard trimmings waste within that lift.
8. Notice of final closure must be provided to the Director within 30 days of receiving the final load of waste. Any site not receiving waste for in excess of 180 days shall be deemed abandoned and in violation of these Rules unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.
9. All deeds for real property which have been used for landfilling shall include notice of the landfill operations, the date the landfill operation commenced and terminated, an accurate legal description of the actual location of the landfill, and a description of the type of solid wastes which have been deposited in the landfill. Concurrent with the submission of notice of final closure to the Director, the owner or operator must submit to the Director confirmation that the information required in this section has been noticed on the property deed.
10. All wastes received at the landfill must be measured and reported as required by Rule [391-3-4-.17](#).

11. All other applicable federal, state, and local laws, rules, and ordinances, including erosion and sediment control, and any applicable federal wetlands permits, must be fully complied with prior to commencement of landfilling operations.

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.06

Authority: O.C.G.A. § [12-8-20](#) et seq., as amended.

History. Original Rule entitled "Enforcement" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Collection and Transportation" adopted. F. Sept. 19, 1974; eff. Oct. 9, 1974.

Repealed: New Rule entitled "Permit by Rule for Collection, Transportation, and Disposal" adopted. F. June 9, 1989; eff. June 29, 1989.

Amended: F. Sept. 4, 1991; eff. Sept. 24, 1991.

Amended: F. June 7, 1993; eff. June 27, 1993.

Amended: F. July 31, 1997; eff. August 20, 1997.

Amended: F. July 8, 2005; eff. July 28, 2005.

Amended: F. Feb. 5, 2013; eff. Feb. 25, 2013.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Sep. 13, 2016; eff. Oct. 3, 2016.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. June 10, 2021; eff. June 30, 2021.

Rule 391-3-4-.07. Landfill Design and Operations.

- (1) All landfills must be designed by a professional engineer registered to practice in Georgia and designed in accordance with the following criteria:
 - (a) Site limitations: the landfill must be designed in such a manner as to comply with the specific site limitations issued by the Division as a part of a site approval.
 - (b) Buffers: Facilities must provide a minimum 200 foot buffer between the waste disposal boundary and the property line and a minimum 500 foot buffer between the waste disposal boundary and any occupied dwelling and the dwelling's operational private, domestic water supply well in existence of the date of permit application. The 500-foot buffer may be reduced if the current owner of the dwelling provides a written waiver consenting to the waste disposal boundary being closer than 500 feet. The waste disposal boundary is defined as the limit of all waste disposal areas, appurtenances, and ancillary activities (including but not limited to internal access roads and drainage control devices). No land disturbing activities are to take place in these buffers, except for construction of groundwater monitoring wells and access roads for direct ingress or egress, unless otherwise specified in a facility design and operation plan or corrective action plan approved by the Division.
 - (c) Site survey control shall be provided to ensure the operation will be on permitted lands. Survey control will be accomplished through use of permanent, accessible

benchmarks, survey control stakes, and/or boundary markers which designate and/or delineate all permitted areas. Survey control shall be as indicated on the design and operational plan. Where necessary for construction or operational purposes, vertical as well as horizontal survey control will be established and maintained to delineate fill boundaries, buffers, and property boundaries.

- (d) Liners and Leachate Collection Systems: new MSWLF units and lateral expansions shall be constructed with liners and leachate collection systems. The liner and leachate collection system must ensure that the concentration values listed in Table 1 will not be exceeded in the uppermost aquifer at the relevant point of compliance. The liner and leachate collection system must be designed and installed under the supervision of a professional engineer registered to practice in Georgia who shall certify the installation.

TABLE 1

Chemical	MCL (mg/l)
Arsenic	0.05
Barium	1.0
Benzene	0.005
Cadmium	.01
Carbon tetrachloride	0.005
Chromium (hexavalent)	0.05
2, 4 - Dichlorophenoxy acetic acid	0.1
1, 4 - Dichlorobenzene	0.075
1, 2 - Dichloroethane	0.005
1, 1 - Dichloroethylene	0.007
Endrin	0.0002
Fluoride	4
Lindane	0.004
Lead	0.05
Mercury	0.002
Methoxychlor	0.1

Nitrate	10
Selenium	0.01
Silver	0.05
Toxaphene	0.005
1, 1, 1-Trichloromethane	0.2
Trichloroethylene	0.005
2, 4, 5-Trichlorophenoxy acetic acid	0.01
Vinyl Chloride	0.002

1. If the MSWLF is located in an area of higher pollution susceptibility, as defined by Hydrologic Atlas #20, A Pollution Susceptibility Map of Georgia, or in a significant ground water recharge area as designated by Hydrologic Atlas #18, the liner and leachate collection system must, at a minimum, be designed with:
 - a. a composite liner, as defined in paragraph c. of this section and a leachate collection system that is designed and constructed to maintain less than a 30-cm depth of leachate over the liner.
 - b. at least a five foot separation between the liner system and the seasonal high ground water elevation.
 - c. For purposes of this section, "composite liner" means a system consisting of two components; the upper component must consist of a minimum 30-mil flexible membrane liner (FML), and the lower component must consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec. FML components consisting of High Density Polyethylene (HDPE) shall be at least 60- mil thick. The FML component must be installed in direct and uniform contact with the compacted soil component.
2. The relevant point of compliance shall be no more than 150 meters from the waste management unit boundary and shall be located on land owned by the owner of the MSWLF unit. In determining the relevant point of compliance, the Division shall consider at least the following factors:
 - a. The hydrogeologic characteristics of the facility and surrounding land;
 - b. The volume and physical and chemical characteristics of the leachate;
 - c. The quantity, quality, and direction, of flow of ground water;

- d. The proximity and withdrawal rate of the ground-water users;
 - e. The availability of alternative drinking water supplies;
 - f. The existing quality of the ground water, including other sources of contamination and their cumulative impacts on the ground water and whether groundwater is currently used or reasonably expected to be used for drinking water;
 - g. Public health, safety, and welfare effects; and
 - h. Practicable capability of the owner or operator.
3. For MSWLF units not located in significant ground water recharge areas or areas of higher pollution susceptibility, liners and leachate collection systems may meet a design standard other than that specified in subparagraph (1)(d) 1. of this Rule, so long as such design ensures that the concentration values listed in Table 1 of this Rule will not be exceeded in the uppermost aquifer at the relevant point of compliance. The factors listed in subparagraph 2. above for determining the relevant point of compliance, shall also be used in determining the suitability of the liner and leachate collection system design.
- (e) Erosion and Sedimentation Control: all surface runoff from disturbed areas must be controlled by the use of appropriate erosion and sedimentation control measures or devices. Sediment basins must be designed to handle both the hydraulic loading for the 25 year, 24-hour storm and the sediment loading from the drainage basin for the life of the site. Runoff from the facility must be designed for flow through permanent sediment control impoundments which are designed to assure discharges meeting the requirements of O.C.G.A. [12-7-6](#).
 - (f) Vegetation: the plan must call for the vegetation of any disturbed area that will remain exposed for more than three (3) months. Vegetation of final cover must take place within two (2) weeks after final cover placement.
 - (g) Sequence of Filling: the plan must define a sequence of filling showing a detailed progression of filling the entire site that minimizes any problems with drainage and all weather access roads to the working face.
 - (h) Limited Access: a gate or other barrier shall be maintained at potential vehicular access points to block unauthorized access to the site when an operator is not on duty. A fence or other suitable barrier must be provided around the site, including impoundments, leachate collection and treatment systems and gas venting and processing facilities, sufficient to prevent unauthorized access.

- (i) Final Grading: the grade of final slopes shall be designed to:
 - 1. insure permanent slope stability;
 - 2. control erosion due to rapid water velocity and other factors;
 - 3. allow compaction, seeding, and vegetation of cover material placed on the slopes;
 - 4. minimize percolation of precipitation into final cover and provide diversion of surface runoff from disposal area; and
 - 5. meet the final closure requirements of Rule [391-3-4-.11](#);
 - 6. the grade of the final surface of the facility may not be less than 3 percent nor greater than 33 percent.
 - (j) Access Roads: access roads shall be designed to provide for the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather.
 - (k) Fire Protection: the disposal site must be designed to prevent and minimize the potential for fire or explosion. A minimum supply of one day of cover material must be maintained within 200 feet of the working face for fire fighting purpose, unless other acceptable means have been provided and approved by the Director.
 - (l) Ground water and Surface water Monitoring Plan: the design must provide for a groundwater monitoring plan in accordance with the requirements for Groundwater Monitoring and Corrective Action as provided in Rule [391-3-4-.14](#). A surface water monitoring plan which will determine the impact of the facility on all adjacent surface waters must also be included.
 - (m) Closure Criteria: the design must provide for proper closure in accordance with Rule [391-3-4-.11](#).
 - (n) Post-Closure Care: the design must provide for Post-closure care in accordance with Rule [391-3-4-.12](#).
 - (o) Financial Responsibility: the design must provide for financial responsibility in accordance with Rule [391-3-4-.13](#).
- (2) Construction Certification: upon receipt of a final and effective solid waste handling permit, construction may commence in accordance with the approved design and operational plan and permit conditions. Prior to receipt of solid waste, the Division must be provided with written certification by a professional engineer licensed to practice in Georgia, that the facility has been constructed in accordance with the approved permit.

Unless notified otherwise by the Division, within 15 days of receipt by the Division of the written certification, the facility owner or operator may commence disposal of solid waste. This process shall be repeated for each subsequent major construction phase, including but not limited to, new cells, additional monitoring wells, sediment ponds, leachate treatment systems, modifications adding a new solid waste handling process, and application of final cover.

(3) Any person engaged in the operation of landfills shall comply with the following performance requirements:

(a) Air Criteria.

1. Owners or operators of all landfills must ensure that the units not violate any applicable requirements developed under a State Implementation Plan (SIP) approved or promulgated by the U.S. Environmental Protection Agency pursuant to Section 110 of the Clean Air Act, as amended.
2. Open burning of solid waste, except for the infrequent burning of agricultural wastes, silvicultural wastes, land clearing debris, diseased trees, or debris from emergency cleanup operations, is prohibited at all landfills.

(b) Unloading: solid waste unloading shall be restricted to the working face of the operation in such manner that waste may be easily incorporated into the landfill with available equipment.

(c) Procedures for excluding receipt of prohibited wastes:

1. Not later than October 1, 1993, owners or operators of all landfills must implement a program at the facility for detecting and preventing the disposal of regulated quantities of hazardous wastes as defined in the Rules for Hazardous Waste Management, Chapter 391-3-4-11, polychlorinated biphenyls (PCB) wastes as defined in 40 CFR, Part 761, and other wastes prohibited by Rule [391-3-4-.04](#), or the facility's permit. This program must include, at a minimum:
 - a. random inspections of incoming loads unless the owner or operator takes other steps to ensure that incoming loads do not contain prohibited wastes:
 - b. records of any inspections:
 - c. training of facility personnel to recognize prohibited wastes; and d. notification of the Director if a prohibited waste is discovered at the facility.
2. The procedures must be made a part of the operating record.

- (d) Spreading and Compaction: solid waste shall be spread in uniform layers and compacted to its smallest practical volume before covering with earth.
- (e) Daily Cover:
 - 1. Except as provided in paragraph 2. of this section, the owner or operator of all MSWLF units must cover disposed solid waste with six inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging.
 - 2. Alternative materials (such as foams or tarps) of an alternative thickness (other than at least six inches of earthen material) may be approved by the Director if the owner or operator demonstrates that the alternative material and thickness control disease vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment.
- (f) Disease Vector Control.
 - 1. Owners or operators of all landfills must prevent or control on-site populations of disease vectors using techniques appropriate for the protection of human health and environment.
 - 2. For purposes of this Rule, "disease vectors" means any rodents, flies, mosquitoes, or other animals, including insects, capable of transmitting disease to humans.
- (g) Intermediate Cover: a uniform compacted layer of clean earth cover not less than one (1) foot in depth shall be placed over each portion of any intermediate lift following completion of that lift.
- (h) Explosive Gases Control.
 - 1. Owners or operators of all landfills that are required to do methane monitoring under their permits must ensure that:
 - a. The concentration of methane gas generated by the facility does not exceed 25 percent of the lower explosive limit for methane in facility structures (excluding gas control or recovery system components); and
 - b. The concentration of methane gas does not exceed the lower explosive limit for methane at the facility property boundary.

2. Owners or operators of all landfills that are required to do methane monitoring must implement a routine methane monitoring program to ensure that the standards of this section are met. Copies of the monitoring results must be provided to the Division within 14 days of completion of the event. Results must be submitted on forms provided by the Division.
 - a. The type and frequency of monitoring must be determined based on the following factors:
 - (i) Soil conditions;
 - (ii) The hydrogeologic conditions surrounding the facility;
 - (iii) The hydraulic conditions surrounding the facility;
 - (iv) The location of facility structures and property boundaries.
 - b. The minimum frequency of monitoring must be quarterly.
3. If methane gas levels exceeding the limits specified in this section are detected, the owner or operator must:
 - a. Immediately take all necessary steps to ensure protection of human health and notify the Director;
 - b. Within seven days of detection, place in the operating record the methane gas levels detected and a description of the steps taken to protect human health; and
 - c. Within 60 days of detection, implement a remediation plan for the methane gas releases, place a copy of the plan in the operating record, and notify the Director that the plan has been implemented. The plan shall describe the nature and extent of the problem and the proposed remedy.
4. For purposes of this section, lower explosive limit means the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at 25°C and atmospheric pressure.

(i) Run-on/Run-off Control.

1. Owners or operators of all landfills must design, construct, and maintain:
 - a. A run-on control system to prevent flow onto the active portion of the landfill during the peak discharge from a 25-year storm;

- b. A run-off control system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm.
 - 2. Run-off from the active portion of the landfill unit must be handled in accordance with section 391-3-4-.07(1)(e), Erosion and Sedimentation Control of this Rule.
- (j) Surface water requirements; All landfill units shall not:
- 1. Cause a discharge of pollutants into waters of the state or the United States, including wetlands, that violates any requirements of the Clean Water Act, including, but not limited to, the National Pollutant Discharge Elimination system (NPDES) requirements pursuant to section 402:
 - 2. Cause the discharge of a nonpoint source of pollution to waters of the state or the United States, including wetlands, that violates any requirement of an area-wide or State-wide water quality management plan that has been approved under section 208 or 319 of the Clean Water Act, as amended.
- (k) Continuity of Operation: all-weather access roads shall be provided to the working face of the disposal operation and provisions shall be made for prompt equipment repair or replacement when needed.
- (l) Environmental Protection: the landfill shall be operated in such manner as to prevent air, land, or water pollution, and public health hazards.
- (m) Prohibited Waste: no liquids, except as allowed in subparagraph (9) of Rule [391-3-4-.04](#) lead acid batteries, radioactive waste, or regulated quantities of hazardous waste may be accepted. The operator must have a plan for excluding these wastes.
- (n) Supervision: the disposal facility shall be under the supervision of an operator who is properly trained in the operation of landfills and the implementation of Design and Operational Plans and who, if the facility is a municipal solid waste disposal facility, is certified in accordance with O.C.G.A. [12-8-24.1](#) and these Rules.
- (o) Limited Access: access to landfills shall be limited to authorized entrances which shall be closed when the site is not in operation. Owners and operators of all landfills must control public access and prevent unauthorized vehicular traffic and illegal dumping of wastes by using artificial barriers, natural barriers, or both, as appropriate to protect human health and the environment.

- (p) Litter Control: scattering of wastes by wind shall be controlled by fencing or other barriers and the entire site shall be inspected daily and all litter removed.
- (q) Fire Protection: suitable measures to control fires that may start shall be provided. Stockpiled soil is considered to be the most satisfactory fire fighting material.
- (r) Erosion and Sedimentation Control: all erosion and sedimentation control measures or facilities, whether temporary or permanent, shall be continuously maintained by the operator so as to be effective. Runoff from the facility must be directed to permanent sediment control impoundments which are designed to assure discharges meeting the requirements of O.C.G.A. [12-7-6](#). Erosion and sedimentation control measures and facilities will be employed prior to and concurrent with clearing, grading, overburden removal, access or other land disturbing activities for preparation of the site for landfilling. Immediate measures must be implemented to establish vegetation on disturbed exposed soil which will not be a part of the waste disposal area or which will remain exposed for more than three (3) months.
- (s) Information Posted: signs shall be posted at the entrance to landfills indicating the days and hours of operation.
- (t) Prohibited Acts: the landfill shall be operated and maintained to prevent open burning, scavenging, and the open dumping of wastes.
- (u) Recordkeeping Requirements.
 - 1. Not later than October 1, 1993, the owner or operator of a MSWLF unit must record and retain near the facility in an operating record or in an alternative location approved by the Director the following information as it becomes available:
 - a. Any location restriction demonstration required under Rule [391-3-4-.05](#);
 - b. Inspection records, training procedures, and notification procedures required in subparagraph (c) of this Rule;
 - c. Gas monitoring results from monitoring and any remediation plans required by paragraph (h) of this section;
 - d. Any MSWLF unit design documentation for placement of leachate or gas condensate in a MSWLF unit as required under paragraph (9) of Rule [391-3-4-.04](#);
 - e. Any demonstration, certification, finding, monitoring, testing, or analytical data required by Rule [391-3-4-.14](#);

- f. Closure and post-closure care plans and any monitoring, testing, or analytical data as required by Rule [391-3-4-.11](#) and Rule [391-3-4-.12](#); and
 - g. Any cost estimates and financial assurance documentation required by Rule 391-3-4-.13.
- 2. The owner/operator must notify the Director when the documents from paragraph 1. of this section have been placed or added to the operating record, and all information contained in the operating record must be furnished on request to the Director or be made available at all reasonable times for inspection by the Director.
- 3. The Director can set alternative schedules for recordkeeping and notification requirements as specified in paragraphs 1. and 2. of this section, except for the notification requirements in Rule [391-3-4-.05\(1\)\(c\)](#), Airport Safety, and Rule [391-3-4-.14\(30\)\(ac\)3](#), Assessment Monitoring.
- (v) Groundwater, Underdrain Discharge, and Surface Water Monitoring: all water monitoring points shall be sampled in accordance with the approved plans or with any directive issues by the Division. Analytical results must be submitted to the Division in accordance with the approved time schedules. It shall be the responsibility of the facility owner or operator to promptly report any exceedance of established standards. All monitoring reports must be accompanied by a certified statement by a qualified groundwater scientist, for those constituents which have established standards, that established standards have been complied with or certifying noncompliance. Underdrain discharge shall comply with surface water monitoring standards.
- (w) Survey Control: survey control shall be provided by the owner and/or operator as indicated on the approved design and operational plan. Site survey control shall be provided to ensure the operation will be on permitted lands. Survey control will be accomplished through use of permanent, accessible benchmarks, survey control stakes, and/or boundary markers which designate and/or delineate all permitted areas. Where necessary for construction or operational purposes, vertical as well as horizontal survey control will be established and maintained to delineate fill boundaries, buffers, structural designs, and property boundaries.
- (x) Buffers: Buffers are evaluated and approved based on the design criteria in effect at the time of the permit issuance. Any future expansion of a landfill unit will be evaluated in accordance with applicable design criteria at the time of landfill unit expansion submittal. Buffers reflected in an approved permit must be maintained as stated in the facility's approved Design and Operational Plan.

- (y) Additional Stipulations: notwithstanding the above, additional stipulations for owning or operating a landfill may be imposed by the Director as deemed necessary to carry out the purposes of O.C.G.A. [12-8-20](#), *et seq.*

(4) Other Disposal Operations.

- (a) Industrial Waste Disposal Facilities: industrial waste disposal facilities permitted to receive only a single type industrial waste (monofill) or receive only a single industry's waste may be given a variance by the Director from installing liners and leachate collection systems, applying daily cover, installing ground water and surface water monitoring systems and monitoring for methane gas if the applicant can demonstrate to the satisfaction of the Director that the waste to be disposed of would not cause odors or be attractive to disease vectors or birds or generate methane gas. Unless a variance is granted, the applicant must demonstrate compliance with all applicable provisions of this Rule. Disposal facilities accepting wastes from more than one industrial source, unless the facility is a monofill, must meet all standards applicable to municipal solid waste landfills in Chapter 391-3-4. CCR Units are exempt from the requirements of this Rule and must meet requirements in Rule [391-3-4.10](#).
- (b) Construction/Demolition Facilities: disposal facilities permitted to receive only construction and demolition wastes, unless such waste includes household waste, may be given a variance by the Director from installing liners and leachate collection systems and applying daily cover if the applicant can demonstrate to the satisfaction of the Director that the waste to be disposed of would not cause odors or be attractive to disease vectors or birds. Unless a variance is granted, the applicant must demonstrate compliance with all applicable provisions of this Rule. All other provisions of Chapter 391-3-4 applicable to municipal solid waste landfills must be met.
- (c) Inert Waste Landfill Facilities: disposal facilities are permitted to receive only waste that will not or is not likely to produce leachate of environmental concern. Only earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, and land clearing debris such as stumps, limbs and leaves, are acceptable for disposal in an inert waste landfill. Inert waste landfill facilities must be designed by a professional engineer registered to practice in Georgia to comply with the following standards:
1. Buffers: No portion of waste disposal area shall be located within one hundred (100) linear feet of any property line or enclosed structure.
 2. Survey Control: site survey control shall be provided to ensure the operation will be on permitted lands. Survey control will be accomplished through use of permanent, accessible benchmarks, survey control stakes, and/or boundary markers which designate and/or delineate all permitted areas. Survey control shall be as indicated on the design and operational plan.

Where necessary for construction or operational purposes, vertical as well as horizontal survey control will be established and maintained to delineate fill boundaries, buffers, and property boundaries.

3. Siting: waste shall not be located in wetlands or floodplains, and waste shall not be placed within five feet of the permanent water table. A demonstration must be included in the design and operational plan on how these requirements will be met.
4. Explosive Gases Control: the plan must implement a routine methane monitoring program to ensure that the concentration of methane gas generated by the facility does not exceed 25 percent of the lower explosive limit for methane for on-site enclosed structures and does not exceed the lower explosive limit for methane at the facility property boundary. The type of monitoring must be determined based on the following factors: soil conditions; the hydrogeologic conditions surrounding the facility; the hydraulic conditions surrounding the facility; and the location of facility structures and property boundaries. The minimum frequency of monitoring must be quarterly. If methane gas levels exceeding the limits specified in this section are detected, the owner or operator must: immediately take all necessary steps to ensure protection of human health and notify the Director; within seven days of detection, place in the operating record the methane gas levels detected and a description of the steps taken to protect human health; and within 60 days of detection, implement a remediation plan for the methane gas releases, place a copy of the plan in the operating record, and notify the Director that the plan has been implemented. The plan shall describe the nature and extent of the problem and the proposed remedy. If a facility can demonstrate that no organic component of the inert waste stream has been accepted or will be accepted in the future, a variance from the explosive gases control requirements may be requested for review with the application for inert waste landfill permit request.
5. Sequence of Filling: the plan must define a sequence of filling showing a detailed progression of filling the entire site that minimizes any problems with drainage and all weather access roads to the working face.
6. Spreading/Compaction/Monthly Cover: materials placed in inert waste landfills shall be spread in layers and compacted to the least practical volume; and, a uniform compacted layer of clean earth cover no less than one (1) foot in depth shall be placed over all exposed inert waste material at least monthly.
7. Erosion and Sedimentation Control: all surface runoff from disturbed areas must be controlled by use of appropriate erosion and sedimentation control

measures or devices. Best management practices (BMPs) from the Manual for Erosion and Sediment Control in Georgia should be utilized.

8. Vegetation: the plan must call for the vegetation of any disturbed area that will remain exposed for more than three (3) months. Vegetation of final cover must take place within two (2) weeks after final cover placement.
9. Fire Protection: suitable means shall be provided to prevent and control fires. Stockpiled soil is considered to be the most satisfactory fire fighting material. A minimum of one month of cover material must be maintained within 200 feet of the working face for fire fighting purpose, unless other acceptable means have been provided and approved by the Director.
10. Limited Access: access to inert waste landfills shall be limited to authorized entrances which shall be closed when the site is not in operation.
11. Final Grading: the inert waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill. The grade of the final surface of the facility may not be less than 3 percent nor greater than 33 percent.
12. Final Cover: a uniform compacted layer of final cover not less than two (2) feet in depth and a vegetative cover shall be placed over the final lift not later than one month following final placement of inert waste within that lift.
13. Final Closure: notice of final closure must be provided to the Director within 30 days of receiving the final load of waste. Any site not receiving waste for in excess of 180 days shall be deemed abandoned and in violation of these Rules unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.
14. Deed Notice: all deeds for real property which have been used for landfilling shall include notice of the landfill operations, the date the landfill operation commenced and terminated, an accurate legal description of the actual location of the landfill, and a description of the type of solid wastes which have been deposited in the landfill. Concurrent with the submission of notice of final closure to the Director, the owner or operator must submit to the Director confirmation that the information required in this section has been noticed on the property deed.
15. Reporting: all wastes received at the landfill must be measured and reported as required by Rule [391-3-4.17](#).

16. Post-Closure Care: the design must provide for post-closure care for a minimum of thirty (30) years. If a demonstration can be made that the site is no longer producing methane, the post closure care period may be reduced, but in no circumstance shall it be reduced to less than 5 years.
 17. Financial Responsibility: the design must provide for financial responsibility in accordance with Rule [391-3-4-.13](#).
 18. Other Laws: compliance with all other applicable federal, state, and local laws, rules, and ordinances, including local zoning, land use ordinances, and any applicable federal wetlands permits, must be demonstrated in the application for solid waste handling.
- (d) Construction and operation of a solid waste handling facility for which specific rules have not been developed is prohibited unless same are consistent with the policies and intent of O.C.G.A. [12-8-20](#), et. seq., and are permitted by the Director.
- (5) CCR Management Plan. Owners or operators of MSWLs and Commercial Industrial Landfills must incorporate a CCR management plan into the facility's Design and Operational Plan before the initial receipt of CCR. MSWLs and Commercial Industrial Landfills that accepted CCR before the effective date of the Rule and will continue to accept CCR after the effective date must incorporate a CCR management plan into the facility's Design and Operational Plan by minor modification 180 days from the effective date of the Rule. The owner or operator shall notify the local governing authorities of any city and county in which the landfill is located upon the submittal of the CCR Management Plan by EPD.
- (6) High Moisture Content Waste Management Plan. Owners or operators of MSWLs and Commercial Industrial Landfills must incorporate a High Moisture Content Waste (HMCW) management plan into the facility's Design and Operational Plan by major modification before the initial receipt of HMCW if planning to accept greater than 5% HMCW by weight. MSWLs and Commercial Industrial Landfills that accepted High Moisture Content Waste before the effective date of the Rule and will continue to accept HMCW greater than 5% by weight after the effective date must incorporate a HMCW management plan into the facility's Design and Operational Plan by minor modification as part of the facility's permit review required by [391-3-4-.02](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.07

Authority: O.C.G.A. § [12-8-20](#) et seq.

History. Original Rule entitled "Effective Date," was filed as [391-1-1-.07](#) on November 21, 1972; effective December 12, 1972, as specified by the Agency.

Amended: Rule renumbered as 391-3-4-.07. Filed September 6, 1973; effective September 26, 1973.

Amended: Rule repealed and a new Rule entitled "Disposal Operations" adopted. Filed September 19, 1974; effective October 9, 1974.

Amended: Rule entitled "Disposal Design and Operation" adopted. F. Jun. 9, 1989; eff. Jun. 29, 1989.

Amended: Rule entitled "Landfill Design and Operation" adopted. F. Sept. 4, 1991; eff. Sept. 24, 1991.

Amended: F. Jun. 7, 1993; eff. Jun. 27, 1993.

Amended: F. Jul. 31, 1997; eff. Aug. 20, 1997.

Amended: F. Feb. 5, 2013; eff. Feb. 25, 2013.

Amended: F. Nov. 2, 2016; eff. Nov. 22, 2016.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. May 29, 2018; eff. June 18, 2018.

Amended: F. June 10, 2021; eff. June 30, 2021.

Rule 391-3-4-.08. Solid Waste Thermal Treatment Operations.

- (1) Except as otherwise noted in (2) below, any person engaged in thermal treatment technology of solid waste, in addition to the requirements of O.C.G.A. [12-8-24\(i\)](#) relating to Federal New Source Performance Standards, shall comply with the following requirements:
 - (a) Design Criteria: a design and operational plan prepared as a part of the permit application must be prepared by a professional engineer registered in Georgia and must include, but is not limited to, the following criteria:
 1. Capacity: the thermal treatment technology facility shall be adequate in size and capacity to manage the projected incoming solid waste and residue volumes.
 1. Storage Time: the facility shall provide for a minimum storage capacity of not less than three (3) times the daily capacity of the thermal treatment technology equipment. No waste shall be stored in excess of the permitted capacity.
 2. Types of Waste: the application must include the sources, types and weight or volumes of solid waste to be processed, including data on the moisture content of the waste, and information concerning special environmental pollution or handling problems that may be created by the solid waste.
 3. Residue Analysis: the facility shall be designed in such a manner as to provide for such devices to expedite the routine sampling of bottom and fly ash.
 4. Air Quality: the facility shall be designed in such manner as to meet any air quality standards of the Division.
 5. Wastewater: the facility shall be designed so that any wastewater generated will be discharged to a wastewater system and, before final release, will be treated in a manner approved by the Division.

6. Fire Protection: facility design shall provide for fire control equipment placed near the storage and charging area, and elsewhere as needed, and additional fire fighting equipment shall be made available for emergencies.
 7. Residue Acceptability: the facility shall provide for sufficient temperature and combustion times to produce a residue essentially free of odors and unstable organic matter.
- (b) Construction Certification: upon receipt of a final and effective solid waste handling permit, construction may commence in accordance with the approved design and operational plan and permit conditions. Prior to the receipt of solid waste, the Division must provided with written certification, by a professional engineer licensed to practice in Georgia, that the facility has been constructed in accordance with the approved permit. Unless notified otherwise by the Division within 15 days of receipt by the Division of the written certification, the facility owner or operator may commence disposal of solid waste.
- (c) All persons owning or operating thermal treatment technology facilities shall comply with the following performance requirements:
1. Supervision: operation and management of thermal treatment technology facilities shall be under the direct supervision and control of an operator who is present at all times of operation and is qualified in thermal treatment technology management by training, education or experience and who, after July 1, 1992, is certified in accordance with O.C.G.A. [12-8-24.1](#) and these Rules.
 2. Residue: temperature and combustion time shall be sufficient to produce a satisfactory residue, essentially free of odors and unstable organic matter, and such residue shall be promptly deposited in a municipal solid waste landfill having a liner and leachate collection system and operated and maintained as provided herein, handled in such other manner as may be approved by the Division, or if shown by testing to be hazardous, handled in accordance with the provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. [12-8-60](#), et seq.
 3. Waste Water: waste water shall be discharged into a waste water treatment system and, before final release, shall be treated in a manner approved by the Division.
 4. Information Posted: signs shall be posted at the entrance to the plant indicating the days and hours of operation. Access to the plant shall be limited to those times when authorized personnel are on duty.

5. Cleanliness and Sanitation: plants shall be maintained in a clean and sanitary condition. Solid waste shall be confined to the unloading area, which shall be maintained free of dust and nuisances. Accumulations of putrescible materials and rubbish shall be controlled in a manner so as to minimize odors and prevent infestation by insects or rodents, and insect and rodent control measures shall be applied as needed. Sanitary facilities shall be provide for employees and shall be kept clean and good repair.
 6. Fire Control: fire control equipment shall be available near the storage area and charging area, and elsewhere as needed, and additional fire fighting equipment shall be made available for emergencies.
 7. Sampling requirements: sampling of ash residues must be conducted at frequencies and in such a manner as prescribed below:
 - (i) Prior to the initial disposal of ash or residue from a facility.
 - (ii) At a minimum, monthly for the first six (6) months of operations at the facility, and annually during the remaining life of the facility.
 - (iii) A sampling and analysis plan shall be submitted to, and approved by, the Director.
 - (iv) Fly ash and bottom ash shall be sampled and analyzed separately.
 8. Prohibited Waste: no lead acid batteries, radioactive waste, or regulated quantities of hazardous waste may be accepted. The operator must have a plan for excluding these wastes.
 9. Record Keeping: accurate written, daily records by actual weight or by the methods approved in accordance with O.C.G.A. [12-8-31.1\(g\)](#) shall be kept of all waste received at the thermal treatment facility. Copies of such records shall be maintained for a period of at least three (3) years and shall be made available to the Division upon request.
 10. Additional Stipulations: notwithstanding the above, additional stipulations for owning or operating a thermal treatment facility may be imposed by the Director as deemed necessary to carry out the purposes of O.C.G.A. [12-8-20](#), et seq.
- (2) Any person engaged in the operation of an Air Curtain Destructor (ACD) shall comply with the following requirements: for purposes of these Rules, an "Air Curtain Destructor" means a forced air pit thermal treatment technology for the burning of wood wastes.

- (a) Design Criteria: a design and operational plan prepared as a part of the permit application must be prepared by a professional engineer registered in Georgia and must include, but is not limited to, the following criteria:
1. Location: the ACD must be at least 500 feet from any occupied dwelling. The distance may increased or decreased on a site-specific basis at the discretion of the Division.
 2. Storage: areas for storing wastes prior to treatment must be clearly defined and maximum capacity specified.
 3. Types of Wastes: only wood wastes consisting of trees, logs, brush, stumps relatively free of soil, and natural wood products free of wood preserving chemicals, paints, and other contaminants may be burned. Fallen leaves, sawdust, other densely packed wood wastes, and paper (any type) may not be burned.
 4. Air Quality: the facility shall be designed in such a manner as to meet applicable air quality standards of the Division. No smoke emissions exceeding 20 percent opacity may be produced during operation except for a specified ignition period.
 5. Disposal of Ash and Residue: ash and residue shall be removed from the facility, handled as a recovered material or and disposed in a permitted facility.
 6. Fire Protection: facility design shall provide for fire control equipment placed near the storage and ACD area. Additional fire fighting equipment shall be made available for emergencies.
- (b) Construction Certification: upon receipt of a final and effective solid waste handling permit, construction may commence in accordance with the approved design and operational plan and permit conditions. Prior to the receipt of solid waste, the Division must be provided with written certification, by a professional engineer licensed to practice in Georgia, that the facility has been constructed in accordance with the approved permit. Unless notified otherwise by the Division within 15 days of receipt by the Division of the written certification, the facility owner or operator may commence disposal of solid waste.
- (c) All persons owning or operating an air curtain destructor shall comply with the following performance requirements:
1. Supervision: operation and management of air curtain destructors shall be under the direct supervision and control of an operator who is present at all times of operation and is qualified in air curtain distracter management by

training, education or experience and who, after July 1, 1992, is certified in accordance with O.C.G.A. [12-8-24.1](#) and these Rules.

2. Residue: temperature and combustion time shall be sufficient to produce a satisfactory residue, and such residue shall be promptly deposited in a landfill operated and maintained as provided herein or handled in such other manner as may be allowed by these Rules. Ashes may not be allowed to build up on the combustion pit to higher than one-third the pit depth to the point where combustion is impeded, whichever comes first.
3. Access: facility access shall be restricted to prohibit unauthorized storage or disposal of wastes and to prevent injury during ACD operation.
4. Inspection and Maintenance: the ACD and all operating appurtenances must be routinely inspected and adequately maintained to ensure proper working order. Storage areas must be inspected and maintained to exclude unauthorized wastes and minimize any fire hazard.

(d) No ACD may burn any household waste or yard trimmings.

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.08

Authority: Ga. L. 1972, p. 1002, as amended; O.C.G.A. §§ [12-8-20](#), et seq., 12-8-23.

History. Original Rule was filed on September 19, 1974; effective October 9, 1974.

Amended: Rule retitled "Incineration and Pyrolysis Operations." F. Jun. 9, 1989; eff. Jun. 29, 1989.

Amended: Rule retitled "Solid Waste Thermal Treatment Operations." F. Sept. 4, 1991; eff. Sept. 24, 1991.

Amended: F. Jun. 7, 1993; eff. Jun. 27, 1993.

Amended: F. Oct. 7, 1993; eff. Oct. 27, 1993.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Rule 391-3-4-.09. Shredding, Baling, Materials Recovery Facilities, and Other Processing Operations.

- (1) Any person engaged in shredding, baling, or the recovery of materials from solid waste, shall comply with the following requirements:
 - (a) Design Standards: a design and operational plan prepared by a professional engineer registered to practice in Georgia and proposed as a part of the permit application must include, but is not limited to, the following standards:
 1. Capacity. The facility shall be adequate in size and capacity to manage the projected incoming solid waste and residue volumes.
 2. Baling Equipment. The equipment must be capable of producing a relatively uniform bale size and shape which can be easily handled by equipment at

the baling facility. The bales must have sufficient stability to withstand transportation to the disposal site and handling necessary to position them for final disposal.

3. **Storage Time.** The facility shall provide for a minimum storage capacity of not less than three (3) times the daily capacity of the shredding, baling or materials recovery equipment. No waste shall be stored in excess of the permitted capacity.
 4. **Types of Waste.** The application must include the sources, types, and weight of solid waste to be processed, and information concerning special environmental pollution or handling problems that may be created by the solid waste.
 5. **Air Quality.** The facility shall be designed in such a manner as to meet any air quality standards of the Division.
 6. **Wastewater.** Any wastewater generated by the facility shall be contained fully on the facility and discharged or delivered to a wastewater treatment system and, before final release, shall be treated in a manner approved by the Division.
 7. **Fire Protection.** Facility design shall provide for fire control equipment placed near the storage area and elsewhere as needed, and additional fire fighting equipment shall be made available for emergencies.
 8. **Disposal of Waste.** Shredded and baled waste and any material not sold or used, reused, or recycled as recovered material must be disposed in a permitted facility.
- (b) **Construction Certification:** upon receipt of a final and effective solid waste handling permit, construction may commence in accordance with the approved design and operational plan and permit conditions. Prior to receipt of solid waste, the Division must be provided with written certification, by a professional engineer licensed to practice in Georgia, that the facility has been constructed in accordance with the approved permit. Unless notified otherwise by the Division within 15 days of receipt by the Division of the written certification, the facility owner or operator may commence processing of solid waste.
- (c) **Performance Standards.** All persons owning or operating shredding, baling, or materials recovery facilities shall comply with the following requirements:
1. **Supervision.** Operation and management of the facility shall be under the supervision and control of a responsible individual properly trained in the operation of such facilities at all times during operation.

2. Shredding Plant Residue: The shredded material shall be deposited in a municipal solid waste landfill or handled in such a manner as may be approved by the Division.
3. Bales. The baling operation shall be controlled to produce a uniform bale size and shape which can be easily handled by equipment at the baling facility and at the disposal facility. The bales must have sufficient stability to withstand transportation to the disposal facility and handling necessary to position them for final disposal. Baled solid waste shall be deposited in a municipal solid waste landfill or handled in such other manner as may be approved by the Division.
4. Wastewater. Wastewater shall be contained fully on the facility and discharged or delivered to a wastewater treatment system and, before final release, shall be treated in a manner approved by the Division.
5. Air Quality. Atmospheric emissions shall be controlled so as not to exceed air quality standards of the Division.
6. Information Posted. Signs shall be posted at the entrance to the plant indicating the days and hours of operation. Access to the plant shall be limited to those times when authorized personnel are on duty.
7. Cleanliness and Sanitation. Facilities shall be maintained in a clean and sanitary condition. Solid waste shall be confined to the unloading area, which shall be maintained free of liquids, dust and nuisances. Accumulations of liquids, putrescible materials and rubbish shall be controlled in a manner to minimize odors and prevent infestation by insects or rodents, and insect and rodent control measures shall be applied as needed. Sanitary facilities shall be provided for employees and shall be kept clean and in good repair.

- (2) Construction and operation of solid waste processing facilities for which specific rules have not been developed are prohibited unless same are consistent with the policies and intent of O.C.G.A. [12-8-20](#), *et seq.*, and are permitted by the Director.

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.09

Authority: Ga. L. 1972, p. 1002, as amended; O.C.G.A. § [12-8-20](#), *et seq.*, 12-8-23.

History. Original Rule was filed on September 19, 1974; effective October 9, 1974.

Repealed: New Rule entitled "Shredding, Baling, Composting and Other Processing Operations" adopted. F. Jun. 9, 1989; eff. Jun. 29, 1989.

Amended: Rule retitled "Shredding, Baling, Materials Recovery Facilities and Other Processing Operations". F. Sept. 4, 1991; eff. Sept. 24, 1991.

Amended: F. Jun. 7, 1993; eff. Jun. 27, 1993.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. June 10, 2021; eff. June 30, 2021.

Rule 391-3-4-.10. Coal Combustion Residuals.

(1) Applicability.

(a) This Rule applies to the following:

1. Owners and operators of new and existing landfills and surface impoundments, including any lateral expansions of such units that dispose or otherwise engage in solid waste management of CCR generated from the combustion of coal at electric utilities and independent power producers. Unless otherwise provided in this Rule, these requirements also apply to disposal units located off-site of the electric utility or independent power producer.
2. All CCR units.
3. Any practice that does not meet the definition of a beneficial use of CCR.

(b) This Rule does not apply to the following:

1. Wastes, including fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated at facilities that are not part of an electric utility or independent power producer, such as manufacturing facilities, universities, and hospitals.
2. Fly ash, bottom ash, boiler slag, and flue gas desulfurization materials, generated primarily from the combustion of fuels (including other fossil fuels) other than coal, for the purpose of generating electricity unless the fuel burned consists of more than fifty percent (50%) coal on a total heat input or mass input basis, whichever results in the greater mass feed rate of coal.
3. CCR placement at active or abandoned underground or surface coal mines.
4. Municipal Solid Waste Landfills and Commercial Industrial Landfills that receive CCR.

(c) Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments [40 CFR 257.60](#) through [257.107](#), 80 Fed. Reg. 21468 (April 17, 2015); as amended at 80 Fed. Reg. 37988 (July 2, 2015), 81 Fed. Reg. 51807 (August 5, 2016), 83 Fed. Reg. 36451 (July 30, 2018), and 85 Fed. Reg. 53561 (August 28, 2020), are hereby incorporated.

- (d) Any reference to 40 C.F.R. Parts in any provisions adopted by reference shall be construed to refer to the provisions contained in the following sections of these Rules:

Federal Regulation Reference	Georgia Rule Reference
40 C.F.R. Part 257.53	391-3-4-.10(2)
40 C.F.R. Parts 257.60 - 257.64	391-3-4-.10(3)
40 C.F.R. Parts 257.70 - 257.74	391-3-4-.10(4)
40 C.F.R. Parts 257.80 - 257.84	391-3-4-.10(5)
40 C.F.R. Parts 257.90 - 257.98	391-3-4-.10(6)
40 C.F.R. Parts 257.100 - 257.104	391-3-4-.10(7)
40 C.F.R. Parts 257.105 - 107	391-3-4-.10(8)

(2) Definitions.

- (a) Definitions in [40 CFR 257.53](#) are incorporated by reference into this section and are applicable to CCR units with the following additions and revision:
1. "Dewatered Surface Impoundment" means a CCR surface impoundment that no longer receives CCR on or after October 19, 2015 and does not contain liquids on or after October 19, 2015.
 2. "NPDES -CCR Surface Impoundment" means a CCR surface impoundment that no longer receives CCR on or after October 19, 2015 which still contains both CCR and liquids and is located at an electric utility or independent power producer that has ceased producing electricity prior to October 19, 2015.
 3. "Inactive CCR Landfill" means a CCR landfill that no longer receives CCR and other wastes on or after October 19, 2015.
 4. The following text shall be substituted for the fourth condition in the definition of Beneficial use of CCR "(4) For unencapsulated use of CCR, the user must demonstrate to the Division and provide documentation to the Division that environmental releases to groundwater, surface water, soil, and air are comparable to or lower than those from analogous products made without CCR, or that environmental releases to groundwater, surface water, soil, and air will be at or below relevant regulatory and health-based benchmarks for human and ecological receptors during use."

(3) Location Restrictions.

- (a) New CCR landfills, existing and new CCR surface impoundments, and all lateral expansions of CCR units must meet the location restrictions in [40 CFR 257.60](#), [40 CFR 257.61](#), [40 CFR 257.62](#), and [40 CFR 257.63](#).

- (b) Existing or new CCR landfills, existing or new CCR surface impoundments, or lateral expansions of a CCR unit must meet the location restrictions in [40 CFR 257.64](#).
 - (c) For new and lateral expansions of CCR units, the hydrogeological evaluation for a specific site must be performed by a qualified groundwater scientist.
 - (d) For new and lateral expansions of CCR units, when the geological and hydrogeological data so indicate, the Division may specify greater separation distances to protect groundwater.
 - (e) Buffers: New CCR units and lateral expansions of CCR units must provide a 200-foot undisturbed buffer between the waste disposal boundary and the boundary of the permitted facility and a minimum 500-foot buffer between the waste disposal boundary and any occupied dwelling and the dwelling's operational private, domestic water supply well in existence on the date of the permit application. The 500-foot buffer may be reduced if the current owner of the dwelling provides a written waiver consenting to the waste disposal boundary being closer than 500 feet. No disposal or storage practices for waste shall take place in the buffer zones.
- (4) Design Criteria.
- (a) New CCR landfills and lateral expansions of CCR landfills shall be designed in accordance with [40 CFR 257.70](#).
 - (b) Existing CCR surface impoundments shall comply with liner design criteria in [40 CFR 257.71](#) and the structural integrity criteria in [40 CFR 257.73](#).
 - (c) New CCR surface impoundments and lateral expansions of CCR surface impoundments shall be designed and comply with requirements in [40 CFR 257.72](#) and [40 CFR 257.74](#).
- (5) Operating Criteria.
- (a) CCR landfills shall be operated in accordance with the criteria in [40 CFR 257.80](#), [40 CFR 257.81](#), and [40 CFR 257.84](#).
 - (b) CCR surface impoundments shall be operated in accordance with the criteria in [40 CFR 257.80](#), [40 CFR 257.82](#), and [40 CFR 257.83](#).
 - (c) The operation and use of the CCR unit shall be as stipulated in the solid waste handling permit.
- (6) Groundwater Monitoring and Corrective Action.

- (a) CCR units are subject to the groundwater monitoring and corrective action requirements in [40 CFR 257.90](#), [40 CFR 257.91](#), [40 CFR 257.93](#), [40 CFR 257.94](#), [40 CFR 257.95](#), [40 CFR 257.96](#), [40 CFR 257.97](#), and [40 CFR 257.98](#).
 - (b) When referenced in this Rule, Appendix III and Appendix IV constituents shall refer to those constituents as listed in Appendix III and IV of 40 CFR Part 257, Subpart D, 80 FR 21468, (Apr. 17, 2015), which are hereby incorporated by reference.
 - (c) The owner or operator of a CCR unit must submit a semi-annual report to the Division to coincide with the semi-annual sampling event. A qualified groundwater scientist must certify the report.
 - (d) The Division must provide concurrence with the following actions in order for them to be complete:
 - 1. Groundwater monitoring system design
 - 2. Groundwater sampling and analysis plan
 - 3. Groundwater monitoring well installation
 - 4. Alternate source demonstration
 - 5. Selection of remedy
 - 6. Completion of remedy
 - (e) The Director may require the analysis of additional parameters based on waste descriptions.
 - (f) An owner or operator of a CCR unit shall continue to monitor for Appendix I or II constituents if these constituents have previously been detected at statistically significant levels above background concentrations.
 - (g) Monitoring wells require replacement after two dry sampling events, unless an alternate schedule has been approved by the Division. A minor modification shall be submitted in accordance with Rule [391-3-4.02](#) prior to the installation or decommissioning of monitoring wells. Well installation must be directed by a qualified groundwater scientist.
- (7) Closure and Post-Closure Care.
- (a) Inactive surface impoundments are subject to the requirements in [40 CFR 257.100](#).

1. The following additional requirements apply to inactive surface impoundments:
 - (i) Permitting requirements in Rule 391-3-4-.10(9)
 - (ii) Groundwater monitoring and corrective action requirements in Rule 391-3-4-.10(6)
 2. CCR surface impoundments that complete closure through removal of CCR are subject only to the requirements in subparagraph (9)(c)6(v)(I) of Rule 391-3-4-.10.
- (b) Closure or retrofit of existing, new, and lateral expansions of CCR units shall be conducted in accordance with [40 CFR 257.101](#), [40 CFR 257.102](#), and [40 CFR 257.103](#).
 - (c) The owner or operator must close the CCR unit in accordance with the written closure plan.
 - (d) A notice of intent to close must be provided to the Director after receipt of the final load of waste.
 - (e) Upon completion of closure activities, a professional engineer registered in Georgia shall prepare and submit a closure report to the Director. The closure report must be completed on forms provided by the Division. If the Director concurs with the closure report, closure will be deemed complete and the facility may begin the post-closure care period.
 - (f) Concurrent with the submission of this closure report to the Director, the owner or operator must submit confirmation to the Director that a notation on the property deed has been recorded. This recording must in perpetuity notify any potential purchaser of the property that the land has been used as a CCR unit and that its use is restricted under the post-closure care requirements of this Rule. This requirement does not apply to CCR units closed by removal.
 - (g) Post-Closure care for existing, new, and lateral expansions of CCR units shall be conducted in accordance with [40 CFR 257.104](#) with the following additions:
 1. CCR units must comply with the conditions of the solid waste handling permit.
 2. The release of CCR units from post-closure care must be approved by the Division.
- (8) Recordkeeping, Notification, and Posting of Information to the Internet.

(a) The requirements of [40 CFR 257.105](#), [40 CFR 257.106](#), and [40 CFR 257.107](#) are incorporated by reference with the following addition:

1. Electronic mail sent to a designated EPD recipient is an authorized form of notification when approved by EPD.

(9) Permits.

(a) CCR Permit Applications: After the effective date of this Rule, owners and operators of all CCR units are required to submit to the director a permit application that meets the requirements of this Rule. Separate permits are required for each CCR unit.

1. Owners and operators of new CCR units are required to submit to the director a complete permit application prior to the initial receipt of CCR.
2. Owners and operators of existing and inactive CCR units shall submit a complete permit application no later than two years from the effective date of the Rule.

(b) All CCR unit permit applications must include the following:

1. A completed form designated by EPD.
2. Written verification that the site conforms to all local zoning or land use ordinances.
3. Property boundary survey and legal description.
4. Financial assurance mechanism meeting the criteria in Rule [391-3-4-.13](#).
5. A qualified professional engineer's certification that all application requirements have been met.

(c) Additional permit application requirements for CCR Units by Facility Type:

1. New CCR landfills or lateral expansion of CCR landfills
 - (i) Technical data and report to comply with location restrictions in [40 CFR 257.60](#), [40 CFR 257.61](#), [40 CFR 257.62](#), [40 CFR 257.63](#), and [40 CFR 257.64](#).
 - (ii) Siting report that meets the criteria specified in "Criteria for Performing Site Acceptability Studies for Solid Waste Landfills in Georgia", Circular 14, Appendix A. The report shall be prepared by a qualified groundwater scientist.

- (iii) Plan and profile sheets of the disposal area. The plan and profile sheets shall include topographical maps at contour intervals of not more than five feet for the existing ground surface elevations, initial disposal area elevations, final disposal area elevations, and buffers.
- (iv) Design of a liner and leachate collection system as required by [40 CFR 257.70](#).
- (v) Quality assurance/quality control (QA/QC) plan for the construction of the liner system, leachate collection system, and the final cover system.
- (vi) An operation plan that includes at a minimum:
 - (I) A fugitive dust plan in compliance with [40 CFR 257.80](#).
 - (II) A run-on and run-off control plan in compliance with [40 CFR 257.81](#).
 - (III) Inspection requirements in compliance with [40 CFR 257.84](#).
 - (IV) Identification of any uniquely associated wastes as listed in [40 CFR 261.4\(b\)\(4\)](#), the estimated quantities generated by the facility, and a description of how these wastes will be managed.
 - (V) Procedures for compliance with recordkeeping, notification, and posting of information to the internet as required by [40 CFR 257.105](#), [40 CFR 257.106](#), and [40 CFR 257.107](#).
 - (VI) Procedures for updating all plans and assessments periodically as required by 40 CFR Part 257.
- (vii) A groundwater monitoring plan in accordance with Rule 391-3-4-.10(6).
- (viii) A closure and post-closure plan in accordance with Rule 391-3-4.10(7).
- (ix) Any additional information that may be required by the Division.

2. New Surface Impoundments or lateral expansions of surface impoundments

- (i) Technical data and report to comply with location restrictions in [40 CFR 257.60](#), [40 CFR 257.61](#), [40 CFR 257.62](#), [40 CFR 257.63](#), and [40 CFR 257.64](#).
- (ii) Siting report that meets the criteria specified in "Criteria for Performing Site Acceptability Studies for Solid Waste Landfills in Georgia", Circular 14, Appendix A. The report shall be prepared by a qualified groundwater scientist.
- (iii) Technical report for the hazardous potential classifications as outlined in [40 CFR 257.74](#) and the emergency action plan if required by [40 CFR 257.74](#).
- (iv) For a new CCR surface impoundment that has a height of five feet or more and a storage volume of 20 acre-feet or more, or a surface impoundment with a height of 20 feet or more, the application shall include the following:
 - (I) Design and construction plan requirements in [40 CFR 257.74](#).
 - (II) Structural stability assessment as required by [40 CFR 257.74](#).
 - (III) Safety factor assessment as required by [40 CFR 257.74](#).
- (v) Design of a liner system as required by [40 CFR 257.72](#).
- (vi) Quality assurance/quality control (QA/QC) plan for the construction of the liner system, leachate collection system, and the final cover system.
- (vii) An operation plan that includes at a minimum:
 - (I) A fugitive dust plan in compliance with [40 CFR 257.80](#).
 - (II) An inflow design flood control system in compliance with [40 CFR 257.82](#).
 - (III) Inspection requirements in compliance with [40 CFR 257.83](#).
 - (IV) Identification of any uniquely associated wastes as listed in [40 CFR 261.4\(b\)\(4\)](#), the estimated quantities generated by

the facility, and a description of how these wastes will be managed.

- (V) Procedures for compliance with recordkeeping, notification, and posting of information to the internet as required by [40 CFR 257.105](#), [40 CFR 257.106](#), and [40 CFR 257.107](#).
- (VI) Procedures for updating all plans and assessments periodically as required by 40 CFR Part 257.
- (viii) A groundwater monitoring plan in accordance with Rule 391-3-4-.10(6).
- (ix) A closure and post-closure plan in accordance with Rule 391-3-4-.10(7).
- (x) Any additional information that may be required by the Division.

3. Existing CCR landfills

- (i) Location restriction demonstration requirements in [40 CFR 257.64](#).
- (ii) Description of how the CCR landfill's operating criteria requirements in [40 CFR 257.80](#), [40 CFR 257.81](#), and [40 CFR 257.84](#) are met.
- (iii) Groundwater monitoring plan in accordance with 391-3-4-.10(6). Explanation of how groundwater monitoring and corrective action criteria requirements in [40 CFR 257.90](#), [40 CFR 257.91](#), [40 CFR 257.93](#), [40 CFR 257.94](#), [40 CFR 257.95](#), [40 CFR 257.96](#), [40 CFR 257.97](#), and [40 CFR 257.98](#) are met.
- (iv) Explanation of how closure and post-closure care requirements in [40 CFR 257.101](#), [40 CFR 257.102](#), [40 CFR 257.103](#), and [40 CFR 257.104](#) will be met.
- (v) Website address for information required to be posted by [40 CFR 257.105](#), [40 CFR 257.106](#), and [40 CFR 257.107](#).

4. Inactive CCR landfills must meet requirements subparagraphs (9)(c)3.(i) - (iv) of this Rule for an existing CCR landfill.

5. Existing Surface Impoundments

- (i) Location restriction demonstrations required by [40 CFR 257.60](#), [40 CFR 257.61](#), [40 CFR 257.62](#), [40 CFR 257.63](#), and [40 CFR 257.64](#).
 - (ii) Description of the CCR surface impoundment's design criteria required by [40 CFR 257.71](#) and [40 CFR 257.73](#).
 - (iii) Description of how the CCR surface impoundment's operating criteria required by [40 CFR 257.80](#), [40 CFR 257.82](#), and [40 CFR 257.83](#) are met.
 - (iv) Groundwater monitoring plan in accordance with Rule 391-3-4-.10(6). Explanation of how groundwater monitoring and corrective action criteria required by [40 CFR 257.90](#), [40 CFR 257.91](#), [40 CFR 257.93](#), [40 CFR 257.94](#), [40 CFR 257.95](#), [40 CFR 257.96](#), [40 CFR 257.97](#), and [40 CFR 257.98](#) are met.
 - (v) Explanation of how closure and post-closure care requirements found in [40 CFR 257.101](#), [40 CFR 257.102](#), [40 CFR 257.103](#), and [40 CFR 257.104](#) will be met.
 - (vi) Website address for information required to be posted by [40 CFR 257.105](#), [40 CFR 257.106](#), and [40 CFR 257.107](#).
6. Inactive Surface Impoundments. An owner or operator of an inactive surface impoundment shall complete closure of the CCR unit as specified in [40 CFR 257.100](#), including:
- (i) Technical data and report showing compliance with [40 CFR 257.100](#).
 - (ii) Technical report of geological and hydrogeological units within the disposal site.
 - (iii) Potentiometric surface map of the water table.
 - (iv) Siting report which includes identification of wetlands, floodplains, and seismic impact zones.
 - (v) Written closure plan that includes at a minimum:
 - (I) Narrative describing how the CCR unit will be closed including the elimination of free liquids and stabilization of remaining waste or by closure through removal of CCR.

- (II) Identification of any pipes, utilities, or other penetrations through or beneath the impoundment. The inspection frequency and method of evaluation should be provided.
 - (II) Final cover analysis.
- (vi) Stability analysis that, at a minimum, includes the following:
 - (I) On-site or local soil conditions that may result in significant differential settling.
 - (II) On-site or local geologic or geomorphologic features.
 - (III) On-site or local human-made features or events, both surface and subsurface.
- (vii) Groundwater monitoring plan in accordance with Rule 391-3-4-.10(6).
- (viii) Closure through removal of CCR is subject only to (v)(I) above and is not subject to the financial assurance requirements of Rule [391-3-4-.13](#).

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- (i) Technical report of geological and hydrogeological units within the disposal site.
- (ii) Potentiometric surface map of the water table.
- (iii) Siting report which includes identification of wetlands, floodplains, and seismic impact zones.
- (iv) Closure plan that includes at a minimum:
 - (I) Narrative describing how the CCR unit will be closed including the elimination of free liquids and stabilization of remaining waste or by closure through removal of CCR.
 - (II) Identification of any pipes, utilities, or other penetrations through or beneath the impoundment. The inspection frequency and method of evaluation should be provided.
 - (III) Final cover analysis.

- (v) Stability analysis that at a minimum includes the following:
 - (I) On-site or local soil conditions that may result in significant differential settling.
 - (II) On-site or local geologic or geomorphologic features.
 - (III) On-site or local human-made features or events, both surface and subsurface.
- (vi) Groundwater monitoring plan in accordance with Rule 391-3-4-.10(6).
- (vii) Closure through removal of CCR is subject only to (iv)(I) above and is not subject to the financial assurance requirements of Rule [391-3-4-.13](#).

8. Dewatered Surface Impoundments

- (i) Demonstration that closure procedures have minimized the threat to human health and the environment.
- (ii) Stability analysis.
- (iii) Final cover analysis.
- (iv) Groundwater monitoring plan in accordance with Rule 391-3-4-.10(6).

(10) Financial Assurance.

- (a) All CCR units must meet requirements in Rule [391-3-4-.13](#).

(11) Variances.

- (a) A compliance schedule variance for dewatered surface impoundments and inactive CCR landfills not meeting the minimum criteria in 391-3-4-.10 may be considered upon the following:
 - 1. A demonstration that no alternative units meeting the minimum requirement either on-site or off-site can be used to dispose of the CCR or non-CCR wastewater;
 - 2. A demonstration that the owner or operator is unable to use other public or private alternatives to manage the waste in the non-compliant unit; and

3. The schedule of compliance must specify remedial measures and an enforceable sequence of actions or operations leading to compliance within a reasonable time not to exceed time frames as specified in [40 CFR 257.102](#).
4. Variances may be granted under Rule 391-3-4-.10 which are not less stringent than those found in [40 CFR 257.60](#) through [257.107](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.10

Authority: O.C.G.A. § [12-8-20](#) *et seq.*

History. Original Rule was filed on September 19, 1974; effective October 9, 1974.

Repealed: New Rule entitled "Special Solid Waste" adopted. F. Jun. 9, 1989; eff. Jun. 29, 1989.

Amended: F. Sept. 4, 1991; eff. Sept. 24, 1991.

Repealed: F. Jun. 7, 1993; eff. Jun. 27, 1993.

Adopted: New rule entitled "Coal Combustion Residuals." F. Nov. 2, 2016; eff. Nov. 22, 2016.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Note: Correction of non-substantive typographical error in paragraph (11). "Variances may be granted under Rule 391-3-4-.10 which are not less stringent than those found in [40 CFR 257.60](#) through [257.107](#)." corrected to "(b) Variances may be granted under Rule 391-3-4-.10 which are not less stringent than those found in [40 CFR 257.60](#) through [257.107](#).", as requested by the Agency. Effective Aug. 10, 2018.

Amended: F. Mar. 22, 2022; eff. Apr. 11, 2022.

Rule 391-3-4-.11. Closure Criteria.

- (1) 40 CFR Part 258, Subpart F, Section 258.60, as amended, 56 Fed. Reg. 51016, (October 9, 1991); 57 Fed. Reg. 28628 (June 26, 1992), as amended at 62 Fed. Reg. 40713 (July 29, 1997) is hereby incorporated by reference.
- (2) This Rule shall be applicable to all solid waste handling facilities.
- (3) A closure plan required by paragraph (1) of this Rule must be submitted as part of the application for a permit.
- (4) Notice of final closure must be provided to the Director within 30 days of receiving the final load of waste. Any site not receiving waste for in excess of 180 days, unless otherwise approved by the Division, shall be deemed closed and in violation of these Rules unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.
- (5) All deeds for real property which have been used for landfilling shall include notice of the landfill operations, the date the landfill operation commenced and terminated, an accurate legal description of the actual location of the landfill, and a description of the type of solid wastes which have been deposited in the landfill. Concurrent with the submission of notice of final closure to the Director, the owner or operation must submit to the Director

confirmation that the information required in this section has been noticed on the property deed.

- (6) The owner or operator must close the solid waste disposal facility in accordance with a closure plan approved by the Division. Upon completing all requirements specified to close the facility outlined in the closure plan, the owner or operator must provide the Division with documentation signed by a registered professional engineer, registered in the state of Georgia, to certify that compliance with the closure requirements have been satisfied.
- (7) The closure documentation as provided in paragraph (6) of this Rule must be completed on forms provided by the Division. If the documentation is accepted by the Division, the Director will issue the Post-Closure Permit and establish the beginning of the post-closure care period.
- (8) Owners and operators of CCR units are exempt from this Rule and must meet the closure requirements in Rule [391-3-4-.10](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.11

Authority: O.C.G.A. § [12-8-20](#) et seq., as amended.

History. Original Rule entitled "Closure Criteria" was F. Jun. 9, 1989; eff. Jun. 29, 1989.

Amended: F. Sept. 4, 1991; eff. Sept. 24, 1991.

Amended: F. Jun. 7, 1993; eff. Jun. 27, 1993.

Amended: F. Nov. 2, 2016; eff. Nov. 22, 2016.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Rule 391-3-4-.12. Post-Closure Care.

- (1) [40 CFR Part 258, Subpart F, Section 258.61](#), as amended, 56 Fed. Reg. 51016 (October 9, 1991); 57 Fed. Reg. 28628 (June 26, 1992) is hereby incorporated by reference:
- (2) The owner and/or operator of all landfills must conduct post-closure care for at least thirty (30) years after the Director has authorized the Post-Closure Permit. The Director may extend the post-closure care period where necessary to adequately protect human health and the environment.
- (3) The owner and/or operator shall be responsible for conducting all monitoring and corrective actions as needed to protect human health and the environment, including, but not limited to:
 - (a) Methane monitoring, reporting and development of remediation plans in accordance with the requirements specified in paragraphs (h) and (v) of Rule [391-3-4-.07\(3\)](#), and the approved plans developed for the facility.

- (b) Groundwater monitoring, reporting and development of corrective action plans in accordance with paragraph (v) of Rule [391-3-4-.07\(3\)](#), [391-3-4-.14](#) and the approved plans developed for the facility.
-
- (4) Post-closure use of property must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of the containment system, or the function of the monitoring systems, unless the Division determines that the activities are necessary to meet the requirements of this Chapter.
 - (5) If the owner and/or operator or any subsequent owner or operator of the land upon which a landfill is located wishes to remove wastes and waste residues, the liner, if any, or contaminated soils, the owner or operator must request and receive written approval from the Division.
 - (6) A copy of the post-closure care plan required under paragraph (1) of this Rule must be submitted as part of the permit application, or in the case of existing sites, within 180 days of being directed to do so by the Director.
 - (7) Owners and operators of CCR units are exempt from this Rule and must meet the post-closure requirements in Rule [391-3-4-.10](#).
 - (8) Reduction of Post-Closure Care. Unless the facility is in active remediation, the Director may reduce the post-closure care period at certain sites when the following is demonstrated:
 - (a) No releases of contaminants above the groundwater protection standard or surface water instream standards are occurring, or where a statistically significant increase above background but statistically below the groundwater protection standard exists;
 - (b) Methane from the site is not migrating above the Lower Explosive Limit at the property boundary; and
 - (c) The landfill is stable and will not pose a threat to human health or the environment and is currently in the closure or post-closure period.
 - (d) The post-closure care period at MSWLs must, at a minimum, be 30 years.
 - (e) The Director may reduce the post-closure care period at Industrial Waste Disposal Facilities and Construction/Demolition Facilities where [391-3-4-.12\(8\)\(a\)](#), (b), and (c) can be demonstrated to the satisfaction of the Director.
 - (f) The Director may reduce the post-closure care period at sites permitted as Inert Waste Landfill Facilities where [391-3-4-.12\(8\)\(b\)](#) and (c) can be demonstrated to the satisfaction of the Director.

(g) The post-closure care period in (e) and (f) must, at a minimum, be 10 years.

- (9) Denial of reduction in Post-Closure Care. If an application for a reduction in post-closure care is denied by the Director, the applicant may request a subsequent review.

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.12

Authority: O.C.G.A. § [12-8-20](#) et seq., as amended.

History. Original Rule entitled "Post-Closure Care" was F. Jun. 9, 1989; eff. Jun. 29, 1989.

Amended: F. Sept. 4, 1991; eff. Sept. 24, 1991.

Amended: F. Jun. 7, 1993; eff. F. Jun. 27, 1993.

Amended: F. Oct. 7, 1993; eff. Oct. 27, 1993.

Amended: F. Nov. 2, 2016; eff. Nov. 22, 2016.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. June 10, 2021; eff. June 30, 2021.

Rule 391-3-4-.13. Financial Responsibility.

- (1) Applicability. The requirements of this Rule apply to all owners and/or operators of solid waste processing, treatment, storage or disposal facilities other than permit-by-Rule facilities, except for the exemptions provided for in (3) below.
- (2) 40 CFR Part 258, Subpart G as amended, 56 Fed. Reg. 51029 (October 9, 1991), as amended at 57 Fed. Reg. 28628 (June 26, 1992); 58 Fed. Reg. 51547 (October 1, 1993); 60 Fed. Reg. 40105 (August 7, 1995); 60 Fed. Reg. 52342 (October 6, 1995); 61 Fed. Reg. 60337 (November 27, 1996); and 63 Fed. Reg. 17729 (April 10, 1998) is hereby incorporated by reference.
- (3) Financial responsibility shall be required for any solid waste handling facility and shall provide adequate financial responsibility to ensure the satisfactory maintenance, closure and post-closure care of such facility or to carry out any corrective action which may be required as a condition of a permit.
- (4) Forms. Allowable financial mechanisms for closure, post-closure care, and corrective action (i.e., trust fund, surety bond, letter of credit, insurance, financial test, or guarantee) shall be submitted on forms as provided or in a format as prescribed by the Director.

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.13

Authority: O.C.G.A. §§ [12-8-20](#) et seq., [12-8-23](#).

History. Original Rule entitled "Financial Responsibility," was F. Jun. 9, 1989; eff. Jun. 29, 1989.

Amended: F. Sept. 4, 1991; eff. Sept. 24, 1991.

Amended: F. Jun. 7, 1993; eff. Jun. 27, 1993.

Amended: F. Jul. 31, 1997; eff. Aug. 20, 1997.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Rule 391-3-4-.14. Groundwater Monitoring and Corrective Action.

- (1) Applicability. All permits and modifications of permits for solid waste landfills, unless a variance has been approved, issued after the effective date of this Rule require the installation of a groundwater monitoring system. Such groundwater monitoring and, if needed, corrective action shall be conducted in accordance with this Rule. Industrial solid waste landfills and construction/demolition waste landfills must also meet the requirements of this Rule unless otherwise exempted by the Division. CCR units must meet requirements in paragraph (6) of Rule [391-3-4-.10](#).
- (2) Groundwater monitoring requirements under paragraphs (8) through (50) of this Rule may be suspended by the Director for a MSWLF unit if the owner or operator can demonstrate that there is no potential for migration of hazardous constituents from that MSWLF unit to the uppermost aquifer during the active life of the unit and the post-closure care period. This demonstration must be certified by a professional geologist registered to practice in Georgia or a professional geotechnical engineer registered to practice in Georgia and the demonstration approved by the Director, and must be based upon:
 - (a) Site-specific field collected measurements, sampling, and analysis of physical, chemical, and biological processes affecting contaminant fate and transport, and
 - (b) Contaminant fate and transport predictions that maximize contaminant migration and consider impacts on human health and the environment.
- (3) New MSWLF units must be in compliance with the groundwater monitoring requirements specified in this Rule before waste may be placed in the unit.
- (4) When referenced in this Rule, Appendix I and Appendix II constituents shall refer to those constituents as listed in Appendix I and II of 40 CFR Part 258, Subpart E, as amended, 56 Fed. Reg. 51032-51039 (October 9, 1991), which are hereby incorporated by reference.
- (5) When referenced in this Rule, Appendix III and Appendix IV constituents shall refer to those constituents as listed in Appendix III and IV of 40 CFR Part 257, Subpart D, 80 FR 21468, (April 17, 2015), which are hereby incorporated by reference.
- (6) Once established at a MSWLF unit, groundwater monitoring shall be conducted throughout the active life and post-closure care period of that MSWLF unit as specified in Rule [391-3-4-.12](#).
- (7) The Director may approve alternative schedules for demonstrating compliance with paragraph (11)(b) pertaining to notification of placement of certification in operating record; paragraph (23)(a) pertaining to notification that statistically significant increase (SSI) notice is in operating record; paragraph (23)(b) and (c), pertaining to an assessment monitoring program; paragraph (25), pertaining to sampling and analyzing Appendix II constituents; paragraph (27)(a) pertaining to placement of notice (Appendix II constituents detected) in record and notification of notice in record; paragraph (27)(b) pertaining to sampling of Appendix I and II to this Rule; paragraph (30) pertaining to

notification (and placement of notice in record) of SSI above groundwater protection standard; paragraphs (30)(a) and (34) pertaining to assessment of corrective measures; paragraph (38) pertaining to selection of remedy and notification of placement in paragraph record; paragraph (46)(d) pertaining to notification of placement in record (alternative corrective action measures); and paragraph (49) pertaining to notification of placement in record (certification of remedy completed).

- (8) Groundwater Monitoring Systems. A groundwater monitoring system must be installed that consists of a sufficient number of wells, installed at appropriate locations and depths, to yield groundwater samples from the upper most aquifer that:

- (a) Represent the quality of background groundwater that has not been affected by leakage from a unit. A determination of background quality may include sampling of wells that are not hydraulically upgradient of the waste management area where:

1. Hydrogeologic conditions do not allow the owner or operator to determine what wells are hydraulically upgradient; or
2. Sampling at other wells will provide an indication of background groundwater quality that is as representative or more representative than that provided by the upgradient wells; and

- (b) Represent the quality of groundwater passing the relevant point of compliance specified by the Director under Rule [391-3-4-.07](#). The downgradient monitoring system must be installed at the relevant point of compliance specified by the Director under this Rule. When physical obstacles preclude installation of groundwater monitoring wells at the relevant point of compliance at existing units, the downgradient monitoring system may be installed at the closest practicable distance hydraulically downgradient from the relevant point of compliance specified by the Director under Rule [391-3-4-.07](#) that ensures detection of groundwater contamination in the uppermost aquifer.

- (9) The Director may approve a multi-unit groundwater monitoring system instead of separate groundwater monitoring systems for each MSWLF unit when the facility has several units, provided the multi-unit groundwater monitoring system meets the requirement of paragraph (8) of this Rule and will be as protective of human health and the environment as individual monitoring systems for each MSWLF unit, based on the following factors:

- (a) Number, spacing, and orientation of their MSWLF units;
- (b) Subsurface and Surface Hydrogeologic setting;
- (c) Site history;
- (d) Engineering design of the MSWLF units, and

- (e) Type of waste accepted at the MSWLF units.
- (10) Monitoring wells must be cased in manner that maintains the integrity of the monitoring well borehole and prevents interaquifer migration of fluids. This casing must be screened or perforated and packed with gravel or sand, where necessary, to enable collection of groundwater samples. The annular space (i.e., the space between the borehole and well casing) above the sampling depth must be sealed to prevent contamination of samples and the groundwater.
- (a) The owner or operator must notify the Director that the design, installation, development and decommission of any monitoring wells, piezometers and other measurement, sampling, and analytical devices documentation has been placed in the operating record; and
 - (b) The monitoring wells, piezometers, and other measurement, sampling, and analytical devices must be operated and maintained so that they perform to design specifications throughout the life of the monitoring program. Monitoring wells and piezometers shall be constructed by drillers having a valid and current bond with the Water Wells Standards Advisory Council. Monitoring wells require replacement after two dry sampling events, unless an alternate schedule has been approved by the Division.
- (11) The number, spacing, and depths of monitoring systems shall be:
- (a) Determined based upon site-specific technical information that must include thorough characterization of:
 - 1. Aquifer thickness, groundwater flow rate, groundwater flow direction including seasonal and temporal fluctuations in groundwater flow; and
 - 2. Saturated and unsaturated geologic units and fill materials over lying the upper most aquifer, materials comprising the uppermost aquifer, and materials comprising the confining unit defining the lower boundary of the upper most aquifer; including, but not limited to: thickness, stratigraphy, lithology, hydraulic conductivities, porosities and effective porosities.
 - (b) Certified by a qualified groundwater scientist. Within 14 days of this certification, the owner or operator must notify the Director that the certification has been placed in the operating record.
- (12) Groundwater Sampling and Analysis Requirements. The groundwater monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide an accurate representation of groundwater quality at the background and downgradient wells installed in compliance with paragraph (8) of this Rule. The owner or operator must notify the Director that the sampling and analysis

program documentation has been placed in the operating record and the program must include procedures and techniques for:

- (a) Sample collection;
 - (b) Sample preservation and shipment;
 - (c) Analytical procedures;
 - (d) Chain of custody control; and
 - (e) Quality assurance and quality control.
- (13) The groundwater monitoring program must include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents and other monitoring parameters in groundwater samples. Groundwater samples are not normally field-filtered prior to laboratory analysis. If samples are filtered, then both filtered and unfiltered samples shall be collected and submitted to the laboratory for analysis.
- (14) The sampling procedures and frequency must be protective of human health and the environment.
- (15) Groundwater elevations must be measured in each well immediately prior to purging, each time groundwater is sampled. The owner or operator must determine the rate and direction of groundwater flow each time groundwater is sampled. Groundwater elevations in wells which monitor the same waste management area must be measured within a period of time short enough to avoid temporal variations in groundwater flow which could preclude accurate determinations of groundwater flow rate and direction.
- (16) The owner or operator must establish background groundwater quality in a hydraulically upgradient or background well(s) for each of the monitoring parameters or constituents required in the particular groundwater monitoring program that applies to the MSWLF unit, as determined under paragraph (21) or (24) of this Rule. Background groundwater quality may be established at wells are not located hydraulically upgradient from the MSWLF unit if it meets the requirements of paragraph (8)(a) of this Rule.
- (17) The number of samples collected to establish groundwater quality data must be consistent with the appropriate statistical procedures determined pursuant to paragraph (18) of this Rule. The sampling procedures shall be those specified in paragraph (22) for detection monitoring, paragraphs (24) and (27) for assessment monitoring, and paragraph (35) for corrective action.
- (18) The owner or operator must specify in the operating record one of the following statistical methods to be used in evaluating groundwater monitoring data for each hazardous constituent. The statistical test chosen shall be conducted separately for each hazardous constituent in each well.

- (a) A parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.
 - (b) An analysis of variance (ANOVA) based on the ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.
 - (c) A tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data, and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.
 - (d) A control chart approach that gives control limits for each constituent.
 - (e) Another statistical method that meets the requirements of Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities Unified Guidance (EPA-530-R-09-007 March 2009).
- (19) Any statistical method chosen under paragraph (18) of this Rule shall comply with the following performance standards, as appropriate:
- (a) The statistical method used evaluate groundwater monitoring data shall be appropriate for the distribution of chemical parameters or hazardous constituents. If the distribution of the chemical parameters or hazardous constituents is shown by the owner or operator to be inappropriate for a normal theory test, then the data should be transformed or a distribution-free theory test should be used. If the distributions for the constituents differ, more than one statistical method may be needed.
 - (b) If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a groundwater protection standard, the test shall be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparisons procedure is used, the Type I experiment wise error rate for each testing period shall be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons must be maintained. This performance standard does not apply to tolerance intervals, prediction intervals, or control charts.
 - (c) If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its associated parameter values shall be protective of human health and the environment. The parameters shall be

determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.

- (d) If a tolerance interval or a predictional interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, shall be protective of human health and the environment. These parameters shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.
 - (e) The statistical method shall account for data below the limit of detection with one or more statistical procedures that are protective of human health and the environment. Any practical quantitation limit (pql) that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.
 - (f) If necessary, the statistical method shall include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.
- (20) The owner or operator must determine whether or not there is a statistically significant increase over background values for each parameter or constituent required in the particular groundwater monitoring program that applies to the MSWLF unit, as determined in paragraphs (21) or (24) of this Rule.
- (a) In determining whether a statistically significant increase has occurred, the owner or operator must compare the groundwater quality of each parameter or constituent at each monitoring well designated pursuant to subparagraph (8)(b) of this Rule to the background value of that constituent, according to the statistical procedures and performance standards specified under paragraphs (18) and (19) of this Rule.
 - (b) Within a reasonable period of time after completing sampling and analysis, the owner or operator must determine whether there has been a statistically significant increase over background at each monitoring well.
- (21) **Detection Monitoring.** Detection monitoring is required at MSWLF units at all groundwater monitoring wells defined in subparagraphs (8)(a) and (b) of this Rule. At a minimum, a detection monitoring program must include the monitoring for the constituents listed in Appendix I of this Rule.
- (a) The Director may delete any of the Appendix I monitoring parameters for a MSWLF unit if it can be shown that the removed constituents are not reasonably expected to be contained in or delivered from the waste contained in the unit.

- (b) The Director may establish an alternative list of inorganic indicator for a MSWLF unit, in lieu of some or all of the heavy metals (constituents 1-15 in Appendix I to this Rule), if the alternative parameters provide a reliable indication of inorganic releases from the MSWLF unit to the groundwater. In determining alternative parameters, the Director shall consider the following factors:
 - 1. The types, quantities, and concentrations of constituents in wastes managed at the MSWLF unit;
 - 2. The mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the MSWLF unit;
 - 3. The detectability of indicator parameters, waste constituents, and reaction products in the groundwater; and
 - 4. The concentration or values and coefficients of variation of monitoring parameters or constituents in the groundwater background.
 - (c) After the effective date of the Rule, owners and operators of MSWLs and Commercial Industrial Landfills must add Appendix III to their detection monitoring parameters before the initial receipt of CCR. MSWLs and Commercial Industrial Landfills that accepted CCR before the effective date of the Rule must incorporate the Appendix III constituents into their monitoring plan by minor modification within 180 days from the effective date of the Rule.
 - (d) The Director will not delete parameters or establish alternate parameter lists discussed under subparagraphs (21)(a) and (b) for those facilities accepting CCR wastes.
 - (e) The Director may require additional parameters based on waste descriptions.
- (22) The monitoring frequency for all constituents listed in Appendix I to this Rule, or in the alternative list approved in accordance with subparagraph (21)(b) of this Rule, shall be at least semiannual during the active life of the facility (including closure) and the post-closure care period. A minimum of four independent samples from each well (background and downgradient) must be collected and analyzed for the Appendix I constituents, or the alternative list approved in accordance with subparagraph (21)(b) of this Rule, during the first semiannual sampling event. At least one sample from each well (background and downgradient) must be collected and analyzed during subsequent semiannual sampling events. The Director may specify an appropriate alternative frequency for repeated sampling and analysis for Appendix I constituents, or the alternative list approved in accordance with subparagraph (21)(b) of this Rule, during the active life (including closure) and the post-closure care period. The alternative frequency during the active life (including closure) shall be no less than annual. The alternative frequency shall be based on consideration of the following factors:

- (a) Lithology of the aquifer and unsaturated zone;
 - (b) Hydraulic conductivity of the aquifer and unsaturated zone;
 - (c) Groundwater flow rates;
 - (d) Minimum distance between upgradient edge of the MSWLF unit and downgradient monitoring well screen (minimum distance of travel); and
 - (e) Resource value of the aquifer.
- (23) If the owner or operator determines, pursuant to paragraph (18) of this Rule, that there is statistically significant increase over background for one or more of the constituents listed in Appendix I to this Rule, or in the alternative list approved in accordance with subparagraph (21)(b) of this Rule, at any monitoring well at the boundary specified under subparagraph (8)(b) of this Rule, the owner or operator:
- (a) Must, within 14 days of this finding, place a notice in the operating record indicating which constituents have shown statistically significant changes from background levels, and notify the Director that this notice was placed in the operating record; and
 - (b) Must establish an assessment monitoring program meeting the requirements of paragraphs (20) through (33) of this Rule within 90 days except as provided for in subparagraph (23)(c) of this Rule.
 - (c) The owner/operator may demonstrate that a source other than a MSWLF unit caused the contamination or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. A report documenting this demonstration must be certified by a qualified groundwater scientist or approved by the Director and be placed in the operating record. If a successful demonstration is made and documented, the owner or operator may continue detection monitoring as specified in paragraphs (22) and (23) of this Rule. If, after 90 days, a successful demonstration is not made, the owner or operator must initiate an assessment monitoring program as required in paragraphs (24) through (33) of this Rule.
- (24) Assessment Monitoring Program. Assessment monitoring is required whenever a statistically significant increase over background has been detected for one or more of the constituents listed in Appendix I or in the alternative list approved in accordance with subparagraph (21)(b) of this Rule.
- (25) Within 90 days of triggering an assessment monitoring program, and annually thereafter, the owner or operator must sample and analyze the groundwater for all constituents identified in Appendix II of this Rule. A minimum of one sample from each downgradient well must be collected and analyzed during each sampling event. For any

constituent detected in the downgradient wells as the result of the complete Appendix II analysis, a minimum of four independent samples from each well (background and downgradient) must be collected and analyzed to establish background for the new constituents. The Director may specify an appropriate subset of wells to be sampled and analyzed for Appendix II constituents during assessment monitoring. The Director may delete any of the Appendix II monitoring parameters for a MSWLF unit if it can be shown that the removed constituents are not reasonably expected to be in or derived from the waste contained in the unit. Owners and operators of MSWLs and Commercial Industrial Landfills that will accept CCR after the effective date of the Rule must include Appendix IV in the assessment monitoring parameters before the initial receipt of CCR. MSWLs and Commercial Industrial Landfills that accepted CCR before the effective date of the Rule and with known releases must incorporate Appendix IV constituents into their monitoring plans by minor modification within 180 days from the effective date of the Rule.

- (26) The Director may specify an appropriate alternate frequency for repeated sampling and analysis for the full set of Appendix II constituents required by paragraph (25) of this Rule, during the active life (including closure) and post-closure care of the unit considering the following factors:

- (a) Lithology of the aquifer and unsaturated zone;
- (b) Hydraulic conductivity of the aquifer and unsaturated zone;
- (c) Groundwater flow rates;
- (d) Minimum distance between upgradient edge of the MSWLF unit and downgradient monitoring well screen (minimum distance of travel);
- (e) Resource value of the aquifer; and
- (f) Nature (fate and transport) of any constituents detected in the response to this Rule.

- (27) After obtaining the results from the initial or subsequent sampling events required in paragraph (25) of this Rule, the owner or operator must:

- (a) Within 14 days, place a notice in the operating record identifying the Appendix II constituents that have been detected and notify the Director that this notice has been placed in the operating record;
- (b) Within 90 days, and on at least a semiannual basis thereafter, resample all wells specified by paragraph (8) of this Rule, conduct analyses for all constituents in Appendix I to this Rule or in the alternative list approved in accordance with subparagraph (21)(b) of this Rule and for those constituents in Appendix II to this Rule that are detected in response to paragraph (25) of this Rule, and record their concentrations in the facility operating record. At least one sample from

each well (background and downgradient) must be collected and analyzed during these sampling events. The Director may specify an alternative monitoring frequency during the active life (including closure) and the post-closure care period for the constituents referred to in this paragraph. The alternative frequency for Appendix I constituents, or the alternative list approved in accordance with subparagraph (21)(b) of this Rule during the active life (including closure) shall be no less than annual. The alternative frequency shall be based on consideration of the factors specified in paragraph (26) of this Rule;

- (c) Establish background concentrations for any constituents detected pursuant to paragraph (25) or subparagraph (27)(b) of this Rule; and
 - (d) Establish groundwater protection standards for all constituents detected pursuant to paragraph (25) or (27) of this Rule. The groundwater protection standards shall be established in accordance with paragraph (31) or (32) of this Rule.
- (28) If the concentrations of all Appendix II constituents are shown to be at or below background values, using the statistical procedures in paragraph (18) of this Rule, for two consecutive sampling events, the owner or operator must notify the Director of this finding and may return to detection monitoring.
- (29) If the concentrations of any Appendix II constituents are above background values, but all concentrations are below the groundwater protection standard established under paragraphs (31) or (32) of this Rule, using the statistical procedures in paragraph (18) of this Rule, the owner or operator must continue assessment monitoring in accordance with this section.
- (30) If one or more Appendix II constituents are detected at statistically significant levels above the groundwater protection standard established under paragraph (31) or (32) of this Rule in any event, the owner or operator must, within 14 days of this finding, place a notice in the operating record identifying the Appendix II constituents have exceeded the groundwater protection standard and notify the Director and all appropriate local government officials that the notice has been placed in the operating record. The owner or operator also:
- (a) Must characterize the nature and extent of the release by installing additional monitoring wells as necessary;
 - (b) If the point of compliance is not at the facility boundary, the owner/operator must install at least one additional monitoring well at the facility boundary in the direction of contaminant migration and sample this well in accordance with subparagraph (27)(b) of this Rule.
 - (c) Must notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-

site if indicated by sampling of wells in accordance with subparagraph (30)(a) of this Rule; and

- (d) Must initiate an assessment of corrective measures as required by paragraphs (34) through (37) of this Rule within 90 days; or
 - (e) May demonstrate that a source other than a MSWLF unit caused the contamination, or that the SSI resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. A report documenting this demonstration must be certified by a qualified groundwater scientist or approved by the Director and placed in the operating record. If a successful demonstration is made the owner or operator must continue monitoring in accordance with the assessment monitoring program pursuant to paragraphs (24) through (33) of this Rule and may return to detection monitoring if the Appendix II constituents are at or below background as specified in paragraph (28) of this Rule. Until a successful demonstration is made, the owner or operator must comply with subparagraph (30)(a) and (e), including initiating an assessment of corrective measures.
- (31) The owner or operator must establish a groundwater protection standard for each Appendix II constituent detected in the groundwater. The groundwater protection standard shall be:
- (a) For constituents for which a maximum contaminant level (MCL) has been promulgated under section 1412 of the Safe Drinking Water Act (codified) under 40 CFR part 141, the MCL for that constituent;
 - (b) For constituents for which MCLs have not been promulgated, the background concentration for the constituent established from wells in accordance with subparagraph (8)(a) of this Rule; or
 - (c) For constituents for which the background level is higher than the MCL identified under subparagraph (31)(a) of this Rule or health based levels identified under subparagraph (32)(a) of this Rule, the background concentration.
- (32) The Director may establish an alternative groundwater protection standard for constituents for which MCLs have not been established. These groundwater protection standards shall be appropriate health based levels that satisfy the following criteria:
- (a) The level is derived in a manner consistent with applicable state and federal guidelines for assessing the health risks of environmental pollutants (51 Fed. Reg. 33992, 34006, 34014, 34028; September 24, 1986).
 - (b) The level is based on scientifically valid studies conducted in accordance with the Toxic Substances Control Act Good Laboratory Practice Standards (40 CFR part 792) or equivalent;

- (c) For carcinogens, the level represents a concentration associated with an excess lifetime cancer risk level (due to continuous lifetime exposure) within the 1×10^{-4} to 1×10^{-6} range; and
 - (d) For systemic toxicants, the level represents a concentration to which the human population (including sensitive subgroups) could be exposed to on a daily basis that is likely to be without appreciable risk of deleterious effects during a lifetime. For purposes of this paragraph, systemic toxicants include toxic chemicals that cause effects other than cancer or mutation.
- (33) In establishing groundwater protection standards under paragraph (32) of this Rule, the Director may consider the following:
- (a) Multiple contaminants in the groundwater;
 - (b) Exposure threats to sensitive environmental receptors; and
 - (c) Other site-specific exposure or potential exposure to groundwater.
- (34) Assessment of Corrective Measures. Within 90 days of finding that any of the constituents listed in Appendix II have been detected at a statistically significant level exceeding the groundwater protection standards defined in paragraph (31) or (32) of this Rule, the owner or operator must initiate an assessment of corrective measures. Such an assessment must be completed within a reasonable period of time.
- (35) The owner or operator must continue to monitor in accordance with the assessment monitoring program as specified in paragraphs (24) through (33) of this Rule.
- (36) The assessment shall include an analysis of the effectiveness of potential corrective measures in meeting all of the requirements and objectives of the remedy as described in paragraphs (38) through (43) of this Rule addressing at least the following:
- (a) The performance, reliability, ease of implementation, and potential impacts of appropriate potential remedies, including safety impacts, cross media impacts, and control of exposure to any residual contamination;
 - (b) The time required to begin and complete the remedy;
 - (c) The cost of remedy implementation; and
 - (d) Other environmental or public health requirements that may substantially affect implementation of the remedy(s).
 - (e) Local, state or federal permit requirements.
- (37) The owner or operator must discuss the results of the corrective measures assessment, prior to the selection of remedy, in a public meeting with interested and affected parties.

(38) Selection of Remedy. Based on the results of the corrective measures assessment conducted under paragraphs (34) through (37) of this Rule, the owner or operator must select a remedy that, at a minimum, meets the standards listed in paragraph (39) of this Rule and develop a Corrective Action Plan (CAP) for implementation of the remedy. The owner or operator must notify the Director, within 14 days of selecting a remedy, that. The owner or operator must notify the Director, within 14 days of selecting a remedy, that a report describing the selected remedy has been placed in the operating record and how it meets the standards in paragraph (39) of this Rule.

(39) Remedies must:

- (a) Be protective of human health and the environment;
- (b) Attain the groundwater protection standard as specified pursuant to paragraph (31) or (32) of this Rule.
- (c) Control the source(s) of releases so as to reduce or eliminate, to the maximum extent practicable, further releases of Appendix II constituents into the environment that may pose a threat to human health or the environment; and
- (d) Comply with standards for management of wastes as specified in paragraph (47) of this Rule.

(40) In selecting a remedy that meets the standards of paragraph (31) of this Rule, the owner or operators shall consider the following evaluation factors:

- (a) The long- and short-term effectiveness and protectiveness of the potential remedy(s), along with the degree of certainty that the remedy will prove successful based on consideration of the following:
 - 1. Magnitude of reduction of existing risks;
 - 2. Magnitude of residual risks in terms of likelihood of further releases due to waste remaining following implementation of a remedy;
 - 3. The type and degree of long-term management required, including monitoring, operation, and maintenance;
 - 4. Short-term risks that might be posed to the community, workers, or the environment during implementation of such a remedy, including potential threats to human health and the environment associated with excavation, transportation, and redisposal or containment;
 - 5. Time until full protection is achieved;
 - 6. Potential for exposure of humans and environmental receptors to remaining wastes, considering the potential threat to human health and the

environment associated with excavation, transportation, redisposal, or containment;

7. Long-term reliability of the engineering and institutional controls; and
 8. Potential need for replacement of the remedy.
- (b) The effectiveness of the remedy in controlling the source to reduce further releases based on consideration of the following factors;
1. The extent to which containment practices will reduce further releases;
 2. The extent to which treatment technologies may be used.
- (c) The ease or difficulty of implementing a potential remedy(s) based on consideration of the following types of factors:
1. Degree of difficulty associated with construction the technology;
 2. Expected operational reliability of the technologies;
 3. Need to coordinate with and obtain necessary approvals and permits from other agencies;
 4. Availability of necessary equipment and specialists; and
 5. Available capacity and location of needed treatment, storage, and disposal services.
- (d) Practicable capability of the owner or operator, including a consideration of the technical and economic capability.
- (e) The degree to which community concerns are addressed by a potential remedy(s).
- (41) The owner or operator shall specify as part of the selected remedy a schedule(s) for initiating and completing remedial activities. Such a schedule must require the initiation of remedial activities within a reasonable period of time taking into consideration the factors set forth in subparagraphs (41)(a) through(h) of this Rule. The owner or operator must consider the following factors in determining the schedule or remedial activities.
- (a) Extent and nature of contamination;
 - (b) Practical capabilities of remedial technologies in achieving compliance with groundwater protection standards established in paragraph (31) or (32) of this Rule and other objectives of the remedy;

- (c) Availability of treatment or disposal capacity for wastes managed during implementation of the remedy;
 - (d) Desirability of utilizing technologies that are not currently available, but which may offer significant advantages over already available technologies in terms of effectiveness, reliability, safety, or ability to achieve remedial objectives.
 - (e) Potential risks to human health and the environment from exposure to contamination prior to completion of the remedy;
 - (f) Resource value of the aquifer including:
 - 1. Current and future uses;
 - 2. Proximity and withdrawal rate of users;
 - 3. Groundwater quantity and quality;
 - 4. The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;
 - 5. The hydrologic characteristic of the facility and surrounding land;
 - 6. Groundwater removal and treatment costs; and
 - 7. The cost and availability of alternative water supplies.
 - (g) Practicable capability of the owner or operator.
 - (h) Other relevant factors.
- (42) The Director may determine that remediation of a release of an Appendix II constituent from a MSWLF unit is not necessary if the owner or operator demonstrates to the satisfaction of the Director that:
- (a) The groundwater is additionally contaminated by substances that have originated from a source other than a MSWLF unit and those substances are present in concentrations such that cleanup of the release from the MSWLF unit would provide no significant reduction in risk to actual or potential receptors; or
 - (b) The constituent(s) is present in groundwater that:
 - 1. Is not currently or reasonably expected to be a source of drinking water; and
 - 2. Is not hydraulically connected with waters to which the hazardous constituents are migrating or are likely to migrate in a concentration(s) that

would exceed the groundwater protection standards established under paragraph (31) or (32) of this Rule; or

- (c) Remediation of the release(s) is technically impracticable; or
 - (d) Remediation results in unacceptable cross-media impacts.
- (43) A determination by the Director pursuant to paragraph (42) of this Rule shall not affect the authority of the state to require the owner or operator to undertake source control measures or other measures that may be necessary to eliminate or minimize further releases to the groundwater, to prevent exposure to the groundwater, or to remediate the groundwater to concentrations that are technically practicable and significantly reduce threats to human or the environment.
- (44) Implementation of the Corrective Action Program. Based on the schedule established under paragraph (41) of this Rule for initiation and completion of remedial activities, the owner or operator must:
- (a) Establish and implement a corrective action groundwater monitoring program that;
 - 1. At a minimum, meets the requirements of an assessment monitoring program under paragraphs (24) through (33) of this Rule;
 - 2. Indicates the effectiveness of the corrective action remedy; and
 - 3. Demonstrates compliance with groundwater protection standard pursuant to paragraph (48) of this Rule.
 - (b) Implement the corrective action remedy selected under paragraphs (38) through (43) of this Rule; and
 - (c) Take any interim measures necessary to ensure the protection of human health and the environment. Interim measures should, to the greatest extent practicable, be consistent with the objectives of and contribute to the performance of any remedy that may be required pursuant to paragraphs (28) through (43) of this Rule. The following factors must be considered by an owner or operator in determining whether interim measures are necessary.
 - 1. Time required to develop and implement a final remedy;
 - 2. Actual or potential exposure of nearby populations or environmental receptors to hazardous constituents;
 - 3. Actual or potential contamination of drinking water supplies or sensitive ecosystems;

4. Further degradation of the groundwater that may occur if remedial action is not initiated expeditiously;
5. Weather conditions that may cause hazardous constituents to migrate or be released;
6. Risks of fire or explosion, or potential for exposure to hazardous constituents as a result of an accident or failure of a container or handling system; and
7. Other situations that may pose threats to human health and the environment.

- (45) An owner or operator may determine, based on information developed after implementation of the remedy has begun or other information, that compliance with requirements paragraph (31) of this Rule are not being achieved through the remedy selected. In such cases, the owner or operator must implement other methods or techniques that could practicably achieve compliance with the requirements, unless the owner or operator makes the determination under paragraph (46) of this Rule.
- (46) If the owner or operator determines that compliance with requirements under paragraph (31) of this Rule cannot be practically achieved with any currently available methods, the owner or operator must:
- (a) Obtain certification of a qualified groundwater scientist or approval by the Director that compliance with requirements under paragraph (31) of this Rule cannot be practically achieved with any currently available methods;
 - (b) Implement alternate measures to control exposure of humans or the environment to residual contamination, as necessary to protect human health and the environment; and
 - (c) Implement alternate measures for control of the sources of contamination, or for removal or decontamination of equipment, units, devices, or structures that are:
 1. Technically practicable; and
 2. Consistent with the overall objective of the remedy.
 - (d) Notify the Director within 14 days that a report justifying the alternative measures prior to implementing the alternative measures has been placed in the operating record.

- (47) All solid wastes that are managed pursuant to a remedy required in paragraphs (38) through (43) of this Rule, or an interim measure required in paragraph (44)(c) of this Rule, shall be managed in a manner:
- (a) That is protective of human health and the environment; and
 - (b) That complies with applicable state Solid and Hazardous Waste Management Rules and federal Solid and Hazardous Waste Management Rules.
- (48) Remedies selected pursuant to paragraphs (38) through (43) of this Rule shall be considered complete when:
- (a) The owner or operator complies with the groundwater protection standards established under paragraph (31) or (32) of this Rule at all points within the plume of contamination that lie beyond the groundwater monitoring well system established under paragraph (8) of this Rule.
 - (b) Compliance with the groundwater protection standards established in paragraph (30) or (31) of this Rule has been achieved by demonstrating that concentrations of Appendix II constituents have not exceeded the groundwater protection standard(s) for a period of three consecutive years using the statistical procedures and performance standards in paragraphs (18) and (19) of this Rule. The Director may specify an alternative length of time during which the owner or operator must demonstrate that concentrations of Appendix II constituents have not exceeded the groundwater protection standard(s) taking into consideration:
 - 1. Extent and concentration of the release(s);
 - 2. Behavior characteristics of the hazardous constituents in the groundwater;
 - 3. Accuracy of monitoring or modeling techniques, including any seasonal, meteorological, or other environmental variabilities that may affect the accuracy; and
 - 4. Characteristics of the groundwater.
 - (c) All actions required to complete the remedy have been satisfied.
- (49) Upon completion of the remedy, the owner or operator must notify the Director within 14 days that a certification that the remedy has been completed in compliance with the requirements of paragraph (48) of this Rule has been placed in the operating record. The certification must be signed by the owner or operator and by a professional geologist, geotechnical or professional engineer registered to practice in Georgia and approved by the Director.
- (50) When upon completion of the certification, the owner or operator determines that the corrective action remedy has been completed in accordance with the requirements in

paragraph (48) of this Rule, the owner or operator shall be released from the requirements for financial assurance for corrective action under Rule [391-3-4-.13](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.14

Authority: O.C.G.A. § [12-8-20](#) et seq., as amended.

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Rule 391-3-4-.15. Biomedical Waste.

- (1) All persons subject to regulation under Rule .15 shall, in addition to the requirements of Rule .15, handle biomedical waste in accordance with the provisions of O.C.G.A. [12-8-20](#), et seq., and the Rules for Solid Waste Management, Chapter 391-3-4 applicable to solid waste.
- (2) Biomedical waste shall mean and include the following:
 - (a) Pathological waste, which means all recognizable human tissues and body parts except teeth which are removed during surgery, obstetrical procedures, autopsy, and laboratory procedures.
 - (b) Biological waste, which means blood and blood products, exudates secretions, suctionings, and other body fluids which contains free liquids and cannot be or are not directly discarded into a municipal sewer system.
 - (c) Cultures and stocks of infectious agents and associated biologicals including cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.
 - (d) Contaminated animal carcasses, body parts, their bedding, and other wastes from such animals which are infected with or which have been exposed to infectious agents, capable of causing disease in man.
 - (e) Sharps, which means any discarded article that may cause punctures or cuts. Such waste includes, but is not limited to, items such as needles, IV tubing and syringes with needles attached, and scalpel blades.
 - (f) Chemotherapy waste, which means any disposable material which has come in contact with cytotoxic/antineoplastic agents (agents toxic to cells) and/or antineoplastic agents (agents that inhibit or prevent the growth and spread of

tumors or malignant cells) during the preparation, handling, and administration of such agents. Such waste includes, but is not limited to, masks, gloves, gowns, empty IV tubing bags and vials, and other contaminated materials. The above waste must first be classified as empty which means such quantity that it is not subject to other federal or state waste management regulations prior to being handled as biomedical waste.

- (g) Discarded medical equipment and parts, excluding expendable supplies and materials included in paragraphs (a) through (f) of this Rule, which have not been decontaminated, and that were in contact with infectious agents.

(3) Generation of Biomedical Waste.

- (a) Unless otherwise exempted, Rule 391-3-4-.15 shall apply to all persons generating or handling biomedical waste, including but not limited to: ambulatory service centers, blood banks, clinics, county health departments, dental offices, funeral homes, health maintenance organizations (HMOs), hospitals, laboratories, medical buildings, physicians offices, veterinary offices, research and manufacturing facilities, nursing homes, and biomedical waste transportation, storage, treatment, and disposal facilities.
- (b) Partial exemption: facilities which generate less than 100 pounds per month of biomedical waste shall be exempt from all provisions of Rule 391-3-4-.15 except that they shall comply fully with the provisions of Rule 391-3-4-.15(4)(a), (4)(b), (4)(b)1., (4)(b)2., (4)(c), (6)(c), and (7)(b). For purposes of this Rule, a facility is defined as one or more persons generating biomedical waste who share common waste management services including, but not limited to, bulk storage containers.
- (c) Total exemption: in no case shall a person be generator of biomedical waste if those wastes are generated from single-family residential premises or a single-family dwelling unit in the self-care and treatment of family members living in those premises or units and disposed of as residential solid waste. Home health care organizations or physicians treating patients in a home are not exempt unless otherwise exempted in (b) above.
- (d) All requirements of this Rule shall apply to persons or facilities who generate 100 pounds or more biomedical waste per month.

(4) Storage and Containment of Biomedical Waste.

- (a) Containment of biomedical waste shall be a manner and location which affords protection from animals, rain and wind, does not provide a breeding place or a food source for insects and rodents, and minimizes exposure to the public.
- (b) Biomedical waste shall be segregated by separate containment from other waste at the point of origin.

1. Biomedical waste, except for sharps, shall be placed in containers which are impervious to moisture and have a strength sufficient to preclude ripping, tearing, or bursting under normal conditions of use. The containers shall be securely closed so as to prevent leakage or expulsion of solid or liquid wastes during storage, handling, or transport.
 2. Sharps shall be contained for storage, transportation, treatment and subsequent disposal in leakproof, rigid, puncture-resistant containers which are taped closed or tightly lidded to preclude loss of contents.
- (c) Rigid containers of discarded sharps and all other disposable containers used for containment of biological waste shall be red or orange in color or clearly identified with the universal biohazard symbol or clearly marked with the word "Biohazard".
- (d) Biomedical waste contained in disposable containers as prescribed above, shall be placed for storage, handling, or transport in disposable or reusable pails, cartons, boxes, drums, dumpsters, or portable bins. The containment system shall have a tight fitting cover and be kept clean and in good repair. The containers may be of any color and shall be conspicuously labeled with the universal biohazard symbol and the word "Biohazard" on the sides so as to be readily visible from any lateral direction when the container is upright.
1. Reusable containers used for shipment of biomedical waste shall be thoroughly washed and decontaminated each time they are emptied.
 2. Reusable pails, drums, dumpsters or bins used for containment of biomedical waste shall not be used for other purposes except after being decontaminated by procedures as described in (4)(d)1. above and after the universal biohazard symbol and word "Biohazard" are removed.
- (5) Transfer of Biomedical Waste to Off-Site Treatment or Disposal Facilities.
- (a) Any generator of biomedical waste shall transfer custody of the waste only to a collector who is operating under authority of these Rules.
 - (b) Biomedical waste shall not be transported in the same vehicle with other solid waste unless the biomedical waste is contained in a separate, fully enclosed leakproof container within the vehicle compartment or unless all of the waste is to be treated as biomedical waste in accordance with the requirements of these Rules.
 - (c) Biomedical waste shall be delivered for storage, including intermediate transfer, and treatment only to a facility or location for which there is a valid and appropriate operating permit as set forth in these Rules.

- (d) Surfaces of transport vehicles that have contacted spilled or leaked biomedical waste shall be decontaminated.
- (e) Equipment used to transport waste from the generator to the off-site treatment or disposal facility may not destroy the integrity of the container.
- (f) Vehicles used for the transport of biomedical waste shall not be used for transportation of food or food products.

(6) Treatment of Biomedical Waste.

- (a) If treated in accordance with the following procedures, the waste shall no longer be considered biomedical waste and may be combined and handled with regular solid waste. Biomedical waste shall be treated by one of the following methods prior to disposal at a permitted waste disposal facility.
 - 1. Incineration in the thermal treatment technology facility which provides complete combustion of waste to render it nonpathogenic.
 - (i) Biomedical waste thermal treatment technology facilities shall be capable of maintaining a minimum temperature in the primary chamber sufficient to destroy infectious agents and procedure a residue essentially free of odors and unstable organic matter. If chemotherapy wastes are incinerated, the facility must be capable of maintaining a minimum of 1,800 degrees Fahrenheit in the secondary combustion chamber and a minimum residence time of two seconds.
 - (ii) Atmospheric emissions shall be controlled so as not to exceed air quality standards of the Division.
 - 2. Decontamination by heating with steam under pressure (autoclave) so as to render the biomedical waste noninfectious.
 - (i) A recording thermometer shall be used during each complete cycle to ensure the attainment of a temperature of 121 degrees Centigrade (250 degrees Fahrenheit) for one-half hour or longer in order to achieve decontamination of the entire load.
 - (ii) Monitoring of the steam sterilization process shall be required in order to confirm the attainment of decontamination.
 - (iii) Monitoring may be through the use of biological indicators or other methods as approved by the Director. Indicators used to ensure the attainment of the proper temperature during steam sterilization shall be placed at the point of the load where the rate of thermal penetration is at a minimum.

3. Other methods as may be approved by the Director.

- (b) Fluid or semisolid waste specified in (2)(b) of this Rule may be discharged to a sewage treatment system that provides secondary treatment of waste if approved by the agency responsible for the operation of the sewage treatment system.
- (c) Biomedical wastes consisting of recognizable human anatomical remains shall not be disposed of by landfilling.
- (d) Chemotherapy waste, as defined in (2)(f), shall be treated at a permitted thermal treatment technology facility or other facility approved by the Director. Steam decontamination may not be used for the treatment of chemotherapy waste.
- (e) All facilities treating regulated quantities of biomedical waste must, at a minimum, comply with the above criteria. Commercial biomedical waste treatment facilities may not construct or operate a biomedical waste treatment facility without first obtaining a solid waste handling permit under these Rules. On-site biomedical waste treatment facilities are required to obtain a solid waste permit-by-Rule, and must comply with the provisions of paragraph (6)(a)-(d) of this Rule, in addition to Rule [391-3-4-.06](#). For purposes of this Rule, "Commercial biomedical waste treatment facility" means a facility which accepts over 25 percent of its biomedical waste from other, off-site, facilities, which are not owned by the facility owning the treatment or disposal facility, generally for a fee.

(7) Disposal of Biomedical Waste.

- (a) Biomedical wastes treated in accordance with the provisions in Rule 391-3-4-.15(6), shall be properly disposed of at a facility permitted under the authority of these Rules unless otherwise approved by the Director.
- (b) Biomedical waste from generators of less than 100 pounds per month shall be properly disposed of at a municipal solid waste landfill or treatment facility permitted under authority of these Rules or other facilities approved by the Director.
- (c) The disposal of untreated biomedical waste, from generators of more than 100 pounds per month, by landfilling is prohibited.

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.15

Authority: O.C.G.A. Secs. [12-8-20](#)*et seq.*, 12-8-23.

History. Original Rule entitled "Biomedical Waste" was F. Jun. 9, 1989; eff. Jun. 29, 1989.

Amended: F. Sept. 4, 1991; eff. Sept. 24, 1991.

Amended: F. Jun. 7, 1993; eff. Jun. 27, 1993.

Rule 391-3-4-.16. Composting and Anaerobic Digestion Facilities.

- (1) Composting is a desirable means of reducing the amount of solid waste destined for disposal. All composting facilities not exempted in 391-3-4-.16(3) shall either be regulated under Permit-by-Rule in 391-3-4-.16(5)(b) or shall obtain a Solid Waste Handling Permit in accordance with either 391-3-4-.16(5)(c), 391-3-4-.16(5)(d), 391-3-4-.16(5)(e), or 391-3-4-.16(5)(f) depending on the technology employed and feedstocks processed.
 - (a) Composting facilities in existence on the effective date of this Rule may continue to operate until March 31, 2015 under their existing permit, or Permit-by-Rule, before demonstrating compliance under conditions (i) - (vii) of this section. Existing facilities requesting major modifications after the effective date of this Rule must fully comply with this Rule. Facilities that cannot demonstrate compliance with conditions (i) - (vii) of this section by March 31, 2015 shall initiate closure.
 - (i) Existing Permit-by-Rule composting facilities that meet the criteria of 391-3-4-.16(5)(b) 1. must comply with the operating standards of Class 2 Composting Facilities, but are exempted from the design standards of Class 2 Composting Facilities.
 - (ii) Existing permitted composting facilities that classify as Class 3 Composting Facilities in 391-3-4-.16(5)(c) 1. and 2. must comply with the operating standards of Class 3 facilities, but are exempted from the design standards of Class 3 facilities.
 - (iii) Existing permitted composting facilities that classify as Class 4 Composting Facilities in 391-3-4-.16(5)(d) 1. and 2. must comply with the operating standards of Class 3 and Class 4 facilities, but are exempted from the design standards of Class 3 and Class 4 facilities.
 - (iv) Existing permitted composting facilities that classify as Class 5 Composting Facilities in 391-3-4-.16(5)(e) 1. must comply with the operating standards of Class 3, Class 4, and Class 5 facilities, but are exempted from the design standards of Class 3, Class 4, and Class 5 facilities.
 - (v) Existing permitted composting facilities that classify as Class 6 In-vessel Composting and Anaerobic Digestion Facilities in 391-3-4-.16(5)(f) 1. must comply with the operating standards of Class 6 facilities, but are exempted from the design standards of Class 6 facilities.
 - (vi) All existing composting and anaerobic digestion facilities are exempt from the siting criteria of 391-3-4-.16(6), unless applying for a major modification as in 391-3-4-.16(7)(a) 1. or 2.

- (vii) All existing composting and anaerobic digestion facilities, other than those operating as Permit-by-Rule facilities, must comply with the testing requirements of 391-3-4-.16(8).

(2) Definitions. For the purposes of this Rule:

- (a) "Aerated Static Pile Composting" means a process in which decomposing organic material is placed in piles over an air distribution system to supply oxygen for the purpose of producing compost.
- (b) "Agricultural Residuals" means the residuals from customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in during the production and preparation for market of poultry, livestock, and associated farm products; and in the production and harvesting of agricultural crops, which include agronomic, horticultural, and silvicultural crops, and residuals resulting from aquacultural activities. It also includes residuals from harvesting and production of row crops and manures. The term does not include dead animals, wastewater or special wastes, such as waste oils or other lubricants, unused fertilizers, pesticides, or pesticide containers.
- (c) "Anaerobic Digester" means an enclosed vessel that processes organic material under anaerobic conditions to produce biogas and digestate.
- (d) "Anaerobic Digestion" means the controlled decomposition of organic material under anaerobic conditions in an anaerobic digester to produce biogas and digestate.
- (e) "Backyard Composting" means composting of yard trimmings and food residuals, managed so as not to attract vectors, at residential, commercial, or industrial property by the owner or tenant for use on site. All feedstocks must be generated and composted on site.
- (f) "Biogas" means gas generated by anaerobic digestion.
- (g) "Compost" means a stabilized organic product produced by a controlled aerobic decomposition process that can be used as a soil additive, fertilizer, growth media or other beneficial use.
- (h) "Composting Facility" means buildings, grounds and equipment dedicated to the manufacture of compost.
- (i) "Contact Water" means a liquid that has passed through or emerged from raw feedstocks and materials that are being processed; liquid that has come into contact with equipment that is dedicated to the composting or anaerobic digestion process; and which contains extracted, dissolved or suspended materials. Contact water also

includes condensate from gases resulting from the composting and the anaerobic digestion processes.

- (j) "Curing" means, for the purposes of composting and anaerobic digestion, a continuation of the composting process after the high heat stage during which stability and maturity continue to increase. For the purposes of these regulations, compost enters the curing stage after completing the process to further reduce pathogens.
- (k) "Digestate" means the residual solids or liquids remaining after organic material has been processed in an anaerobic digester.
- (l) "Feedstock" means any organic material used in the production of compost or processed in an anaerobic digester. Feedstocks shall not include additives or amendments that are not part of the composting process.
- (m) "Food Processing Residuals" means organic material generated as a by-product of the food-processing sector that is non-hazardous and contains no domestic wastewater. For the purposes of these regulations, the term applies to use as a feedstock in the composting or anaerobic digestion process and does not include dissolved air flotation (DAF) skimmings or fats, oil, and greases.
- (n) "Food Residuals" means pre- and post-consumer food used as a feedstock in a composting or anaerobic digestion facility.
- (o) "Industrial By-product" means organic materials generated by manufacturing or industrial processes that are non-hazardous, contain no domestic wastewater, and pass the paint filter test.
- (p) "In-vessel Composting" means the aerobic decomposition of organic material in an enclosed container for the purpose of producing compost.
- (q) "Maturity" means a measure of the degree of completion of the composting process.
- (r) "Source-separated Organics" means organic material including, but not limited to, food residuals, food processing residuals, and compostable paper that has been separated from non-compostable material.
- (s) "Stability" means the inverse measure of the potential for a material to rapidly decompose that is measured by indicators of microbial activity, such as carbon dioxide production, oxygen uptake, or self-heating.

(3) Exemptions.

- (a) The following composting operations are exempt from a Solid Waste Handling Permit:
1. Backyard composting.
 2. A facility composting only Category A feedstock.
 3. A facility processing less than 40 tons per year of food residuals generated on site and composted in leak-proof containers that prohibit vector attraction and prevent nuisance odor generation.
 4. Composting of food residuals and yard trimmings generated on site at a K-12 institution for educational purposes.
 5. Composting of biosolids at a treatment works regulated by a National Pollutant Discharge Elimination System (NPDES) permit, Land Application System (LAS) permit, or other permit from EPD, and in which case that permit has been modified in accordance with the Georgia Rules for Water Quality Control [391-3-6-.17\(3\)\(c\) 1.](#) to incorporate any necessary requirements for regulating the composting operation.
 6. Composting of dead animals, provided such composting is in accordance with the requirements of the Georgia Dead Animal Disposal Act (O.C.G.A. § 4-5) and Georgia Department of Agriculture Rules (Chapter 40-13-5).
 7. Anaerobic digestion facilities that are permitted in accordance with the Georgia Rules for Water Quality Control. These include facilities located at a wastewater treatment plant and on-farm anaerobic digesters or lagoons.
 8. Manures managed in accordance with the Georgia Rules for Water Quality Control.

(4) Feedstock Categories.

- (a) The categories described below are not intended to be all-inclusive. Case-by-case determinations by the Division may be necessary concerning selection of the appropriate category for a particular feedstock, including industrial by-products not elsewhere classified. Accordingly, the Division may require that analytical and/or process information be supplied by the owner or operator to assist in making such determinations. At a minimum, the Division will require applicants to provide an analysis of metals and proof of compostability of the potential feedstock, including C:N ratio and soluble salts.
1. Feedstock Category A: Yard trimmings, land-clearing debris, agricultural residuals generated and processed on site, untreated and unpainted wood, or any combination thereof.

2. Feedstock Category B: Agricultural residuals generated off site, herbivorous animal manure generated at a zoo, and/or source-separated organics.
3. Feedstock Category C: Sewage sludge and biosolids not managed as part of a treatment works under an NPDES or LAS permit.
4. Feedstock Category D: Dissolved air flotation (DAF) skimmings or sludge generated from food processing and dewatered septage.

(b) Prohibited feedstocks include:

1. Asbestos-containing wastes.
2. Biomedical wastes.
3. Painted and treated wood.
4. Any other prohibited wastes included in [391-3-4-.04\(6\)](#).

(5) Design and Operating Standards for Composting Facilities by Class.

(a) Class 1 Composting Facilities

1. Facilities composting only Category A feedstock do not require a Solid Waste Handling Permit.
2. A permitted solid waste handling facility shall submit a minor modification prior to adding a Class 1 composting operation on site.

(b) Class 2 Composting Facilities

1. Facilities composting Category A and B feedstocks that meet both of the following criteria may operate under a Permit-by-Rule for Composting Facilities:
 - (i) Facilities receiving less than 500 tons of Category B feedstock per calendar month.
 - (ii) For Class 2 facilities, Category B feedstocks shall be restricted to exclude the receipt of non-vegetative food processing residuals and manures.
2. The design standards for Class 2 facilities include:

- (i) The composting area shall be constructed to maintain its structural integrity under operating conditions and be capable of supporting vehicular traffic.
 - (ii) The composting facility shall be adequate in size and capacity to manage the projected volume of compost and residue generated. The areas for storing feedstocks prior to processing shall be clearly defined and the maximum capacity specified.
 - (iii) For windrow operations, the maximum composting process windrow size and minimum composting process windrow spacing shall match the capability and requirements of the equipment used at the facility.
3. The operating standards for Class 2 facilities include:
- (i) The composting facility shall have a sign at its entrance that lists the name of the facility, hours of operation, feedstocks accepted, and emergency contact information.
 - (ii) The composting facility shall have storm water control measures.
 - (iii) The composting facility shall prevent flow of contact water from the active composting area into surface water and curing or finished compost areas.
 - (iv) Suitable measures to control vectors shall be applied.
 - (v) Suitable measures to control odors shall be applied.
 - (vi) Suitable measures to prevent, control, and extinguish fires shall be applied.
 - (vii) By the end of each operating day, all incoming Category B feedstock must be processed into the active composting area, transferred to leak-proof containment, or mixed with bulking material and covered in a manner that minimizes nuisance odors and scavenging by vectors.
 - (viii) No material shall be stored in excess of the designated capacity.
 - (ix) Storage of finished compost on site is limited to 12 months, unless approved by the Division on a case-by-case basis.

- (x) Non-compostable material and solid waste generated on site shall be stored in a waste container and then either recycled or disposed of at a permitted solid waste facility.
- (xi) Facilities accepting Category B feedstocks from off site shall track incoming feedstocks and finished compost. Records documenting compliance of the composting facility with these Rules shall be kept for a minimum of three years in a form suitable for submission to or inspection by the Division. Records shall include the weight or volume (in tons or cubic yards) of the feedstocks accepted, total compost produced, and any amount sold or used. Records shall be retained at the composting facility unless an off- site storage location is approved by the Division.
- (xii) Operation and management shall be under the supervision and control of an individual properly trained in the operation of such facilities at all times. Facility operations managers must be able to document training in the basics of composting facility operations.
- (xiii) Notice of final closure shall be provided to the Director within 60 days from final receipt of feedstock. Any site not receiving feedstock in excess of 180 days, unless properly closed or otherwise approved by the Division, shall be deemed closed and in violation of these Rules. Notice of closure shall include documentation that all feedstocks and active, curing, and final compost materials have been removed from the facility and that the site has been stabilized in accordance with the Manual for Erosion and Sediment Control in Georgia.

(c) Class 3 Composting Facilities

1. Any composting facility that is neither exempt under 391-3-4-.16(3), nor meets the conditions for Class 2 Composting Facilities in 391-3-4-.16(5)(b), shall obtain a permit in accordance with following requirements:
2. Class 3 composting facilities may compost Category A and B feedstocks.
3. The design standards for Class 3 facilities include:
 - (i) The composting facility shall be designed by a professional engineer licensed to practice in Georgia.
 - (ii) An all-weather compost pad shall be designed, constructed, and maintained to (1) prevent ponding and impede downward migration

of potential contaminants from contact water; (2) reliably transmit any free liquid present during the storage, treatment, and processing of materials laterally to a containment structure to prevent liquids from entering surface water or groundwater; (3) support vehicular traffic; and (4) prevent conditions that could contribute to or cause contamination.

- (iii) Surfaces on which composting takes place shall be graded with a slope between 2% and 6% to prevent ponding of water.
- (iv) The site shall be graded to prevent the flow of water from the active composting area into curing or finished compost areas.
- (v) Prior to receiving feedstocks, the Division shall be provided with written certification by a professional engineer licensed to practice in Georgia, that the facility has been constructed in accordance with the approved permit. Unless notified otherwise by the Division, within 15 days of receipt of the written certification, the facility owner or operator may commence composting operations.
- (vi) The owner or operator shall fully satisfy all applicable financial responsibility requirements, as provided by Chapter [391-3-4-.13](#). The financial assurance mechanism shall be updated at least annually for inflation and for any modifications required and approved by the Division.
- (vii) An as-built survey of the facility, prepared by a Georgia-registered professional surveyor, shall be submitted with the engineering certification.
- (viii) Contact water collection and removal systems shall be designed for incorporating the liquid back into the compost piles or for removal and treatment in a manner approved by the Division. Contact water may be used in the composting operation for moisture addition only in active compost piles that have not completed the process to further reduce pathogens.
- (ix) The maximum composting process windrow size and minimum composting process windrow spacing shall match the capability and requirements of the equipment used at the facility.
- (x) The composting facility shall submit a site-specific odor minimization plan that includes, at a minimum, the following:

- (I) A complaint response protocol.
 - (II) A description of operating procedures for minimizing odor.
 - (III) A description of the processes and technologies used to control odors.
 - (IV) A description of procedures to monitor odor, including sampling frequencies and method(s) used to measure odors.
- (xi) The composting facility shall submit a contingency plan detailing corrective or remedial actions to be taken in the event of equipment breakdown; odors; unacceptable waste delivered to the facility; spills; and other undesirable conditions such as fire, dust, noise, vectors, unusual traffic conditions, and litter. The plan shall also include the proposed emergency provisions for equipment breakdown or power failure.

4. The operating standards for Class 3 include:

- (i) Operation and management shall be under the supervision and control of an individual properly trained in the operation of such facilities at all times. Facility operations managers must be able to document training in the basics of composting facility operations.
- (ii) The facility shall install and maintain storm water management controls.
- (iii) Suitable measures to control vectors shall be applied.
- (iv) Suitable measures to prevent, control, and extinguish fires shall be applied.
- (v) By the end of each operating day, all incoming Category B feedstock shall be processed into the active composting area, transferred to leak-proof containment, or mixed with bulking material and covered in a manner that minimizes nuisance odors and scavenging by vectors. Prior to being incorporated into the active composting area, feedstocks with free liquid shall be mixed with drier feedstocks, bulking material, or compost so that the liquid is promptly absorbed and not allowed to flow from the mixing area.
- (vi) Compost processing time and temperatures shall be sufficient to kill weed seeds, reduce pathogens and vector attraction, and produce

compost that meets the stability necessary for the intended use. Pathogen and vector attraction reduction compliance shall be achieved as follows:

- (I) Windrow composting: The compost material shall be maintained at a minimum average temperature of 55°C or higher for 15 days or longer. During the period when the compost is maintained at 55°C or higher, there shall be a minimum of five turnings of the windrow. The 15 or more days at or above 55°C do not have to be continuous.
 - (II) Aerated static pile or in-vessel composting: The compost material shall be maintained at a minimum average temperature of 55°C or higher for three consecutive days, followed by at least 14 days at over 40°C with an average temperature of over 45°C.
- (vii) Facilities using aerated static piles shall insulate piles to ensure that all parts of the decomposing material reach and maintain temperatures at or above 55°C for a minimum of three days.
 - (viii) The all-weather compost pad must be maintained to its specified slope and resist deformation that would cause ponding or increase infiltration of contact water.
 - (ix) Storage of finished compost on site is limited to 12 months, unless approved by the Division on a case-by-case basis.
 - (x) Non-compostable material and solid waste generated on site shall be stored in a waste container and then either recycled or disposed of at a permitted solid waste facility.
 - (xi) Records shall be maintained to track incoming feedstocks and finished compost. By September 1 of each year, operators shall submit a report to the Division that includes the weight or volume (in tons or cubic yards) of the feedstocks accepted, total compost produced, and any amount sold or used in the previous fiscal year (July 1 - June 30).
 - (xii) Records documenting compliance of the composting facility with these Rules shall be kept for a minimum of three years in a form suitable for submission to or inspection by the Division. Records shall be retained at the composting facility unless an off-site storage location is approved by the Division.

- (xiii) A facility odor minimization plan shall be maintained and updated as stipulated in the following:
 - (I) The odor impact minimization plan shall be revised and submitted to the Division for any major modification as described in 391-3-4-.16(7).
 - (II) The odor impact minimization plan shall be reviewed annually by the operator to determine if any revisions are necessary.
 - (III) The odor impact minimization plan and results of the odor monitoring shall be used by the Division to determine whether the facility is following the procedures approved in its permit and its design and operational plan.
- (xiv) The composting facility shall have a sign at its entrance that lists the name of the facility, permit number, days and hours of operation, feedstocks accepted, and emergency contact information.
- (xv) The composting facility shall be closed in accordance with Rule [391-3-4-.11](#).

(d) Class 4 Composting Facilities

1. Any composting facility that is neither exempt under 391-3-4-.16(2), nor meets the conditions for Permit-by-Rule for Composting Facilities in 391-3-4-.16(4)(b), shall obtain a permit in accordance with following requirements:
2. Class 4 composting facilities may compost Category A, B, and C feedstocks.
3. Class 4 composting facilities shall comply with the design and operating standards for Class 3 composting facilities and the additional design and operating standards listed below:
 - (i) The design standards for Class 4 include:
 - (I) The compost pad for the receiving, mixing, and active composting areas shall prohibit ponding and limit infiltration of contact water by being uniformly graded at a minimum slope of 2%. The compost pad shall contain a layer to limit

infiltration. This layer shall either be one foot in thickness with a hydraulic conductivity not exceeding 1×10^{-5} cm/sec or an approved alternative which meets or exceeds this specification for the purpose of limiting infiltration. The layer to limit infiltration shall be constructed on a prepared and compacted subsurface, and overlain by a wearing surface that will resist deformation, prevent ponding, and prevent the infiltration of contact water. A minimum separation of five feet is required between the bottom of the infiltration layer and the seasonal high water table. Industrial waste proposed for the use in the construction of the compost pad shall be approved by the Division.

- (II) Contact water shall be contained in a tank with secondary containment or in an impoundment with a liner system consisting of a one-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec. The liner shall be overlain by a protective marker layer of sand or stone no less than one foot in thickness. An alternate liner system with the equivalent ability to limit infiltration may be approved by the Division.
- (ii) The operating standards for Class 4 include:
- (I) The composting pad shall be maintained and repaired as needed. Cracks or other defects identified in the wearing surface shall be promptly repaired under the supervision of the facility manager. Any repairs or reconstruction of the layer limiting infiltration shall be completed under the supervision of a professional engineer, who shall prepare a report and certification of the repairs. A copy of the report(s) shall be maintained in the facility's operating records. Compost materials shall not be placed in areas with damage to the infiltration layer, and berms or other diversions shall be installed to prevent run-on of contact water into these areas.
 - (II) Facilities that compost biosolids or sewage sludge shall comply with all applicable federal regulations regarding sludge management at 40 CFR 501; 40 CFR 503; and 40 CFR 503, Subpart B.
 - (III) Groundwater monitoring systems shall be designed and installed in accordance with [391-3-4-.14](#). Additionally:

- (A) Monitoring parameters shall be established based on the hydrogeologic data related to the site, the type of feedstocks accepted at the facility, and waste characterization analyses performed on incoming feedstocks.
- (B) Monitoring shall be conducted semi-annually, at a minimum.
- (IV) By the end of each operating day, all incoming Category B and C feedstocks shall be processed into the active composting pile, transferred to leak-proof containment, or mixed with bulking material and covered in a manner that minimizes nuisance odors and scavenging by vectors.

(e) Class 5 Composting Facilities

1. Class 5 composting facilities may compost Category A, B, C, and D feedstocks.
2. Class 5 composting facilities shall comply with the design and operating standards for Class 3 and 4 composting facilities and the additional design and operating standards listed below:
 - (i) The design standards for Class 5 include: Reserved.
 - (ii) The operating standards for Class 5 include:
 - (I) The feedstock receiving and mixing areas shall be in an enclosed structure. The receiving area of the composting operation shall be constructed of asphalt, concrete, or a composite liner system. Receiving entrances shall be closed and under negative pressure during receipt and processing of Category D feedstocks.
 - (II) By the end of each operating day, all incoming Category B, C, and D feedstocks shall be processed into the active composting pile, transferred to leak-proof containment, or mixed with bulking material to minimize nuisance odors and scavenging by vectors.

(f) Class 6 In-vessel Composting and Anaerobic Digestion Facilities

1. Class 6 facilities employ in-vessel composting or anaerobic digestion. These facilities may process Category A, B, C, and D feedstocks.
2. The design standards for Class 6 facilities include:
 - (i) A description of the basic site design.
 - (ii) A description of the type of technology to be used, including a copy of the drawings and specifications of the composting or digestion equipment and a process flow diagram that includes the types of the major material handling equipment and material flow.
 - (iii) A description of the unit's requirements for power, water, and wastewater removal.
 - (iv) A description of the type and quantities of feedstock to be processed.
 - (v) A description of the storage capacity for feedstocks, products and digestate, if applicable.
 - (vi) Anticipated annual operational capacity in cubic yards or gallons per day.
 - (vii) A description of the proposed methods used to control spills, run-off, litter, odors, dust, rodents, and insects, including the storage of feedstocks, compost and digestate, leak-prevention and spill release measures, and the methods to monitor effectiveness for control measures.
 - (viii) The facility shall have a site-specific odor minimization plan that includes, at a minimum, the following:
 - (I) A complaint response protocol.
 - (II) A description of operating procedures for minimizing odor.
 - (III) A description of the processes and technologies used to control odors.
 - (ix) A contingency plan detailing corrective or remedial actions to be taken in the event of equipment breakdown; odors; unacceptable waste delivered to the facility; spills; and other undesirable conditions such as fire, dust, noise, vectors, unusual traffic conditions, and litter. The plan shall also include the proposed emergency provisions for equipment breakdown or power failure.

3. The operating standards for Class 6 facilities include:
- (i) Operation and management shall be under the supervision and control of an individual properly trained in the operation of such facilities at all times. Facility operations managers must be able to document training in the basics of composting and/or anaerobic digestion operations through a course approved by the Division.
 - (ii) The facility shall have a sign at its entrance that lists the name of the facility, permit number, days and hours of operation, feedstocks accepted, and emergency contact information.
 - (iii) The facility shall install and maintain storm water management controls.
 - (iv) Suitable measures to control vectors shall be applied.
 - (v) Suitable measures to prevent, control, and extinguish fires shall be applied.
 - (vi) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills that occur.
 - (vii) By the end of each operating day, all incoming Category B, C, and D feedstocks shall be processed, transferred to leak-proof containment, or mixed with bulking material and covered in a manner that minimizes odors and scavenging by vectors. For facilities with an anaerobic digester, the feedstocks can be stored in leak-proof containers with lids that prevent vector or odor problems for a period of time to allow for proper organic loading of the digester. This time period shall not exceed four days.
 - (viii) Digestate not contained in an in-vessel digester, sealed container, or sealed structure, shall, within 24 hours, be removed from the site and either disposed or processed at a permitted solid waste facility or incorporated into a permitted, on-site compost operation. Digestate may be stored in a sealed container or sealed structure for up to nine months. By-products from the separation of digestate shall be stored separately and in sealed containers.
 - (ix) Non-compostable waste shall be stored in a waste container and then recycled or disposed of at a permitted solid waste facility.
 - (x) For in-vessel composting operations, the operator shall ensure that the composting process reduces pathogens. The compost material

shall be maintained at a minimum average temperature of 55°C or higher for three consecutive days, followed by at least 14 days at over 40°C with an average temperature of over 45°C.

- (xi) Facilities employing anaerobic digestion must minimize the uncontrolled release of biogas.
- (xii) Notice of final closure shall be provided to the Director within 60 days from final receipt of feedstock. Any site not receiving feedstock in excess of 180 days, unless properly closed or otherwise approved by the Division, shall be deemed closed and in violation of these Rules. Notice of closure shall include documentation that all feedstocks, compost materials and digestate have been removed from the facility and that the site has been stabilized in accordance with the Manual for Erosion and Sediment Control in Georgia.

(6) Criteria for Siting Composting Facilities.

- (a) Class 2 composting facilities shall comply with the following criteria:
 - 1. The facility shall not be located in the 100-year floodplain.
 - 2. A 50-foot undisturbed buffer shall be maintained between the composting operation and the property line.
 - 3. A 200-foot buffer shall be maintained between the composting operation and any adjacent residences and/or drinking water supply wells.
 - 4. A 50-foot buffer shall be maintained between the composting operation and all streams.
 - 5. A description of surrounding land uses up to a ½-mile radius shall be provided.
 - 6. Airport safety restrictions, as required by Rule [391-3-4-.05\(1\)\(c\)](#) for MSWLF units, shall be met.
- (b) Classes 3-6 composting facilities and anaerobic digestion facilities shall comply with the following criteria:
 - 1. The facility shall submit a letter from the local government authority stating that the proposed facility complies with local zoning and land use ordinances.

2. The facility shall submit written verification by the applicant that the facility is consistent with the local or regional solid waste management plan, as required in Rule [391-3-4-.02\(4\)\(c\)](#) 5.
 3. The facility shall not be located in the 100-year floodplain.
 4. The facility shall submit a map of the topographic setting depicting features, including all upstream and downstream drainage areas affecting or affected by the proposed site, floodplain, gullies, karst conditions, wetlands, unstable soils, and percent slope.
 5. A 100-foot undisturbed buffer shall be maintained between the composting operation and the property line.
 6. A 500-foot buffer shall be maintained between the composting operation and any adjacent residences and/or any drinking water supply wells.
 7. A 50-foot buffer shall be maintained between the composting operation and all streams.
 8. A description of surrounding land uses up to a ½-mile radius shall be provided.
 9. Airport safety restrictions as required by Rule [391-3-4-.05\(1\)\(c\)](#) for MSWLF units, shall be met.
 10. The facility shall submit a site assessment report, prepared by a professional geologist or geotechnical engineer registered in Georgia, addressing the above-listed criteria.
- (c) In addition to meeting the Class 3 siting requirements, Class 4 and 5 composting facilities shall comply with the following siting criteria:
1. Submission of a hydrogeological assessment, as specified in [391-3-4-.05\(1\)\(j\)](#) may be required.
 2. Submission of an odor assessment that includes, at a minimum:
 - (i) The proximity of existing odor receptors;
 - (ii) An evaluation of the site and operation characteristics to determine the potential for impacts on the neighboring community from the off-site migration of odors from the proposed facility; and

- (iii) A description of the design considerations or practices to be implemented to control the potential impacts of off-site odors generated from the facility.

(7) Permit Modifications for Class 3-6 Facilities.

(a) All modifications of existing facilities shall be classified as follows:

1. Major modifications include those changes which substantially alter the design of the facility, management practices, the types or categories of feedstocks processed, or the technologies employed, and due to the nature of the changes, would likely impact the facility's ability to adequately protect human health and the environment. Major modifications, therefore, require closer review and public input than minor modifications.
2. Major modifications shall include, but are not limited to, the following:
 - (i) A modification which adds a new solid waste handling process. This shall include, but not be limited to, the addition of a materials recovery facility, a composting operation co-located at an anaerobic digestion facility, baling operation, shredding operation, or liquid solidification operation.
 - (ii) A modification which involves a change to a site suitability requirement, which could have originally impacted the siting of the facility.
3. Minor modifications include changes that do not substantially alter the permit conditions, that do not reduce the capacity of the facility to protect human health or the environment, or that do not prevent the facility from responding in a timely manner. These changes include common variations in the type and quantities of feedstocks managed, technological advancements, or changes necessary to comply with new Rules, where these changes can be implemented without substantially changing design specifications or management practices in the permit.
 - (i) Minor modifications shall include, but are not limited to, the following:
 - (I) Changing the name of the facility.
 - (II) A modification which involves the relocation of access roads.
 - (III) A modification which adds scales.

- (IV) A modification which involves the addition or removal of on-site structures.
- (V) A modification which involves the addition of or a change to a groundwater or surface water monitoring system.
- (VI) A modification which involves the addition or removal of a Permit-by-Rule facility.
- (VII) A modification which involves the removal of any solid waste handling facility.
- (VIII) A modification which involves the addition of or a change to a closure or post- closure plan.
- (IX) A modification which involves the addition of or a change to a method of contact water handling and/or treatment.
- (X) A modification which involves the addition of a corrective action plan.
- (XI) A modification which involves a change in ownership, or in the case of a corporation of over five percent of the stock in a corporation holding a permit, but does not involve the transfer of the permit.

4. All major modifications shall be subject to the following requirements:
- (i) Submission of a completed application for a permit modification.
 - (ii) Submission of supporting documents accompanying the application for a permit modification that describe the exact change(s) to be made to the permit conditions and supporting documents referenced by the permit that explain why the change is needed.
 - (iii) Submission of a revised design for the requested change(s).
 - (iv) Submission of written verification by the applicant, as required by Rule [391-3-4-.05\(1\)\(a\)](#), that the facility, as proposed to be modified, conforms to all local zoning/land use ordinances, if any.
 - (v) Submission of written verification by the applicant that the facility, as proposed to be modified, is consistent with local or regional solid waste management plans. The verification shall consist of letters

from the host jurisdiction and generating jurisdictions verifying consistency with the approved local solid waste plan.

- (vi) Submission of written verification by the applicant that a public hearing was held by the governing authority of the county or municipality in which the facility requesting the modification is located, not less than two weeks prior to granting approval of the modification. Submission of a typed transcript of the hearing. Submission of written verification that notice of such hearing was posted at the site of such facility and advertised in a newspaper of general circulation serving the county or counties in which the facility is located at least 30 days prior to such hearing.

(8) Testing.

- (a) Class 3-6 composting facilities and anaerobic digestion facilities that compost on site shall meet the following test standards and requirements:

- 1. Samples and measurements taken for the purpose of product testing shall be representative of the composting activity and shall be conducted in accordance with methods and procedures approved by the Director.
- 2. The minimum number of samples that shall be collected and analyzed is shown in the table below. Samples to be analyzed shall be composted prior to the analysis.

Compost Quantity¹(tons/yr)	Frequency
1 - 6,200	Once per quarter
6,201 - 17,500	Once every two months
Greater than 17,500	Once per month

¹Either the amount of finished compost applied to the land, prepared for sale or given away on an "as is" (wet weight) basis.

If test results show the finished product is stable and in compliance with both metals and pathogens standards for a two-year period, the facility may request a reduction in the frequency of testing, provided there are no changes in feedstocks composted at the facility. Class 3 facilities may test for pathogens and trace metals at half the frequency, but overall testing for all other characteristics must be as defined in the table above.

- 3. All compost shall be tested for stability in accordance with methods and procedures approved by the Director.

- (i) The stability results shall be documented in the facility's operating records.
4. All compost shall be tested for the presence of pathogens in accordance with methods and procedures approved by the Director.
- (i) Either the density of fecal coliform in the finished compost shall be less than 1,000 most probable number (MPN) per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the finished compost shall be less than three MPN per four grams of total solids (dry weight basis) before the compost may be sold, given away, or applied to the land.
5. All compost shall be analyzed for metals in accordance with methods and procedures approved by the Director.
- (i) The following pollutant concentrations shall not be exceeded:

Pollutant	Monthly average concentration (milligrams per kilogram) ¹
Arsenic	41
Cadmium	39
Copper	1,500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2,800

¹ On a dry weight basis.

- (b) For Class 6 facilities that operate an anaerobic digester, the facility shall, at a minimum, monitor or test the following:
 - 1. Chemical Oxygen Demand shall be tested daily if the feedstocks change on a daily basis or weekly if the feedstocks are consistent or if the digester is at steady state, with steady state being defined as the treatment level or the gas production is constant for at least three Hydraulic Retention Times (HRT).
 - 2. Alkalinity shall be measured daily if the feedstocks change on a daily basis or weekly if the feedstocks are consistent or if the digester is at steady state,

with steady state being defined as the treatment level or the gas production is constant for at least three Hydraulic Retention Times (HRT).

3. Gas production shall be monitored.
- (c) Digestate that has not been analyzed for metal concentration, pathogen concentration, and any other contaminants as stipulated by the Division, or is known to contain any metal in amounts that exceed the maximum metal concentrations in 391-3-4-.16(8)(a)(5)(i), shall be designated for disposal or additional processing.
- (d) The Division may approve alternative methods of compliance to meet the requirements of this section including, but not limited to, sampling frequencies.

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.16

Authority: O.C.G.A. § [12-8-20](#) et seq.

History. Original Rule entitled "Asbestos Containing Waste" was F. Jun. 9, 1989; eff. Jun. 29, 1989.

Repealed: New Rule entitled "Composting" adopted. F. Sept. 4, 1991; eff. Sept. 24, 1991.

Amended: F. Jun. 7, 1993; eff. Jun. 27, 1993.

Amended: Title changed to "Composting, Mulching and Anaerobic Digestion Facilities." F. Jun. 25, 2014; eff. July 15, 2014.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: New title "Composting and Anaerobic Digestion Facilities." F. June 10, 2021; eff. June 30, 2021.

Rule 391-3-4-.17. Measuring and Reporting Requirements.

- (1) Reporting the quantities of solid waste managed:
 - (a) Persons holding a municipal solid waste disposal permit, including permits-by-rule, shall report to the Director the total amount, in tons, of solid waste disposed of quarterly. Reports shall be filed by the 30th day after the beginning of each calendar quarter, covering the reporting period for the preceding quarter.
 - (b) The reports shall contain, at a minimum, which cities and counties are served by the disposal facility and the total number of tons of solid waste received from each jurisdiction served during the reporting period. The required data shall be submitted on such forms as may be prescribed by the Director.
- (2) Measurement Methods:
 - (a) Where disposal facilities do not have scales at the disposal facility, or through contractual or other arrangements, do not weigh all municipal solid waste destined for the facility, the owner and/or operator shall require each type of commercial vehicle utilizing the facility to be weighed with such frequency that an accurate

conversion from cubic yards to tons can be made for each commercial vehicle type not weighed.

- (b) Where such systems of estimating the weight are utilized, the owner or operator must prepare and submit to the Director for approval, a description of such systems for all existing sites. New disposal facilities must include this information as part of the permit application.
- (3) Reporting remaining capacity of the site.
 - (a) On July 1 of each year, persons holding a municipal solid waste landfill permit shall report to the Director the remaining capacity of the facility.
 - (b) The remaining capacity shall be determined in cubic yards and the determinations shall be certified by the professional engineer, registered in the State of Georgia.
 - (c) The rate of filling shall be determined and provided along with an estimated completion date for the facility.
- (4) Waste Disposal Surcharge.
 - (a) Owners or operators of any solid waste disposal facility, other than an inert waste landfill as defined in these Rules or a private industry solid waste disposal facility, shall assess and collect, on behalf of the division from each disposer of waste, a surcharge per ton on solid waste disposed as required by O.C.G.A. § [12-8-39](#). Surcharges assessed and collected on behalf of the division shall be paid annually to the division on July 1 for the preceding calendar year.
 - (b) The surcharge required by subparagraph (4)(a) of this Rule, shall be calculated based on the reports required by paragraph (1) of this Rule and in accordance with actual weights received or other approved methods provided for in paragraph (2) of this Rule.
- (5) For operating CCR units, the total volume of the CCR waste disposed in a CCR unit and the CCR removed, recovered, or diverted for beneficial use shall be reported to the Division on July 1 of each year after the first full year that the permit is in effect. The required data shall be submitted on such forms as may be prescribed by the Director.
- (6) The owner or operator of a municipal solid waste landfill shall notify the local governing authorities of any city and county in which such landfill is located of any release from the site of such landfill of a contaminant which is likely to pose a danger to human health. In addition, such owner or operator shall cause notice of such release to be published in the legal organ of the county in which such landfill is located. Compliance with the requirements of this Rule shall occur within 14 days of confirmation of such release by the Division.

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.17

Authority: O.C.G.A. §§ [12-8-20](#) et seq., 12-8-23.

History. Original Rule entitled "Liquid Waste Restrictions at Sanitary Landfills" was F. Jun. 9, 1989; eff. Jun. 29, 1989.

Repealed: New Rule entitled "Measuring and Reporting Requirements" adopted. F. Sept. 4, 1991; eff. Sept. 24, 1991.

Amended: F. Dec. 17, 1992; eff. Jan. 6, 1993.

Amended: F. Jun. 7, 1993; eff. Jun. 27, 1993.

Amended: F. Nov. 2, 2016; eff. Nov. 22, 2016.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Rule 391-3-4-.18. Operator Certification.

- (1) Applicability: this Rule applies to all operators of municipal solid waste landfills, municipal solid waste thermal treatment technology facilities, and employees of the Department of Natural Resources who inspect these facilities.
 - (a) No person shall perform the duties of a municipal solid waste disposal facility operator without being duly certified under this Rule.
 - (b) No municipal solid waste disposal facility shall be operated in Georgia unless the operator is certified under this Rule.
 - (c) All inspectors of municipal solid waste disposal facilities shall be certified to inspect the same.
- (2) Certificates:
 - (a) Any certificate granted under this Section shall be renewable every five years.
 - (b) The Division shall approve all examinations and courses to be used in determining the knowledge, ability, and judgment of applicants for certification under this Rule. Such courses and examinations shall be given at least twice annually.
 - (c) A Certified Landfill Operator or Inspector must meet the following minimum qualifications:
 1. Graduate of high school or an accredited GED program, and have worked at a landfill in Georgia for at least six months. Prior to July 1, 1994, persons who lack the required high school or GED preparation and possess an equivalent level of math and literacy skills, may substitute five years experience as a landfill operator or manager in Georgia for the required high school or GED program; or
 2. To conduct landfill inspections, be employed by the Georgia Department of Natural Resources and required by their job descriptions to conduct landfill inspections; and

3. Must have successfully completed the Landfill Certification Training Course and examination endorsed by the Division.
- (d) Upon application, a certificate may be issued without examination, in a comparable classification, to any person who holds a certificate in any state, territory, or possession of the United States or any country, provided that the requirements for certification of operators under which the person's certificate was issued do not conflict with this Rule and are of a standard not lower than that specified by this Rule; and provided further that reciprocal privileges are granted to certified operators of this State.
 - (e) The Director may investigate the actions of any operator and may revoke or suspend the certificate of an operator, following a hearing conducted in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", when it is found that the operator has practiced fraud or deception; that reasonable care, judgment, or the application of his knowledge or ability was not used in the performance of his duties; or that the operator is incompetent or unable to perform his duties properly.
 - (f) The Director shall include, as a condition in a permit issued, a requirement that the municipal solid waste disposal facility operator be duly certified in accordance with this Rule.

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.18

Authority: O.C.G.A. §§ [12-8-20](#) et seq., 12-8-23.

History. Original Rule entitled "Sanitary Landfill Operator Certification" was F. Jun. 9, 1989; eff. Jun. 29, 1989.

Amended: Rule retitled "Operator Certification." F. Sept. 4, 1991; eff. Sept. 24, 1991.

Amended: F. Jun. 7, 1993, eff. Jun. 27, 1993.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Rule 391-3-4-.19. Scrap and Used Tire Management.

- (1) Applicability.
 - (a) Scrap tire handling shall be regulated from the point of generation through the point of final disposition. The provisions of this Rule, except where exemptions apply, shall apply to all persons presently engaged in, or proposing to be engaged in, the retail sale of new replacement tires, handling of scrap tires, and/or the collection, inventory and marketing of used tires.
 - (b) All persons subject to regulation under this Rule shall, in addition to the requirements of 391-3-4-.19, handle scrap tires in accordance with the provisions

of O.C.G.A. [12-8-20](#), *et seq.*, and the Rules for Solid Waste Management, Chapter 391-3-4, applicable to solid waste.

(2) Definitions. For the purposes of this Rule:

- (a) "Beneficial reuse" means the use of scrap tires for purposes other than its original intended use and that have been approved by the Division prior to reuse.
- (b) "Enclosure" means structure with four sides and roof or an area surrounded by a wall or fence with the purpose of controlling or limiting access.
- (c) "End user" means the last person who uses the scrap tires, chips, crumb rubber, or similar materials to make a product with economic value, or, in the case of energy recovery, the person who uses the heat content or other form of energy from the incineration, combustion or pyrolysis of waste tires, chips or similar materials.
- (d) "Financial Assurance" means a mechanism designed to demonstrate that funds will be available to ensure compliance with statutory, regulatory and permit requirements of tire carriers and processors. The financial mechanism must be either a surety bond or an irrevocable letter of credit.
- (e) "Manufacturer" means a person who produces new tires from raw materials for the original intended use on, but not limited to, automobiles, trucks, motorcycles, trailers, recreational vehicles, construction equipment, earth-moving equipment and aircraft.
- (f) "Mixed Tires" means a group of tires that may consist of "used tires," "retreadable casings," and "scrap tires."
- (g) "Organized Site Cleanup Activity" means scrap tire abatement activities conducted by a government entity, non-profit, or other organization.
- (h) "Point of Final Disposition" means a location approved by the Division to receive scrap tires including, but not limited to, scrap tire processors, scrap tire sorters and end users.
- (i) "Residuals" means by-products resulting from the processing of scrap tires including, but not limited to, fibers, metals, inner tubes and rims.
- (j) "Retreadable Casing" means a scrap tire suitable for retreading. This includes casings that have value as a potential retreaded tire. This does not include casings with tread separation, unrepaired cuts, corroded belts, sidewall damage, run-flat or skidded.
- (k) "Retail Dealer" means a person actively engaged in the business of selling new replacement tires. Retail dealers may also be, but are not limited to,

manufacturers, wholesalers, and others who sell new replacement tires to the ultimate consumer.

- (l) "Scrap Tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.
- (m) "Scrap Tire Generator" means any person who generates scrap tires including, but not limited to, tire retailers; retail dealers; retreaders; scrap tire processors; scrap tire sorters; automobile dealers; private company vehicle maintenance shops; used tire dealers; garages, and service stations; and city, county, and state governments.
- (n) "Scrap Tire Processing" means any method, system, or other treatment designed to change the physical form, size, or chemical content of scrap tires for beneficial use.
- (o) "Scrap Tire Processor" means any person approved through a permit issued by the Division to receive and process scrap tires, but shall not include a registered secondary metals recycler operating a scrap metal shredder for the purpose of shredding metallic scrap, including scrap automobiles containing five or fewer scrap tires per automobile into specification grades of scrap metal.
- (p) "Scrap Tire Sorter" means any person, other than a registered scrap tire generator or a scrap tire processor, who handles mixed tires by separating used tires and retreadable casings from scrap tires and is approved through a permit by the Division.
- (q) "Tire" means a continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle and which is neither attached to the motor vehicle nor a part of the motor vehicle as original equipment.
- (r) "Tire Carrier" means any person engaged in collecting or transporting tires, other than new tires. For the purpose of this Rule, tire carrier does not include a transporter of scrap or crushed vehicles.
- (s) "Tire Manifest" means a form or document used to identify the quantity, composition, origin, routing and destination of scrap tires during transportation from the point of generation to a point of final disposition and to track used tires from the point of generation to another location.
- (t) "Tire Retailer" means any person, other than a used motor vehicle parts dealer licensed in accordance with Chapter 47 of Title 43, engaged in the business of selling new replacement tires or used tires.

- (u) "Tire Retreader" means any person actively engaged in the business of retreading scrap tires by scarifying the surface to remove the old surface tread and attaching a new tread to make a usable tire.
- (v) "Ultimate Consumer" means the last person who receives and uses a new replacement tire.
- (w) "Used Tire" means a tire which has a minimum of 2/32 inch of road tread and which is still suitable for its original purpose but is no longer new. A tire retailer shall inventory and market used tires in substantially the same fashion as a new tire and be able to provide satisfactory evidence to the division that a market for the tire exists and that the tire is in fact being marketed as a used tire. A used tire shall not be considered solid waste.
- (x) "Used Tire Dealer" means a tire retailer selling used tires as defined in this Rule.

(3) Retail Dealers.

- (a) Beginning July 1, 1992, a tire management fee is imposed upon the retail sale of all new replacement tires in this state of \$1.00 per tire sold. The fee shall be collected by retail dealers at the time the retail dealer sells a new replacement tire to the ultimate consumer; provided, however, that a Georgia tire distributor who sells tires to retail dealers must collect such fees from any retail dealer who does not have a valid scrap tire generator identification number issued by the Division.
 - 1. New replacement tires include, but are not limited to, automobile, truck, heavy equipment, motor bike, boat and other trailers, aircraft, and recreational vehicles.
 - 2. Local and state governments are not exempt from the fee.
 - 3. The fee shall not be imposed on the sale of:
 - (i) Tires with a rim size less than 12 inches;
 - (ii) Tires from any device moved exclusively by human power; or
 - (iii) Tires used exclusively for agricultural purposes, except farm truck tires.
- (b) Retail dealers shall remit fees and a quarterly tire fee report documenting the number of new replacement tires sold to the Division. The retail dealers shall use forms provided by the Division. The fee and report shall be remitted by the 30th day of April, July, October, and January of each year, covering the period for the preceding quarter.

(c) In collecting, reporting, and paying the fees due under this section, each distributor or retailer shall be allowed the following deductions, but only if the amount due was not delinquent at the time of payment:

1. A deduction of three percent of the first \$3,000.00 of the total amount of all fees reported due on such report; and
2. A deduction of one-half of one percent of the portion exceeding \$3,000.00 of the total amount of all fees reported on such report.

(4) Scrap Tire Generators.

(a) Any person who generates scrap tires in this state shall have a scrap tire generator identification number (ID number #) issued by the Division. The ID number shall be used on tire manifests. A separate ID number shall be required for each business location.

(b) The following persons shall not be required to have an ID number:

1. Scrap tire generators who generate scrap tires at out-of-state locations and ship their scrap tires to a point of final disposition in Georgia; and
2. A licensed used motor vehicle parts dealer or registered secondary metals recycler, who does not generate scrap tires for disposal or recycling.
3. A municipal solid waste collector holding a valid solid waste collection permit under authority of this part whose primary business is the collection of municipal solid waste;
4. A private individual transporting no more than 10 of the individual's own or a private individual transporting more than 10 tires if such individual can provide proof of purchase with receipt for such tires;
5. Any person transporting tires collected as part of an organized site cleanup activity;

(c) Scrap tire generators shall initiate a tire manifest to track scrap tires during transportation from the point of generation to an approved point of final disposition. The tire manifest shall include the following information:

1. Name, address, county, telephone number and scrap tire generator identification number;
2. An estimate of the number (accurate to within 10% of actual number) or weight of scrap tires to be transported;

3. Signature of the generator certifying the estimate and the date the scrap tires were picked up;
 4. Name, address, telephone number and permit number of the tire carrier;
 5. Signature of the permitted tire carrier, the date of pickup from the generator and the date of delivery to the point of final disposition;
 6. Name, address, telephone number and permit number of the point of final disposition;
 7. Signature of authorized representative at the point of final disposition certifying the weight (in tons or number of tires) and the date received from the tire carrier.
- (d) If a generator chooses to use tons of tires rather than actual numbers of tires on the tire manifest for passenger and truck tires, the following conversion factor must be used:
1. Passenger Tires: 2000 lb. (one ton) = 89 tires (22.5 lb/tire)
 2. Truck Tires: 2000 lb. (one ton) = 17 tires (120 lb/tire)
- (e) Scrap tire generators shall ensure that any person collecting and transporting their scrap tires hold a valid tire carrier permit issued by the Division and that their scrap tires were delivered to the point of final disposition designated by the generator on the scrap tire manifest.
- (f) Scrap tire generators shall retain a copy of the tire manifest signed and dated by the carrier at the time the scrap tires were collected or transported. This tire manifest copy should be kept until the generator receives the original tire manifest signed by the generator, carrier and point of final disposition. The original tire manifest shall be kept on-site for a period of three years.
- (g) A scrap tire generator shall notify the Division in writing of any carrier who fails to return a properly completed tire manifest to the generator within 30 days from scrap tire pickup. Such notification shall be filed within 15 days following any failure of the carrier to deliver the tire manifest with original signature to the generator.
- (h) Scrap tire generators may designate whether a tire, because of wear, damage, or defect, is a "used tire", or "retreadable casing" as defined in these Rules. However, if a generator fails to designate which tires are "used", or "retreadable casings" then all tires transported shall be considered scrap tires and must be indicated on the tire manifest.

(5) Tire Carriers.

- (a) Unless otherwise exempted, any person collecting or transporting scrap or used tires shall have a tire carrier permit issued by the Division. A permit shall not be issued unless the financial assurance, as provided for in these Rules, has been submitted and approved by the Division.
- (b) A separate permit and financial assurance instrument shall be required for each tire carrier business location.
- (c) A tire carrier shall transport scrap tires only to a point of final disposition as defined in these Rules.
- (d) Storage of scrap tires by tire carriers is prohibited.
- (e) The permitted tire carrier shall maintain financial assurance in a format provided by the Division. The required financial assurance is as follows:
 - 1. \$10,000.00 for carriers transporting up to 5,000 scrap tires per month.
 - 2. \$20,000.00 for carriers transporting more than 5,000 scrap tires per month.
- (f) The permitted tire carrier shall submit a quarterly report to the Division on forms provided by the Division. Reports shall be submitted by the 30th day of April, July, October and January of each year and cover the reporting period for the preceding calendar quarter. The tire carrier shall retain copies of the quarterly reports, tire manifests, invoices and weight tickets for three years at their place of business or other location approved by the Division. The tire carrier shall make these records available for review upon request by the Division.
- (g) The permitted tire carrier shall display a decal issued by the Division on both the driver's and passenger's doors on each vehicle used to collect or transport tires. A decal shall not be required for a tire carrier that collects tires exclusively from outside this state and transports them directly to a scrap tire processor or end user within this state.
 - 1. By August 1st of each year, tire carriers shall purchase decal(s) for each vehicle used to collect or transport tires.
 - 2. The tire carrier shall pay the Division a nominal fee for each decal issued.
 - 3. Decals are valid for a one-year period and shall expire on July 31st of each year.
- (h) It shall be the responsibility of the permitted tire carrier to return the tire manifest, with the three required original signatures, to the scrap tire generator no later than

30 days from the date on which the carrier collected the scrap tires from the generator.

- (i) The following persons shall not be required to have a tire carrier permit:
1. A tire retailer transporting its own used tires, if such dealer can provide proof of purchase with receipt for all used tires being transported and a document verifying the origin, route and destination of such used tires;
 2. A municipal solid waste collector holding a valid solid waste collection permit under authority of this part whose primary business is the collection of municipal solid waste;
 3. A private individual transporting no more than 10 of the individual's own tires or a private individual transporting more than 10 tires if such individual can provide proof of purchase with receipt for such tires;
 4. A company transporting the company's own tires to a scrap tire processor or end user or for proper disposal;
 5. Any person transporting tires collected as part of an organized site cleanup activity;
 6. The United States, the State of Georgia, any county, municipality, or public authority.
 7. Other persons, as approved by the Division, on a one time or temporary basis, as needed to further the intent of O.C.G.A. [12-8-20](#), *et seq.*, that scrap tires be reused or recycled rather than disposed.

(6) Scrap Tire Storage.

- (a) No person may store more than 25 scrap tires anywhere in this state.
- (b) If scrap tires are secured in a locked enclosure or are otherwise adequately secured in a manner suitable to prevent unauthorized access, then paragraph (6)(a) of this Rule shall not apply to the following:
1. A solid waste disposal site permitted by the Division, if the permit authorizes the storage of scrap tires prior to their disposal;
 2. A tire retailer or a publicly owned vehicle maintenance facility with not more than 1,500 scrap tires in storage;
 3. A tire retreader with not more than 3,000 scrap tires in storage, so long as the scrap tires are of the type the retreader is actively retreading;

4. A licensed used motor vehicle parts dealer registered with the Secretary of State's office, a registered secondary metals recycler or a privately owned vehicle maintenance facility that operates solely for the purpose of servicing a commercial vehicle fleet with not more than 500 scrap tires in storage; and
5. A permitted scrap tire processor or sorter that has received approval prior to October 28, 2015 or holds a current permit, so long as the number of scrap tires in storage does not exceed the quantity approved by the Division. The Division may grant a waiver for the enclosure requirement if the person requesting the waiver can definitively show a significant and unique economic hardship which would impair the person's ability to continue operating his or her business.
6. A farm with 100 or fewer scrap tires in storage or in use for agriculture purposes. In addition, the Division may grant waivers to allow the storage or use of more than 100 scrap tires for agricultural purposes, if such storage or use does not pose a threat to human health or the environment.

(c) Any person storing scrap tires is subject to the following requirements:

1. Unless otherwise specified in an approved plan by the Division, all scrap tires shall be stored in a manner (e.g. under roof, secured tarp, or the like to prevent water accumulation) that controls the breeding and harborage of mosquitoes, rodents and other vectors;
2. Activities involving open flames and other flammable materials (oil, gas, fuel) shall not be allowed within 25 feet of a scrap tire storage area, with the exception of maintenance activities involving torches and welding equipment, as long as a fireproof barrier is used;
3. A 50-foot wide fire lane shall be placed around the perimeter of each scrap tire pile.
4. All persons engaged in the collection, storage or processing of scrap tires, retreadable or used tires shall control the presence of vectors or other nuisance pests associated with storage of the tires. Such pests may include, but are not limited to, mosquitoes, rats, mice, snakes and other animals living in or adjacent to the tire storage. Permitted or approved facilities shall maintain records for three years that include, but are not limited to:
 - (i) Type of control method used;
 - (ii) If chemical control - the name of the chemical(s);
 - (iii) Dates and amounts of chemical(s) used; and

(iv) Chemical storage location.

(7) Criteria for Scrap Tire Processors, Sorters and Disposal Facilities.

(a) Processing operations shall include, but not limited to, shredding, chopping, chipping, splitting, pyrolysis, microwave, and cryogenic operations. Provided financial assurance requirements of these rules have been met, permitted scrap tire processors in existence on the effective date of this Rule may continue to operate under their existing permit. Existing facilities requesting modifications after the effective date of this Rule must fully comply with this Rule. Scrap tire processing facilities shall meet the following requirements:

1. All scrap tire processors located in this state shall submit an application and obtain a permit issued by the Director prior to operation. No person may process scrap tires without a permit issued from the Director.
2. A permitted scrap tire processor shall maintain financial assurance in a format provided by the Division in the amount of \$20,000 for each business location.
3. All scrap tire processors shall have and follow an operations plan approved by the Division. The facility owner(s) or authorized representatives shall submit a written request to modify an approved operations plan. Any proposed modification to the facility and/or operations shall not be implemented until approved by the Division.
4. The operations plan shall include, zoning approval, proof of fire inspection, operational narrative, site plan and drawing of the operation, and shall be designed by a professional engineer licensed to practice in Georgia.
5. Processors must show that they have the necessary operable equipment in place to process scrap tires prior to receiving scrap tires for processing.
6. In addition to the scrap tire storage requirements in section (6) of these Rules, the following requirements apply:
 - (i) Storage limits are based on the processing equipment capability, proof of market, recycling rate and available storage space.
 - (ii) Storage of scrap tires shall not exceed a 30 day operating supply. Prior approval for increased storage limits must be approved by the Division if 30 day operating supply cannot be met.

- (iii) Any processor with tires, product or residuals in enclosed trailers shall be subject to the following requirements:
 - (I) Trailer storage areas must be clearly depicted on a site plan.
 - (II) Storage area shall be no greater than 10,000 square feet per storage area.
 - (III) A minimum of two feet must be maintained between trailers (side-to-side and end-to-end). No more than two rows of trailers per storage area may be stored at any facility. Such storage must be end-to-end and the trailer must be stored in a manner that allows direct removal of the trailer if needed. Empty trailers stored in the area designated for scrap tire storage are subject to the same separation requirements.
 - (IV) A 50-foot wide fire lane shall be placed around the perimeter of each scrap tire storage area. The fire lane shall be kept free of debris, vehicles, trailers, weeds, grass and other potentially combustible material.
- (iv) Processors must meet the following requirements for tires, processed tires, product, and residuals stored on the ground.
 - (I) A tire, processed tire, product, or residual pile shall have no greater than the following maximum dimensions:
 - I. Area: 10,000 square feet.
 - II. Height: 15 feet.
 - (II) A 50-foot wide fire lane shall be placed around the perimeter of each pile with the exception of noncombustible materials (rims, wires, etc.). The fire lane shall be kept free of debris, vehicles, trailers, weeds, grass and other potentially combustible material. Existing processors may comply with the fire lane requirements documented on an approved plan until the plan is modified.
 - (III) Storage of whole tires, products, and residuals near buildings is prohibited unless:

- I. A non-combustible/non-flammable barrier (firewall) is constructed in accordance with applicable state or local firewall requirements and a 25-foot fire lane, unless otherwise set by the local fire authority or a Georgia State Certified Fire Inspector, is maintained between the firewall and the building.
- II. The whole tires, processed tires, products, and residuals shall not exceed the height of the firewall.

7. Scrap tire processors shall meet the following operational requirements:

- (i) Access to the processing facility and fire lane(s) for emergency vehicles shall be unobstructed at all times, with the exception of routine loading or unloading operations, provided the vehicles are attended by their drivers during that time.
- (ii) In the event of fire, the owner or operator shall immediately take all necessary steps to control and extinguish the fire and control any resulting runoff (i.e., water, oil or other fluid residue).
- (iii) The run-off resulting from fires or fire suppression actions shall be prevented by berms or other detention structures approved by the Division from entering drains and waters of the state. Material(s) used in berm construction must be non-combustible, non-flammable and prevent run-off.
- (iv) The facility owner or operator shall provide documentation that the local fire authority or a Georgia State Certified Fire Inspector conducted a fire safety survey. The facility owner or operator shall arrange for an additional fire safety survey as part of any modification request that would increase the amount of scrap tires in storage.
- (v) Operations involving the use of open flames shall not be conducted within 25 feet of a scrap tire stockpile, processed tire stockpile or processing equipment. An exception is allowed for maintenance activity using torches or welding equipment, as long as fireproof

curtains or other fireproof barrier shields the ignition source from storage or equipment areas.

- (vi) Access to the facility shall be controlled using fences, gates or other means of security.
- (vii) An attendant shall be present when the scrap tire processing facility is open for business if the facility receives tires from persons other than the operator of the facility.
- (viii) Any residuals from scrap tire processing shall be managed so as to be contained on-site and shall be controlled and disposed of in a permitted solid waste handling facility or be properly recycled.
- (ix) A scrap tire processing facility shall not accept any scrap tires for processing if it has reached its approved or permitted staging limit. At least 75 percent of both the scrap and processed tires that are accumulated by the scrap tire processing facility each calendar quarter, and 75 percent by weight or volume of all scrap tires previously received and not recycled, reused or properly disposed during the preceding calendar quarter shall be processed and removed from the facility for disposal or recycling from the facility during the quarter or disposed of in a solid waste handling facility approved to accept scrap tires.
- (x) Communication equipment shall be maintained at the scrap tire processing facility to ensure that the facility attendant or operator can contact local emergency response authorities in the event of a fire. The facility will notify the Division within 24 hours in the event of a fire requiring a response by the local fire jurisdiction.
- (xi) The emergency/contingency portion of the operations plan shall include, but not be limited to:
 - (I) A list of names and numbers of persons to be contacted in the event of a fire, flood or other emergency.
 - (II) A list of the emergency response equipment at the facility, its location and how it should be used in the event of a fire or other emergency.
 - (III) A description of the procedures that should be followed in the event of a fire, including procedures to contain and

dispose of the oily material generated by the combustion of large numbers of tires.

(xii) Facility shall have storm water control measures.

(xiii) Facility shall have erosion and sediment control measures.

8. Scrap tire processors recordkeeping and reporting requirements.

(i) The owner or operator of a scrap tire processing facility shall retain required records for three years and make such records available for inspection by the Division. Required records include, but are not limited to:

(I) Copies of the tire manifests for all tires received.

(II) If more than ten scrap tires were delivered by a person who is not a permitted tire carrier or generator, the number or weight of tires delivered, the date and the person's name, address, telephone number and signature.

(III) Properly dated, numbered and signed weight tickets, from certified scales at the facility or from a certified public or private scale, for scrap tires or processed tire materials received at or leaving the facility.

(IV) For all scrap tires shipped for reuse or retreading, the quantity and type (passenger car, truck tires, off the road, or others) shipped and the name and location of the person receiving the tires.

(V) For all processed tires and residuals, invoices and shipping tickets identifying the date, weight, name, address and phone number of the point of final disposition.

(ii) Owners and operators of scrap tire processing facilities shall submit a quarterly report to the Division. The quarterly report shall be submitted by the 30th day of April, July, October and January. The report shall include, but not limited to, the following:

(I) The facility name, address and permit number.

(II) The calendar quarter and year covered by the report.

- (III) The total weight of scrap or processed tires received at the facility during the period covered by the report.
- (IV) The total weight of scrap tires, processed tires, residuals and used tires shipped from the facility during the period covered by the report.
- (V) The amount of scrap, processed tires or residuals remaining on site.

9. Scrap tire processors shall meet the following requirements for the closure of scrap tire processing facilities.

- (i) The owner or operator shall provide procedures in the operations plan for closing the facility, including, but not limited to:
 - (I) Notification to the Division of intent to close 30 days prior to the scheduled date for closing.
 - (II) Closure activities and schedule for completion.
 - (III) Control of access to the site.
 - (IV) Notification to the Division when all closure activities are completed.

(b) Sorters.

- 1. Sorters in existence on the effective date of this Rule may continue to operate under their existing approval. New or existing facilities requesting modifications after the effective date of this Rule must be permitted by the Division.
- 2. All sorters shall have and follow an operations plan approved by the Division. The facility owner(s) or authorized representatives shall submit a written request to modify an approved operations plan. Any proposed modification to the facility and/or operations shall not be implemented until approved by the Division.
- 3. The operations plan shall include, zoning approval, proof of fire inspection, operational narrative, and site plan and drawing of the operation.
- 4. In addition to the scrap tire storage requirements in section (6) of these Rules, the following requirements apply:

- (i) Storage limits are based on the permit.
- (ii) Any sorter with tires stored in enclosed trailers shall be subject to the following requirements:
 - (I) Trailer storage areas must be clearly depicted on a site plan.
 - (II) Storage area shall be no greater than 10,000 square feet per storage area.
 - (III) A minimum of two feet must be maintained between trailers (side-to-side and end-to-end). All trailers in the storage area must be stored in a manner that allows an unobstructed path for direct removal of the trailer at all times. Empty trailers stored in the area designated for scrap tire storage are subject to the same separation requirements.
 - (IV) A 50-foot wide fire lane shall be placed around the perimeter of each scrap tire storage area. The fire lane shall be kept free of debris, vehicles, trailers, weeds, grass and other potentially combustible material.
- (iii) Sorters must meet the following requirements for tires stored on the ground:
 - (I) A tire stockpile shall have no greater than the following maximum dimensions:
 - I. Area: 10,000 square feet.
 - II. Height: 15 feet.
 - (II) A 50-foot wide fire lane shall be placed around the perimeter of each pile with the exception of noncombustible materials (rims, wires, etc.). The fire lane shall be kept free of debris, vehicles, trailers, weeds, grass and other potentially combustible material.
 - (III) Storage of whole tires near buildings is prohibited unless:
 - I. A non-combustible/non-flammable barrier (firewall) is constructed in accordance with applicable state or local firewall requirements

and a 25-foot fire lane, unless otherwise set by the local fire authority or a Georgia State Certified Fire Inspector, is maintained between the firewall and the building.

II. The whole tires shall not exceed the height of the firewall.

5. Sorters shall meet the following operational requirements:

- (i) Access to the sorter facility and fire lane(s) for emergency vehicles shall be unobstructed at all times, with the exception of routine loading or unloading operations, provided the vehicles are attended by their drivers during that time.
- (ii) In the event of fire, the owner or operator shall immediately take all necessary steps to control and extinguish the fire and control any resulting runoff (i.e., water, oil or other fluid residue).
- (iii) The run-off resulting from fires or fire suppression actions shall be prevented by berms or other detention structures approved by the Division from entering drains and waters of the state. Material(s) used in berm construction must be non-combustible, non-flammable and prevent run-off.
- (iv) The facility owner or operator shall provide documentation that the local fire authority or a Georgia State Certified Fire Inspector conducted a fire safety survey. The facility owner or operator shall arrange for an additional fire safety survey as part of any modification request that would increase the amount of scrap tires in storage.
- (v) Operations involving the use of open flames shall not be conducted within 25 feet of a scrap tire stockpile. An exception is allowed for maintenance activity using torches or welding equipment, as long as fireproof curtains or other fireproof barrier shields the ignition source from storage or equipment areas.
- (vi) Access to the sorter facility shall be controlled using fences, gates or other means of security.

- (vii) An attendant shall be present when the scrap tire sorter is open for business if the sorter facility receives tires from persons other than the operator of the facility.
 - (viii) A scrap tire sorter facility shall not accept any scrap tires if it has reached its approved or permitted storage limit. At least 75 percent of both the scrap tires that are accumulated by the scrap tire sorter facility each calendar quarter, and 75 percent by weight or volume of all scrap tires previously received and not reused or properly disposed during the preceding calendar quarter shall be removed from the facility for disposal or recycling from the facility during the quarter or disposed of in a solid waste handling facility approved to accept scrap tires.
 - (ix) Communication equipment shall be maintained at the scrap tire sorter facility to ensure that the facility attendant or operator can contact local emergency response authorities in the event of a fire. The facility will notify the Division within 24 hours in the event of a fire requiring a response by the local fire jurisdiction.
 - (x) The emergency/contingency portion of the operations plan shall include, but not be limited to:
 - (I) A list of names and numbers of persons to be contacted in the event of a fire, flood or other emergency.
 - (II) A list of the emergency response equipment at the facility, its location and how it should be used in the event of a fire or other emergency.
 - (III) A description of the procedures that should be followed in the event of a fire, including procedures to contain and dispose of the oily material generated by the combustion of large numbers of tires.
 - (xi) Facility shall have storm water control measures.
 - (xii) Facility shall have erosion and sediment control measures.
6. Sorters must meet the following recordkeeping and reporting requirements.
- (i) The owner or operator of a scrap tire sorter facility shall retain required records for three years and make such records available for

inspection by the Division. Required records include, but are not limited to:

- (I) Copies of the tire manifests for all tires received.
 - (II) If more than ten scrap tires were delivered by a person who is not a permitted tire carrier or generator, the number or weight of tires delivered, the date and the person's name, address, telephone number and signature.
 - (III) For all scrap tires shipped for reuse or retreading, the quantity and type (passenger car, truck tires, off the road, or others) shipped and the name and location of the person receiving the tires.
 - (IV) For all sorter scrap tires, invoices and shipping tickets identifying the date, weight, name, address and phone number of the point of final disposition.
- (ii) Owners and operators of scrap tire sorter facilities shall submit a quarterly report to the Division. The quarterly report shall be submitted on the 30th day of April, July, October and January. The report shall include, but not be limited to, the following:
- (I) The facility name, address and permit number.
 - (II) The calendar quarter and year covered by the report.
 - (III) The number or tons of scrap tires received at the facility during the period covered by the report.
 - (IV) The number or tons of scrap tires shipped from the facility during the period covered by the report.
 - (V) The number or tons of scrap tires remaining on site.
- (iii) Municipalities operating sorter facilities for the purpose of collection are exempt from the reporting and recordkeeping requirements contained in 391-3-4-.19(7)(b)6(ii).
7. Sorters must meet the following requirements for the closure of scrap tire sorter facilities.
- (i) The owner or operator shall provide procedures in the operations plan for closing the facility, including, but not limited to:

- (I) Notification to the Division of intent to close 30 days prior to the scheduled date for closing.
 - (II) Closure activities and schedule for completion.
 - (III) Control of access to the site.
 - (IV) Notification to the Division when all closure activities are completed.
 - (c) Disposal Operations: All solid waste disposal facilities (landfills and thermal treatment technology facilities) having a valid Solid Waste Handling Permit issued by the Director are approved to receive scrap tires except as provided in O.C.G.A. [12-8-40-.1\(b\)](#).
- (8) Recycling and Beneficial Reuse of Scrap Tires.
- (a) For the purposes of this Rule, the following criteria will be used to determine if scrap tires are being recycled:
 - 1. The scrap tires or processed scrap tires must have a known use, reuse or recycling potential; must be feasibly used, reused or recycled; and must have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.
 - 2. Scrap tires or processed scrap tires are not accumulated speculatively if the person accumulating them can show there is a known use, reuse, or recycling potential for them; that they can be feasibly sold, used, reused or recycled; and during the preceding 90 days, the amount of scrap or processed scrap tires recycled, sold, used or reused equals at least 75 percent by weight or volume of the tires received during the 90-day period.
 - 3. Proof of recycling, sale, use, or reuse shall be provided in the form of bills of sale, or other records showing adequate proof of movement of the scrap tires in question to a recognized recycling facility or for proper use or reuse from the accumulation point. Proof must be provided that there is a known market or disposition for the scrap tires or processed scrap tires and must show that they have the necessary equipment to do so, prior to receiving scrap tires for processing.

4. A scrap tire is "sold" if the generator of the scrap tire or the person who processed the scrap tire received consideration or compensation for the material because of its inherent value.
5. A scrap tire is "used, reused, or recycled" if it is either:
 - (i) Employed as an ingredient (including use as an intermediate) in a process to make a product (e.g., utilizing crumb rubber to make rubber-asphalt); or
 - (ii) Employed in a particular function or application as an effective substitute for a commercial product (e.g., using shredded tires as a substitute for fuel oil, natural gas, coal, or wood in a boiler or industrial furnace), as long as such substitution does not pose a threat to human health or the environment, and so long as the facility is not a solid waste thermal treatment technology facility or utilizing shredded tires as a soil amendment, aggregate, etc., or
 - (iii) Reused for its original intended purpose as a used tire, or reused for other purposes approved by the Division, such as playground equipment, erosion control, etc.
- (b) Persons proposing to use more than 25 scrap tires in a beneficial reuse project shall submit a proposal and be approved by the Division prior to commencing beneficial reuse project.

(9) Used Tire Dealers

- (a) Any person who acts as a used tire dealer in this state shall have a used tire dealer identification (ID) number issued by the Division, which shall be used on tire manifests. A separate ID number shall be required for each business location, except mobile locations.
- (b) Used tire dealers shall obtain a tire carrier permit for transportation of used tires other than their own.
- (c) Used tire dealers transporting tires other than their own shall initiate a tire manifest to track used tires from the point of generation to another location. The following information shall be provided on the tire manifest:
 1. Name, address, county, telephone number and used tire dealer ID number;
 2. The number of used tires to be transported;
 3. Signature of the generator and the date the used tires were picked up;

4. Name, address, telephone number and permit number of the tire carrier;
 5. Signature of the tire carrier, the date of pickup from the generator and the date of delivery to final location;
 6. Name, address, telephone number and permit number of business location receiving the used tires;
 7. Signature of authorized representative at the business received from the tire carrier.
- (d) Used tire dealers shall keep an inventory of all used tires to be updated quarterly. Such inventory shall contain, at a minimum, number of tires at the business location categorized by rim size.
- (e) Used tire dealers shall implement suitable measures to control vectors.

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.19

Authority: O.C.G.A. § [12-8-20](#) et seq.

History. Original Rule entitled "Enforcement" was F. Jun. 9, 1989; eff. Jun. 29, 1989.

Amended: F. Sept. 4, 1991; eff. Sept. 24, 1991.

Repealed: New Rule entitled "Scrap Tire Management" adopted. F. Dec. 17, 1992; eff. Jan. 6, 1993.

Amended: F. Jun. 7, 1993; eff. Jun. 27, 1993.

Amended: New title "Scrap and Used Tire Management." F. Oct. 8, 2015; eff. Oct. 28, 2015.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. June 10, 2021; eff. June 30, 2021.

Rule 391-3-4-.20. Enforcement.

The administration and enforcement of these Rules shall be in accordance with the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. [12-8-20](#), et seq., the Executive Reorganization Act of 1972, O.C.G.A. [12-2-1](#), et seq., and the Georgia Administrative Procedure Act, O.C.G.A. [50-13-1](#), et seq.

Cite as Ga. Comp. R. & Regs. R. 391-3-4-.20

Authority: O.C.G.A. Sec. [12-8-20](#) et seq., as amended.

History. Rule entitled "Enforcement" renumbered from [391-3-4-.19](#). F. Dec. 17, 1992; eff. Jan. 6, 1993.

Amended: F. Jun. 7, 1993; Jun. 27, 1993.

Subject 391-3-5. RULES FOR SAFE DRINKING WATER.

Rule 391-3-5-.01. Purpose.

The purpose of these Rules is to establish policies, procedures, requirements and standards to implement the Georgia Safe Drinking Water Act of 1977 (Act No. 231 O.C.G.A. Section [12-5-170](#)*et seq.*, as amended), and to carry out the purposes and requirements of the Federal Safe Drinking Water Act (PL 93-523). These Rules are promulgated so that the citizens of the State of Georgia shall be assured adequate, safe drinking water of the highest quality. Any reference in these Rules to standards, procedures and requirements in other sources is a specific adoption and incorporation by reference of that source for such standard, procedure, or requirement for purposes of these rules.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.01

Authority: Ga. L. 1977, p. 351, *et seq.*, O.C.G.A. Sec. [12-5-170](#)*et seq.*, as amended.

History. Original Rule entitled "Definitions" was filed on September 6, 1973; effective September 26, 1973.

Amended: Rule repealed and a new Rule entitled "Purpose" adopted. Filed July 5, 1977, effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule of same title adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule 391-3-5-.02. Definitions.

All terms used in these rules shall be interpreted in accordance with the definitions as set forth in the Georgia Safe Drinking Water Act of 1977 or as herein defined:

- (1) "Act" means the Georgia Safe Drinking Water Act of 1977, as amended.
- (2) "Action Level" means the concentration of a contaminant, which if exceeded, triggers treatment or other requirements which a water system must follow.
- (3) "Aquifer" means any stratum or zone of rock beneath the surface of the earth capable of containing water or producing water from a well.
- (4) "Aquifer Testing" means a controlled pumping test of a well lasting at least 24 continuous hours in which the water level and the pumping rate are monitored at closely spaced intervals and the water level is monitored for at least as long a time following the test as the duration of the test.
- (5) "Backflow" means the reverse flow of contaminated water, other liquid, gas, or substance into the distribution system of a potable water supply.
- (6) "Back pressure" means a condition in which the pressure in a non-potable system is greater than the pressure in the potable distribution system and can cause contaminants to backflow into the potable system.
- (7) "Backsiphonage" means a form of backflow caused by a negative or below atmospheric pressure within the potable water system.

- (8) "Bag filters" are pressure-driven separation devices that remove particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed of a non-rigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to outside.
- (9) "Bank filtration" is a water treatment process that uses a well to recover surface water that has naturally infiltrated into ground water through a river bed or bank(s). Infiltration is typically enhanced by the hydraulic gradient imposed by a nearby pumping water supply or other well(s).
- (10) "Business plan" means a written plan which is prepared to demonstrate a public water system's managerial and financial capacity to comply with all drinking water regulations in effect, or likely to be in effect. The business plan is to be prepared in conformance with Appendix A of the Division's "Minimum Standards for Public Water Systems", latest edition. The business plan shall be updated at intervals determined by the Director.
- (11) "Best Available Technology" or "BAT" means the best technology, treatment techniques, or other means promulgated by EPA and adopted by the Division. In promulgating BAT the EPA examines the efficacy under field conditions and not solely under laboratory conditions, and takes costs into consideration when determining what technology or treatment technique is available.
- (12) "CFR" means the Code of Federal Regulations, Title 40. The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.
- (13) "Capacity" means the overall capability of a water system to reliably produce and deliver water meeting all national primary drinking water regulations in effect, or likely to be in effect. Capacity encompasses the technical, managerial, and financial capabilities, as described in the latest edition of EPD's "Minimum Standards for Public Water Systems" and will enable a water system to plan for, achieve, and maintain compliance with applicable drinking water standards.
- (14) "Cartridge filters" are pressure-driven separation devices that remove particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed as rigid or semi-rigid, self-supporting filter elements housed in pressure vessels in which flow is from the outside of the cartridge to the inside.
- (15) "Casing" means the tubular material used to shut off or exclude a stratum or strata and to protect against entrance of contaminants during the expected life of the well.
- (16) "Clean compliance history" is, for the purposes of the Revised Total Coliform Rule, [391-3-5-.55](#), a record of: no MCL violations under Rule [391-3-5-.18\(4\)\(a\)-\(c\)](#) or Rule [391-3-5-.55](#); no monitoring violations under Rule [391-3-5-.23](#) or Rule [391-3-5-.55](#); and no coliform treatment technique trigger exceedances or treatment technique violations under Rule [391-3-5-.55](#).

- (17) "Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.
- (18) "Combined distribution system" is the interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive systems that receive finished water.
- (19) "Community water system" or "CWS" means a public water system, which serves at least 15 service connections, used by year-round residents or regularly serves at least 25 year-round residents.
- (20) "Compliance cycle" means the nine-year calendar year cycle during which public water systems must monitor. Each compliance cycle consists of three-year compliance periods. The first compliance cycle begins January 1, 1993.
- (21) "Compliance period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three-year compliance periods.
- (22) "Comprehensive performance evaluation" or "CPE" means a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. For purpose of compliance with subparts P and T of 40 CFR Part 141, the CPE shall consist of at least the following components: Assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report.
- (23) "Confirmation Sample" means a sample analysis or analyses taken to verify the results of an original analysis. Each sample for the analysis shall be taken or measured at the same location in the water system as the original sample. The results of the confirmation samples shall be averaged with the original sample to determine compliance.
- (24) "Confined Aquifer" means an aquifer which is separated from the land surface by a significant zone of low permeability which prevents surface recharge or pollutants from readily reaching the aquifer.
- (25) "Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion thereof, in which bacterial colonies are not discrete.
- (26) "Consecutive system" is a public water system that receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

- (27) "Consumer Confidence Report" means an annual report that community water systems must deliver to their customers which, as a minimum, contains information on the quality of the water delivered by the system and characterizes the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner.
- (28) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.
- (29) "Conventional filtration treatment" means a series of processes including coagulation flocculation, sedimentation, and filtration resulting in substantial particulate removal.
- (30) "Corrosion Inhibitor" means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.
- (31) "Cross-connection" means any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage or other waste, or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as the result of backflow. By-pass arrangements, jumper connections, removable sections, swivel or changeable devices, and other temporary or permanent devices through which or because of which backflow could occur are considered to be cross-connections.
- (32) "CT" is the product of "residual disinfectant concentration" (C) in milligrams per liter determined before or at the first customer tap where water is provided for human consumption and the corresponding "disinfectant contact time" (T) in minutes.
- (33) "Department" means the Department of Natural Resources of the State of Georgia.
- (34) "Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which (1) a pre-coat cake of diatomaceous earth filter media is deposited on a support membrane (septum), and (2) while the water is filtered by passing through the cake on the septum, additional filter media known as the body feed is continuously added to feed water to maintain the permeability of the filter cake.
- (35) "Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.
- (36) "Director" means the Director of the Environmental Protection Division, Department of Natural Resources of the State of Georgia, or his designee.
- (37) "Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

- (38) "Disinfectant contact time" ("T" in CT calculations) means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point where residual disinfectant concentration ("C") is measured.
- (39) "Disinfection" means a process, which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.
- (40) "Disinfection profile" means a summary of *Giardia lamblia* inactivation through the treatment plant. The procedure for developing a disinfection profile is contained in [40 CFR § 141.172](#). (Disinfection profiling and benchmarking) in subpart P and §§141.530-141.536 (Disinfection profile) in subpart T of 40 CFR Part 141.
- (41) "Division" means the Environmental Protection Division, Department of Natural Resources of the State of Georgia.
- (42) "Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a public water system with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.
- (43) "Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).
- (44) "Drinking Water" means water supplied to the public for human consumption from a public water system.
- (45) "Dual sample set" is a set of two samples collected at the same time and same location, with one sample analyzed for TTHM and the other sample analyzed for HAA5. Dual sample sets are collected for the purposes of conducting an IDSE under subpart U of 40 CFR, Part 141 and determining compliance with the TTHM and HAA5 MCLs under subpart V of 40 CFR, Part 141.
- (46) "Effective corrosion inhibitor residual" for the purpose of compliance with Rule 395-3-5-.25, means a concentration sufficient to form a protective film on the interior walls of a pipe.
- (47) "Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.
- (48) "Enhanced softening" means the improved removal of disinfection byproduct precursors by precipitative softening.
- (49) "Entry Point" means the sample point where after treatment drinking water enters the distribution system. For purposes of the Act and the Rules, "entry point" shall be defined

as a sample location anywhere on the finished water line after treatment, up to and including the first service or customer tap.

- (50) "EPA" means the United States Environmental Protection Agency.
- (51) "Exemption" means approval from the Division affording a public water system, existing as of the effective date of these rules, an extended time for compliance with a maximum contaminant level or treatment technique contained in a drinking water standard. An exemption pertains to non-compliance with a maximum contaminant level for reasons other than that instance when application of a generally available treatment method fails to adequately treat the raw water source.
- (52) "Federal Act" means the Federal Safe Drinking Water Act, 1974 P.L. 93-523, as amended.
- (53) "Filter profile" means a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.
- (54) "Filtration" means a process for removing particulate matter from water by passage through porous media.
- (55) "Finished water" is water that is introduced into the distribution system of a public water system and is intended for distribution and consumption without further treatment, except as treatment necessary to maintain water quality in the distribution system (*e.g.*, booster disinfection, addition of corrosion control chemicals).
- (56) "First draw sample" means a one-liter sample of tap water collected in accordance with Rule [391-3-5-.25](#), that has been standing in the plumbing pipes at least 6 hours and is collected without flushing the tap.
- (57) "Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles by gentle stirring by hydraulic or mechanical means.
- (58) "Flowing stream" is a course of running water flowing in a definite channel.
- (59) "GAC10" means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days, except that the reactivation frequency for GAC10 used as a best available technology for compliance with subpart V MCLs under [40 CFR § 141.64\(b\)\(2\)](#) shall be 120 days.
- (60) "GAC20" means granular activated carbon filter beds with an empty-bed contact time of 20 minutes based on average daily flow and a carbon reactivation frequency of every 240 days.

- (61) "Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.
- (62) "Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurement on a dry sample.
- (63) "Ground water" means water obtained from wells and/or springs used as a source of water supply for a public water system.
- (64) "Ground water under the direct influence of surface water" (GWUDI) means any water beneath the surface of the ground with:
- (a) significant occurrence of insects or other microorganisms, algae, or large-diameter pathogens such as *Giardia lamblia*, or *Cryptosporidium*, or
 - (b) significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.
- (65) "Haloacetic acids (five)" (HAA5) mean the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two significant figures after addition.
- (66) "Halogen" means one of the chemical elements chlorine, bromine or iodine.
- (67) "Hazardous Material" means any chemical, substance or material that is classified as Hazardous by the U.S. Environmental Protection Agency (CFR 40, Part 261).
- (68) "Health hazards" mean any conditions, devices, or practices in a water supply system or its operation, which create or may create an imminent and substantial danger to the health and well-being to the water consumer.
- (69) "Heterotrophic plate count" formerly known as the standard plate count, is a procedure for estimating the number of live heterotrophic bacteria in water. Unless stated otherwise, heterotrophic plate count refers to Method 9215, the pour plate method, as set forth in *Standard Methods for the Examination of Water and Wastewater*, American Public Health Association, 18th Edition, 1992, pp. 9-32 to 9-34, or subsequent edition.
- (70) "Initial compliance period" means the first full three-year compliance period that begins January 1, 1993.
- (71) "Inventory" for the purpose of Rule [391-3-5-40](#) means a written or computer database listing of all potential sources of ground-water pollution located within a wellhead protection area.

- (72) "Lake/reservoir" refers to a natural or man-made basin or hollow on the Earth's surface in which water collects or is stored that may or may not have a current or single direction of flow.
- (73) "Large water system" for the purpose of Rule [391-3-5-.25](#) (Lead & Copper) means a water system that serves more than 50,000 persons.
- (74) "Lead service line" means a line made of lead, which connects the discharge side of the water meter to the building inlet and any lead pigtail, gooseneck or other fitting, which is connected to such lead line.
- (75) "*Legionella*" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.
- (76) "Level 1 assessment" is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. It is conducted by the system operator or owner. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any Division directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system.
- (77) "Level 2 assessment" is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. A Level 2 assessment provides a more detailed examination of the system (including the system's monitoring and operational practices) than does a Level 1 assessment through the use of more comprehensive investigation and review of available information, additional internal and external resources, and other relevant practices. It is conducted by an individual approved by the Division, which may include the system operator. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any Division directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution

system. The system must comply with any expedited actions or additional actions required by the Division in the case of an *E. coli* MCL violation.

- (78) "Locational running annual average" (LRAA) is the average of sample analytical results for samples taken at a particular monitoring location during the previous four calendar quarters.
- (79) "Man-made beta particle and photon emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, NBS Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238.
- (80) "Maximum contaminant level" (MCL) means the highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.
- (81) "Maximum contaminant level goal" (MCLG) means the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.
- (82) "Maximum residual disinfectant level" (MRDL) means a level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects.
- (83) "Maximum residual disinfectant level goal" (MRDLG) means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are non-enforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contamination.
- (84) "Medium-size water system" for the purpose of Rule [391-3-5-.25](#) (Lead & Copper), means a water system that serves greater than 3,300 and less than or equal to 50,000 persons.
- (85) "Membrane filtration" is a pressure or vacuum driven separation process in which particulate matter larger than 1 micrometer is rejected by an engineered barrier, primarily through a size-exclusion mechanism, and which has a measurable removal efficiency of a target organism that can be verified through the application of a direct integrity test. This definition includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis.
- (86) "Minimum Community Population Determination" for the purpose of the Act and the Rules means the minimum residential population shall be determined by a mathematical calculation of the total number of active residential service connections, multiplied by Georgia's average population per household, as published in the most recent Federal

Census Bureau Statistics. Multiple residential units served by a single connection (master meter) shall be included in the determination of population for a water system.

- (87) "Near the first service connection" means at one of the 20 percent of all service connections in the entire system that are nearest the water supply treatment facility, as measured by water transport time within the distribution system.
- (88) "Non-community water system" or "NCWS" means a public water system, which provides piped water for human consumption to at least 15 service connections or which serves at least 25 individuals at least 60 days out of the year but which is not a community water system. A non-community water system may be further classified as a "non-transient, non-community water system" or a "transient, non-community water system".
- (89) "Non-transient, non-community water system" or "NTNCWS" means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year.
- (90) "Operator" means the person responsible for the maintenance and operation of the public water system. A certified operator is an operator registered as a Water Treatment Plant Operator in the State of Georgia in accordance with the provisions of the Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts Act (Georgia Laws 1969, pp. 272 et. seq., as amended). For purposes of this Act a certified operator also includes persons involved with only the storage and distribution of drinking water.
- (91) "Optimal corrosion control treatment" as it applies to Rule [391-3-5.25](#) (Lead & Copper) of this Chapter, means the corrosion control treatment that minimizes the lead and copper concentrations at user's taps while insuring that the treatment does not cause the water to violate any national primary drinking water regulation.
- (92) "Person" means any individual, corporation, company, association, partnership, county, municipality, State agency, State authority, Federal agency, agency, facility, or other entity.
- (93) "Picocurie" (pCi) means that quantity of radioactive material producing 2.22 nuclear transformations per minute.
- (94) "Plant intake" refers to the works or structures at the head of a conduit through which water is diverted from a source (e.g., river or lake) into the treatment plant.
- (95) "Point of disinfection application" is the point where the disinfectant is applied and water downstream of that point is not subject to recontamination by surface water runoff.

- (96) "Presedimentation" is a preliminary treatment process used to remove gravel, sand and other particulate material from the source water through settling before the water enters the primary clarification and filtration processes in a treatment plant.
- (97) "Professional Engineer" means a person registered to practice professional engineering in the State of Georgia in accordance with the provisions of the Act governing the Practice of Professional Engineering in Georgia. (Ga. Laws 1945, p. 294 et. seq., as amended).
- (98) "Professional Geologist" means a person registered to practice professional geology in the State of Georgia in accordance with the provisions of the Registration of Geologist Act of 1975, (Code 1933, § 84-2101a, enacted by the Georgia Legislature 1975, p.163, 1).
- (99) "Public water system" or "PWS" means a system that provides water to the public for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of twenty-five (25) individuals daily at least 60 days out of the year. Such terms include:
- 1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and
 - 2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any "special irrigation district." A public water system is a "community water system", a "non-transient non-community water system" or a "transient non-community water system".
- (100) "Raw water" means water from a source of water supply or a proposed source of water supply, which has not received any type of treatment to change the physical, chemical, biological, or radiological quality of the water.
- (101) "Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.
- (102) "Repeat compliance period" means any subsequent compliance period after the initial compliance period.
- (103) "Repeat sample" means a sample that is collected and analyzed in response to a previous coliform-positive sample.
- (104) "Residual disinfectant concentration" ("C" in CT calculations) means the concentration of disinfectant measured in milligrams per liter in a representative sample of water.
- (105) "Sanitary defect" is a defect that could provide a pathway of entry for microbial contamination into the distribution system or that is indicative of a failure or imminent failure in a barrier that is already in place.

- (106) "Sanitary survey" means an on-site review of the water source, facilities, equipment, treatment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of each for producing and distributing safe drinking water.
- (107) "Seasonal system" is a non-community water system that is not operated as a public water system on a year-round basis and starts up and shuts down at the beginning and end of each operating season.
- (108) "Sedimentation" means a process for removal of solids before filtration by gravity or separation.
- (109) "Service connection" means the point at which the water distribution main and the water service pipe, metered or unmetered, are connected to serve water to a residence or water customer. As used in the definition of PWS, "service connection" does not include a connection to a system that delivers water by a constructed conveyance other than a pipe if:
- (a) The water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses);
 - (b) The Division determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulation is provided for residential or similar uses for drinking and cooking; or
 - (c) The Division determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.
- (110) "Service line sample" means a one-liter sample of water collected in accordance with Rule [391-3-5-.25](#) that has been standing for at least 6 hours in the service line.
- (111) "Single family structure" for the purpose of compliance with Rule [391-3-5-.25](#) (Lead & Copper), means a building constructed as a single-family residence that is currently used as either a residence or place of business.
- (112) "Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 meters per hour) resulting in substantial particulate removal by physical and biological mechanisms.
- (113) "Small water system" for the purpose of Rule [391-3-5-.25](#) (Lead & Copper), means a water system that serves 3,300 persons or fewer.
- (114) "Source of water supply" means the waters of the State from which raw water is taken into a public water system to be treated and/or distributed.

- (115) "Source Water Assessment Plan" (SWAP) means a public report which documents a public drinking water system's and other stakeholders' reasonable efforts to ascertain the potential impact of natural or man-made pollutants, within a wellhead protection or watershed area, on the raw water source for the drinking water supply well or surface water intake.
- (116) "Spring" means a source of water supply which naturally issues forth for the first time from rock or soil onto the land or into a body of water.
- (117) "Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.
- (118) "Storage tank" or "Tank" means any covered structure, such as clearwell, standpipe, reservoir, elevated tank, hydropneumatic tank or other storage facility or combination thereof used to store drinking water.
- (119) "Subpart H systems" means public water systems using surface water or ground water under the direct influence of surface water as a source.
- (120) "Supplier of water" or "Supplier" means any person who owns or operates a public water system.
- (121) "Surface water" means and includes any and all rivers, streams, branches, creeks, ponds, tributary streams, drainage basins, natural lakes, artificial reservoirs and impoundments and ground water under the direct influence of surface water.
- (122) "SUVA" means Specific Ultraviolet Absorption at 254 nanometers (nm), an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm by its concentration of dissolved organic carbon (DOC) (in mg/L).
- (123) "System with a single service connection" means a system, which supplies drinking water to consumers via a single service line.
- (124) "Total Organic Carbon" (TOC) means total organic carbon in mg/L measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.
- (125) "Total trihalomethanes" (TTHM) means the sum of the concentration in milligrams per liter of the trihalomethane compounds: trichloromethane (chloroform), dibromochloromethane, bromodichloromethane and tribromomethane (bromoform), rounded to two significant figures.
- (126) "Too numerous to count" means that the total number of bacterial colonies exceed 200 on a 47-mm diameter membrane filter used for coliform detection.

- (127) "Transient non-community water system" or "TNCWS" means a public water system that is not a community water system or a non-transient non-community water system. A transient non-community water system provides piped water for human consumption to at least 15 service connections or which regularly serves at least 25 persons at least 60 days a year.
- (128) "Treatment Technique" means a required process intended to reduce the level of contaminants in drinking water.
- (129) "Treatment technique requirement" means a requirement, which specifies for a contaminant, a specific treatment technique(s), which leads to a reduction in the level of such contaminant sufficient to comply with the requirements of these Rules.
- (130) "Trihalomethane" (THM) means one of the family of organic compounds, named as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.
- (131) "Two-stage lime softening" is a process in which chemical addition and hardness precipitation occur in each of two distinct unit clarification processes in series prior to filtration.
- (132) "Unconfined aquifer" means an aquifer which is not separated from the land surface by a significant zone of low permeability and, therefore, is more susceptible to pollution from the activities of mankind. Wellhead Protection Areas for unconfined aquifers are larger than such areas for confined aquifers.
- (133) "Uncovered finished water storage facility" means a tank, reservoir or other facility used to store water that will undergo no further treatment except residual disinfection and is open to the atmosphere.
- (134) "Variance" means approval from the Division affording a public water system an extended time for compliance with a maximum contaminant level or treatment technique contained in a drinking water standard. A variance pertains to non-compliance with a maximum contaminant level due to the inability to meet the maximum contaminant level even when a treatment method has been applied to a raw water source. The noncompliance is due to the quality of the raw water.
- (135) "Virus" means a microorganism of fecal origin, which is infectious to humans by waterborne transmission.
- (136) "Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system which is deficient in treatment, as determined by the Division.
- (137) "Waters" or "Waters of the State" means and includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and all other bodies of surface or underground water, natural or artificial, of this State.

- (138) "Watershed Area" means the entire drainage basin upstream of a water intake located on a stream or lake.
- (139) "Well" means any excavation that is cored, bored, drilled, jetted, dug, or otherwise constructed for the purpose of locating, testing, or withdrawing ground water.
- (140) "Wellhead protection area" means an area of potential ground water recharge around a well which should be protected from surface and subsurface sources of manmade pollution in order to protect the quality of drinking water supplies.
- (141) "Wholesale system" is a public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.02

Authority: O.C.G.A. § [12-5-170](#) *et seq.*

History. Original Rule entitled "Designation of Department as Proper Authority to Administer and Enforce Rules" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Definitions" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: F. July 15, 1983; eff. August 4, 1983.

Amended: F. May 12, 1989; eff. June 1, 1989.

Amended: F. Dec. 4, 1990; eff. Dec. 24, 1990.

Repealed: New Rule same title adopted. F. June 25, 1992; eff. July 15, 1992.

Repealed: New Rule, same title, adopted. F. June 7, 1993; eff. June 27, 1993.

Repealed: New Rule, same title, adopted. F. Mar. 10, 1994; eff. Mar. 30, 1994.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Sept. 24, 1999; eff. Oct. 14, 1999.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Dec. 21, 2004; eff. Jan. 10, 2005.

Amended: F. May 27, 2009; eff. June 16, 2009.

Amended: New title "Definitions. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: New title "Definitions." F. Feb. 29, 2016; eff. Mar. 20, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.03. Coverage.

- (1) **Applicability.** These rules shall apply to all public water systems in the state, except that such rules shall not apply to a public water system which meets all the following criteria:
- (a) which consists only of distribution and storage facilities (and does not have any collection and treatment facilities);
 - (b) which obtains all of its water from, but is not owned or operated by the owner or operator of a public water system to which such rules apply;

- (c) which does not sell water to any person; and
- (d) which is not a carrier which conveys passengers in interstate commerce.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.03

Authority: Ga. L. 1977, p. 351 *et seq.*, O.C.G.A. Sec. [12-5-170](#) *et seq.*, as amended.

History. Original Rule entitled "Approved Required" was filed on September 6, 1973; effective September 26, 1973.

Amended: Rule repealed and a new Rule entitled "Coverage" adopted. Filed July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-47](#).

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule 391-3-5-.04. Approval Required. Amended.

- (1) **Approval.** No person shall erect, construct, or operate a public water system, nor undertake substantial enlargements, extensions, additions, modifications, renovations or repairs to any public water system, including storage, distribution, purification, or treatment components, without having first secured the Division's approval of: the source of water supply; the means and methods of treating, purifying, storing and distributing said water; and obtaining a permit to operate a public water system, except as provided by paragraph (2) of this Rule. The approval of the Director must be obtained prior to the dividing of a public water system. For purposes of these rules "substantial" as used in this Rule shall not include routine maintenance.
- (2) **Limited Additions.** Governmentally owned public water systems and water authorities and privately owned community water systems whose owners serves a combined population of greater than 10,000, with qualified staff and meeting operating criteria developed by the Division may, with prior approval from the Division, approve limited additions to the water system. These additions will be limited to water distribution lines to serve subdivisions, apartment complexes and shopping centers. The review of other additional types of water distribution system additions and/or extensions may be delegated to those water systems that have demonstrated the capability for such reviews. All delegations shall be by written agreement. Additions approved by the water system must be reported annually in a format prescribed by the Division. The report shall be due by July 1 of each year and describe additions approved in the previous calendar year.
- (3) **Local Governmental Approval.** Before a person may initiate construction of a new public water system or increase the capacity of an existing public water system, the person shall notify the local government in which the system is located and obtain the local government's approval for development of the project within its jurisdiction, prior to the submittal of the plans and specifications to the Division for approval. To the extent practicable, the person should avoid locating part or all of the new or expanded facility at a site which:

- (a) is subject to a significant risk from earthquakes, floods, fires or other disasters which could cause a breakdown of the public water system or a portion thereof; or
 - (b) except for intake structures, is within the floodplain of a 100- year flood or is lower than any recorded high tide where appropriate records exist; or
 - (c) is on or in close proximity to an abandoned landfill or any other site used for waste disposal.
- (4) **Connect to Local Governmental Public Water System.** Any person who desires to own or operate or who desires to commence the operation of a public water system shall first evaluate connecting to an existing local governmentally owned and operated public water system.
- (5) **Approval for No Connection to Local Governmental Public Water System.** No approval of the plans and specifications for the development of a separate source of water supply or the construction of the water system will be made and no permit to operate will be issued until the owner has provided acceptable certification to the Division outlining the reasons why the system cannot connect to an existing local governmentally owned water system.
- (6) **Pre-Operating Compliance Conditions.** Beginning January 1, 1998, the Division shall require compliance with the following conditions prior to the issuance of the initial permit to operate to a new privately owned community public water system:
 - (a) The owner shall provide written certification from the local government in which the system is located, that the local government is in concurrence with the development of the privately owned public water system. The certification shall be provided to the Division with the submission of the permit application and prior to or concurrently with the submission to the Division of the plans and specifications for construction of the proposed public water system.
 - (b) The owner must retain a Professional Engineer, registered in the State of Georgia, to prepare plans and specifications for approval by the Division for the construction of the proposed public water system, and the owner shall submit to the Division a certification from the engineer that the water system was constructed according to the plans and specifications approved by the Division. The public water system must be designed and constructed in accordance with the Division's "Minimum Standards for Public Water Systems", latest edition.
 - (c) The owner must provide an approved back-up water source, such as an additional well, capable of providing adequate water service if the primary source becomes nonfunctional. The requirement for an approved back-up water source may be waived by the Director for systems with less than 25 service connections.

(7) **Treatment Products and Materials.** Products added directly to drinking water for its treatment or introduced indirectly into drinking water through its contact with surfaces of materials or products used for its treatment, storage, transmission, or distribution shall not adversely affect drinking water quality and public health.

(a) All treatment chemicals that come into contact with drinking water shall be certified for conformance with American National Standards Institute/National Sanitation Foundation Standard 60 (ANSI/NSF Standard 60) by an American National Standards Institute (ANSI) approved third-party certification program or laboratory.

(b) All products that come into contact with drinking water during its treatment, storage, transmission or distribution shall be certified for conformance with American National Standards Institute/ National Sanitation Foundation Standard 61 (ANSI/NSF Standard 61) by an American National Standards Institute (ANSI) approved third-party certification program or laboratory.

(8) **Infrastructure Security.** Public water systems must provide appropriate measures to protect and secure its critical drinking water supply infrastructure, including its water source, treatment, distribution, and any other component that is deemed pertinent to the safe operation and maintenance of the drinking water supply system.

(9) **Performance Bond or Letter of Credit**

(a) A performance bond or letter of credit may be required by the director to further assist in the assurance that a public water system serving year-round residents maintains compliance with the established contaminant levels and the provision of an adequate supply of water at or above the required minimum pressure. Such a performance bond or letter of credit shall be required of the owner or operator of any public water system serving year-round residents if:

1. After the first violation of contaminant or water supply standards or requirements, the owner or operator of the public water system fails to make the necessary corrections after receiving a notice from the director specifying:

(i) The corrections which must be made; and

(ii) A reasonable period of time for the completion of necessary corrective action; or

2. After a second violation of contaminant or water supply standards or requirements, the director makes a determination, based on factors such as past performance, frequency and severity of violations, and timeliness of corrective action, that a performance bond or letter of credit is required.

- (b) Any owner or operator of a public water system serving year-round residents who is required to obtain a performance bond or letter of credit pursuant to subparagraph (9)(a) shall file with the director the following:
1. A performance bond, payable to the director and issued by an insurance company authorized to issue such bonds in this state; or
 2. An irrevocable letter of credit, issued in favor of and payable to the director, from a commercial bank or other financial institution approved by the director.
- (c) The bond or letter of credit required in subparagraph (9)(a) shall be:
1. Conditioned upon faithful compliance with the Georgia Safe Drinking Water Act of 1977, the Rules for Safe Drinking Water Chapter 391-3-5, and the conditions and terms of the permit issued for the operation of the public water system;
 2. In such amount as determined by the director as necessary to ensure the continued lawful operation of the public water system for a period up to ten years in the event the owner or operator fails to do so; provided, however, the range shall be as follows:
 - (i) Systems with 25 service connections or less - an amount not to exceed \$30,000.00;
 - (ii) Systems with 26 to 50 service connections - an amount not to exceed \$40,000.00; or
 - (iii) Systems with more than 50 service connections - an amount not to exceed \$50,000.00;
 3. Subject to termination or expiration only upon 120 days' written notice to the director; and
 4. Conditioned upon coverage for any violation occurring during the term of the bond or letter of credit of which written notice has been given to the owner or operator prior to 120 days after said term even though the initial or final determination of the violation occurs after the term of the bond or letter of credit.
- (d) If an existing bond or letter of credit is to expire or terminate, the owner or operator of the public water system shall file a replacement bond or letter of credit meeting the requirements of this paragraph at least 60 days prior to the termination or expiration of the existing bond or letter of credit.

- (e) Upon a determination by the director that an owner or operator has violated the Georgia Safe Drinking Water Act of 1977, the Rules for Safe Drinking Water Chapter 391-3-5, or the terms or conditions of a permit, the director may, after written notice of the violation to the owner or operator:
 - 1. Forfeit or draw that amount of such bond or letter of credit that the director determines necessary to correct the violations determined and continue the lawful operation of the public water system; and
 - 2. Expend such amount for such purposes.
 - (f) No action taken by the director pursuant to this paragraph, including the forfeiture of a bond or the drawing of funds from a letter of credit, shall relieve the owner or operator of a public water system from compliance with all provisions of this part, including the requirement to maintain in full force and effect a bond or letter of credit meeting the requirements of this paragraph.
 - (g) Every permit issued under the Rules for Safe Drinking Water, Chapter 391-3-5, shall be conditioned upon compliance with this paragraph.
 - (h) The provisions of this paragraph shall not apply to:
 - 1. Any public water system of the state, an agency of the state, a county, a municipality, or of any other political subdivision or governmental entity;
 - 2. Any water system owned by a church or other religious institution;
 - 3. Any water system owned or provided by an employer and used primarily to serve employees; and
 - 4. Any water system which is jointly owned by private individuals who are the users of the water supplied by the system.
- (10) **Business Plan.** Beginning January 1, 1998, prior to the issuance of the initial permit to operate to a new community public water system, and beginning October 1, 1999, prior to the issuance of the initial permit to operate a new non transient, noncommunity water system, the Division shall require the owner to submit to the Division for approval a multiyear business plan. The multiyear business plan must adequately demonstrate the water system's managerial and financial capacity to comply with all drinking water regulations in effect, or likely to be in effect. The business plan shall be prepared in accordance with the latest edition of the Division's "Minimum Standards for Public Water Systems." The business plan shall be updated at intervals determined by the Director.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.04

Authority: O.C.G.A. § [12-5-170](#)*et seq.*

History. Original Rule entitled "General Provisions" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Approval Required" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: F. July 15, 1983; eff. August 4, 1983.

Repealed: New Rule, same title adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. June 25, 1992; eff. July 15, 1992.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Sept. 24, 1999; eff. Oct. 14, 1999.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. June 8, 2001; eff. June 28, 2001.

Amended: Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Dec. 21, 2004; eff. Jan. 10, 2005.

Amended: New title "Approval Required. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. July 26, 2016; eff. August 15, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.05. Preparation and Submission of Engineering Reports, Plans and Specifications for Public Water Systems.

- (1) **General Provisions.** For any activity listed in paragraph (1) of Rule [391-3-5-.04](#) an engineering report prepared by a professional engineer shall be submitted to the Division prior to the preparation of the final construction plans and specifications. Plans and Specifications shall be prepared by a professional engineer and submitted to the Division, accompanied by a letter of submittal identifying the project, owner and owner's address. No construction shall be initiated without prior approval from the Division. The engineering report and/or plans and specifications may be waived by the Director when information submitted by the supplier of water allows an engineering appraisal of the proposed activity to be made by the Division as follows:
 - (a) For minor extensions, additions and/or modification to an existing governmentally owned public water systems which do not affect the normal operation of said water system.
 - (b) For new public water systems which are classified as transient non-community water systems and for additions to existing transient non-community water systems.
- (2) **Engineering Report.** The Engineering report shall contain a comprehensive description of the proposed activity including, but not limited to the following:
 - (a) scope and description of proposed activity;
 - (b) description of the proposed source of water supply, and data concerning the quality of the water;
 - (c) pertinent information regarding present available sources of water supply, water treatment facilities, and existing public water systems;

- (d) sufficient maps, diagrams, charts, tables, calculations, basis of design data and graphs to make the reports readily understandable; all sheets shall be descriptively labeled and bound together or folded in a folder attached to the report;
 - (e) operational and maintenance program description;
 - (f) the known character and depth of the natural earth formations through and from which groundwater sources are to be developed;
 - (g) factors which may affect the quality of a source of water supply as determined by a survey of the watershed above the surface water intake or the surrounding area of a groundwater source.
- (3) **Minimum Standards.** Beginning January 1, 1998, all new, additions, or extensions to public water systems shall be designed and constructed in accordance with the latest edition of the Division's "Minimum Standards for Public Water Systems".
- (4) **Plans and Specifications.** Plans and specifications must be submitted with additional copies as may be requested, and shall include, but not be limited to the following:
- (a) map plans of the area to be served by the public water system, including, but not limited to: geographical location of the project, location of all existing and proposed streets in the area to be served, location of the source of water supply and the treatment facilities, and elevations of the principal parts of the public water system;
 - (b) detailed plans of the location and the construction of the storage tank, water mains, valves, fire hydrants and appurtenances;
 - (c) detailed plans of: the location and construction of the water treatment facilities including layout and relationship of the various units of the treatment facility; general piping, pumps, reservoirs, flow measuring devices, controls, points of chemical application, water sampling points, plant control laboratory, chemical feed equipment and chemical storage area. Sufficient dimensions and elevations shall be provided to make all parts of the plan readily understandable.
 - (d) the dimensions of the plan sheets must be within the following limits: twenty (20) to thirty (30) inches in height and twenty-four (24) to forty-two (42) inches in length;
 - (e) each plan sheet shall have printed thereon the name and location of the public water system, name and registration stamp of the professional engineer, scale, true and magnetic north, and shall be bound together and numbered consecutively;

- (f) if the plans are solely for extensions to an existing public water system, only such information as is necessary for comprehension of the plans and construction of the project will be required;
 - (g) specifications will be separate from the plans and shall have printed thereon the name and location of the public water system, name and stamp of the professional engineer, and shall be bound together and numbered consecutively;
 - (h) specifications for the construction of the public water system shall accompany all plans for new or existing public water systems and shall describe the plans for the whole and for each unit or component of construction of the proposed public water system, including where necessary, testing and disinfection, painting, laboratory equipment, metering and recording devices and related material;
 - (i) the specifications may be omitted for extensions or additions to existing systems provided the proposed construction is in accordance with specifications previously approved and on file with the Division;
 - (j) manufacturers' brochures of specifications of materials are not acceptable for purposes of this requirement.
- (5) **Deviations from Approved Plans.** Any significant deviation from the approved plans or specification must receive prior approval by the Division.
- (6) **Installation According to Plans and Specifications.** Upon completion of the installation of the public water system or any modification, the owner must send to the Division a statement from the engineer who prepared the plans and specifications that the system, as installed, is in accordance with the approved plans and specifications.
- (7) **Integrity of Treatment Units or Equipment.** Approval of plans and specifications by the Division does not include approval of the structural, electrical, mechanical, or design integrity of the treatment units or equipment.
- (8) **Construction Without Division Approval.** At the discretion of the Director, an existing public water system that is constructed without obtaining prior approval from the Division may be considered acceptable by the Director, provided all of the following are accomplished to the satisfaction of the Division:
- (a) An engineering evaluation of the constructed facilities is made by a professional engineer, licensed in the state of Georgia, to evaluate and certify conformance of the constructed facilities with all of the applicable paragraphs of the rules in this Chapter. The engineer's certification, along with the "as-built" plans and specifications must be submitted to the Division for review and comment.
 - (b) All items, data, documentation and information required for source approvals and permit issuances for a public water system, as stated in the rules of this Chapter,

must be submitted to the Division. Any additional and/or corrective action that is required by the Division for the owner or operator of the system to complete, prior to issuance of the permit, must be accomplished within ninety (90) days from the date of notification by the Division.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.05

Authority: Ga. L. 1977, p. 351, *et seq.*, O.C.G.A. § [12-5-170](#) *et seq.*, as amended.

History. Original Rule entitled "Source of Water Supply" was filed on September 6, 1973; effective September 26, 1973.

Amended: Rule repealed and a new Rule entitled "Preparations and Submission of Engineering Report, Plans and Specifications for Public Water System" adopted. Filed July 5, 1977; effective July 26 1977, as specified by Rule [391-3-5-.47](#).

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.06. Source of Water Supply.

- (1) **Source of Water Supply.** The source of water supply for all public water systems must have the approval of the Division and a valid ground water (Ground Water Use Act of 1972, as amended) or surface water (Georgia Water Quality Control Act of 1977, as amended) withdrawal permit where applicable. Beginning January 1, 1998, all owners and operators of new community public water systems with groundwater sources must provide an approved back-up water supply source, capable of providing adequate water service, if the primary source becomes nonfunctional. The Director may waive this requirement for systems with less than 25 service connections. Beginning December 1, 2009, any new ground water source must provide treatment that reliably achieves at least 4-log (99.99%) treatment of viruses before or at the first customer.
 - (a) All sources of water supply must be adequate as determined by the Division to meet anticipated growth. For human consumption in a community water system, one hundred (100) gallons per day for the projected population to be served at the end of the design period shall be considered adequate.
 1. Beginning January 1, 1998, all new sources constructed for water supply systems, that are required to comply with the rules in this Chapter, shall be metered.
 2. Beginning January 1, 1999, permitted water systems shall meter their existing water supply sources, when required by the Division or when the system's existing permit to operate a public water system is renewed or modified.
 - (b) The water must be of such quality that with reasonable treatment it will meet the Safe Drinking Water Rules of this Chapter.

- (c) Before approval of a surface water source the following procedures and requirements must be met:
1. Raw water samples from the proposed source shall be collected by the supplier or designee and submitted to a certified laboratory for microbiological analysis for the period of time and frequency specified by the Division.
 2. The supplier shall have the water from the proposed source analyzed for the physical, chemical and radiological parameters specified by the Division in a laboratory acceptable to the Division and shall furnish a copy of the results of the analysis to the Division.
 3. For an impoundment source, allowance must be made for water losses including required releases, evaporation, seepage and siltation. Available stream flow and weather records must be used in estimating the yield of the source.
 4. For water supply reservoirs, a reservoir management plan shall be developed in accordance with Rule [391-3-16-.01\(8\)](#).
 5. A Source Water Assessment Plan (SWAP) for the proposed surface water source intake must be developed in accordance with the Division's *Source Water Assessment and Protection Implementation Plan for Public Drinking Water Sources*, as outlined in Section [391-3-5-.42](#) of this Chapter.
- (d) Before approval of a ground water source, whether from a well or a spring, the following procedures and requirements must be met:
1. Raw water samples of the proposed source shall be collected by the supplier and submitted to a laboratory certified by the Division for microbiological analysis for a period of time and frequency specified by the Division.
 2. The supplier shall, when directed by the Division, have the water from the proposed source analyzed for the physical, chemical and radiological parameters specified by the Division in a laboratory acceptable to the Division and shall furnish a copy of the results of the analysis to the Division.
 3. Any drilled well previously used as a source of public water supply but inactive for three or more years and proposed to be reactivated as a source of supply shall be test pumped and meet the requirements of subparagraphs 1. and 2. of this paragraph.
 4. A Source Water Assessment Plan (SWAP) for the proposed ground water source must be developed, as applicable, in accordance with the Division's

Source Water Assessment and Protection Implementation Plan for Public Drinking Water Sources, as outlined in Section [391-3-5-.42](#) of this Chapter.

- (e) The Division may direct that a ground water source be evaluated for the influence of surface water. Within eighteen (18) months of Division notification that a ground water source is under the direct influence of surface water, the supplier shall install filtration treatment and may be required by the Division to install additional treatment in accordance with subparagraph (a) of Rule [391-3-5-.09](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.06

Authority: O.C.G.A. § [12-5-170](#) et seq.

History. Original Rule entitled "Engineering Report" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Source of Water Supply" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by R. [391-3-5-.47](#).

Amended: F. July 15, 1983; eff. August 4, 1983.

Amended: F. May 12, 1989; eff. June 1, 1989.

Amended: F. Dec. 4, 1990; eff. Dec. 24, 1990.

Amended: F. Mar. 10, 1994; eff. Mar. 30, 1994.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. May 27, 2009; eff. June 16, 2009.

Amended: New title "Source of Water Supply. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.

Rule 391-3-5-.07. Wells.

- (1) **Approval.** No person shall construct a well as a source of water supply for a public water system without having first obtained approval from the Division. This requirement may be waived by the Director during emergency situations. Any well that is constructed and does not meet the rules of this Chapter shall not later be used as a drinking water source for a public water system.
- (2) **Prohibited Wells.** Dug, bored, or jetted wells are prohibited for all new public water systems.
- (3) **Protection from Contamination.** Each well must be protected from contamination by surface waters and other sources of contamination. The location of wells must be in compliance with the latest edition of the Division's "Minimum Standards for Public Water Systems."
- (4) **Fill, Plug and Seal.** Whenever a bore hole of any depth is excavated for, but not used as a source of water supply it shall be the supplier's responsibility to fill, plug and seal the hole within thirty (30) days of the excavation in a manner approved by the Division to restore as nearly as possible the natural earth condition existing before the hole was

excavated and to protect against contamination of the ground water. This paragraph shall not apply where some other use is made of the ground water from the well hole.

- (5) **Well Construction Standards.** All wells must be constructed as hereinafter provided, however, deviations from these rules may be permitted or required by the Division due to the variable conditions of the subsurface and ground water quality in a specific area.

- (a) Drilling fluids must be from an uncontaminated source or must be disinfected.
- (b) All permanent casing, liners, screens and other manufactured material used in the well installation must be new and adequate to protect the well against entrance of contaminants during the expected life of the well. All casing and liner pipe joints shall be water tight the entire length in drilled wells.
 - 1. Steel pipe well casing shall conform to American Society for Testing and Materials (ASTM) Specification A 53, American Petroleum Institute (API) Specification 5L, or equal standard, and meet the following minimum wall thickness unless otherwise approved by the Division.

Nominal Casing Diameter (inches)	Minimum Wall Thickness (inches)
4	0.237
5	0.258
6	0.280
8	0.322
10	0.365
12	0.375
14	0.375
16	0.375
18	0.375
20	0.375
24	0.500
26	0.500

- 2. The use of plastic well casing and screens must be approved by the Division prior to well installation. The well casing and couplings shall meet the requirements of the ASTM Standard F 480 or equal standard and the National Sanitation Foundation for use with potable water. When approved for use by the Division, plastic well casing shall conform to the following minimum wall thickness. However, plastic well casing diameters of 12 inches or greater or deep wells may require greater wall thickness to meet the collapse strength requirements.

Nominal Casing Diameter (inches)	Minimum Wall Thickness (inches)
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4	0.265
4.5	0.291
6	0.390
8	0.508
10	0.632
12	0.750

Plastic well casing and screen shall not extend to a depth of greater than 300 feet below the ground surface.

- (c) The outer, permanent, protective casing shall extend at least five (5) feet into the first solid, unweathered or impervious subsurface rock strata encountered, and shall have a minimum length of twenty-five (25) feet from the ground surface into a well excavated into water-bearing formations in crystalline rocks and fifty (50) feet in a well excavated into sedimentary water-bearing formations. The outer, permanent, protective casing shall be cement grouted its entire length with a cement slurry consisting of not more than six (6) gallons of water to one cubic foot cement, plus standard additives, when necessary, to facilitate placing or setting and shall be placed under pressure from the bottom of the annular space to be grouted upward until the grout is extruded at the earth's surface. The wall thickness of the cement grout surrounding the outer, permanent, protective casing shall be not less than one and one-half (1-1/2) inches at any point. Subsurface well construction shall cease for at least twenty-four (24) hours after grouting. Other grouting materials for sealing the annular space may be used upon the approval of the Division prior to well construction.
- (d) Any ground water of unacceptable quality encountered during the well construction must be sealed off.
- (e) The gravel for gravel-packed wells must be washed, free of organic matter, and composed of well rounded particles.
- (6) **Stoppage During Construction.** During the periods of stoppage of the well construction and when the site is unattended, the drilling contractor must have the well opening securely covered to prevent tampering and possible contamination.
- (7) **Sanitary Conditions.** During the well construction, the premises, construction material, tools and equipment must be maintained in a sanitary manner to prevent contamination of the well by the person excavating the well.
- (8) **Proper Well Development.** Every well must be properly developed, disinfected, and pump tested by the drilling contractor. The well must be test pumped at not less than the

desired yield for a period of at least twenty-four (24) hours and shall continue for at least four (4) hours after the pumping level has stabilized. The static water level, drawdown and pumping water level must be measured.

(9) **Disinfection of the Well.**

- (a) The well must be disinfected prior to the pumping test by the introduction of a chlorine solution into the well under sufficient pressure to overcome the natural flow pressures of all developed water-bearing zones, and in sufficient quantity to produce a minimum chlorine residual of fifty (50) parts per million in six (6) hours after such application.
- (b) After disinfection, the well must be pumped until no trace of chlorine remains in the water, and water samples taken for microbiological analysis. No water may be furnished for human consumption until samples of water are collected by the supplier, and submitted to the Division for microbiological examination, and the quality of the water approved by the Division. If the water samples submitted are found to be unsatisfactory, the disinfection procedure must be repeated as required by the Division.
- (c) The permanent pump and pumping equipment shall be disinfected with a chlorine solution prior to being placed into service.
- (d) Well disinfection shall be conducted in accordance with American Water Works Association (AWWA) Standard C654.

(10) **Licensed Water Well Contractor.** The person constructing the well shall be a licensed water well contractor in the State of Georgia in accordance with the provisions of the Water Well Standards Act of 1985 (O.C.G.A. § [12-5-120](#), et. seq.). The contractor must maintain accurate driller logs, material setting and grouting data, complete results of the pump test, including water level measurements, and must furnish a signed copy of the results to the owner and to the Division on forms provided by the Division.

(11) **Installation Standards.** A well used as a source of water supply must include the following:

- (a) A concrete slab with a minimum thickness of six (6) inches shall be constructed around the well casing and shall extend at least two (2) feet in all directions, and slope away, from the casing.
- (b) The well casing shall extend at least twelve (12) inches above the concrete slab of the floor.
- (c) For submersible pump installations, the well casing shall be provided with a sealed cover plate and, when required by the Division, vented by a screened riser pipe so that the screened opening terminated downward at least twelve (12) inches above the top of the casing or ground level.

- (d) For turbine pump installations, a concrete block to support the pump motor shall be constructed around the outer well casing and shall extend at least twelve (12) inches above the concrete slab, and:
 - 1. the outer casing shall extend at least one (1) inch above the pump motor block;
 - 2. the well head and pump base shall be sealed to prevent seepage and the casing shall be vented by a screened riser pipe so that the screen opening terminates downward and above any point of back flow of contaminants into the well; and
 - 3. oil lubricated vertical turbine pumps shall be lubricated with an acceptable turbine oil as prescribed by the pump manufacturer.
 - (e) A raw water sampling tap shall be installed prior to the well discharge pipe check valve.
 - (f) An access port of not less than five-eighths (5/8) inch in diameter, with screw cap, for water level measurements; a deep well air line and gage may also be used in conjunction with the access port.
- (12) **Deepening Existing Wells.** Existing wells that are deepened shall be regarded by the Division as a development of a new ground water source and must meet the requirements for approval.
- (13) **Rehabilitating Existing Wells.** When an existing well is rehabilitated or reworked, the well shall be disinfected according to procedures described in this Rule.
- (14) **Infrastructure Security.** The pumping and water treatment equipment shall be protected from unauthorized entry and use by an enclosed shelter or enclosed by a fence. In addition, the water treatment equipment shall be enclosed in a weather proof shelter.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.07

Authority: Ga. L. 1977, p. 351, *et seq.*, O.C.G.A. § [12-5-170](#)*et seq.*, as amended.

History. Original Rule entitled "General Plan Map Requirements" was filed on September 6, 1973; effective September 26, 1973.

Amended: Rule repealed and a new Rule entitled "Wells" adopted. Filed July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-47](#).

Amended: Filed July 15, 1983; effective August 4, 1983;

Amended: F. May 12, 1989; eff. June 1, 1989.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.08. Springs.

- (1) **Enclosure Required.** A spring to be used as a source of water supply for a public water system must be protected by an enclosed structure. The walls of the structure must extend down to bedrock, or into the soil sufficiently to provide for a proper foundation to prevent surface water infiltration.
- (2) **Runoff Diversion.** All surface water runoff must be diverted from the spring.
- (3) **Surface Water Entry.** The spring must be protected from any entry of surface water.
- (4) **Overflow.** The overflow from the spring's enclosed structure must be designed to prevent entrance of contaminants or animals.
- (5) **Facility Enclosure.** The pumping and water treatment facilities must be enclosed in shelters that are of weather and vandal-proof construction.
- (6) **Infrastructure Security.** The spring area must be secured as specified by the Division to prevent unauthorized entry.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.08

Authority: Ga. L. 1977, p. 351, *et seq.*, O.C.G.A. Sec. [12-5-170](#)*et seq.*, as amended.

History. Original Rule entitled "Plans and Specifications" was filed on September 6, 1973; effective September 26, 1973;

Amended: Rule repealed and a new Rule entitled "Springs" adopted. Filed July 5, 1977; effective July 26, 1977, as specified by Rule 391-5-.47.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule 391-3-5-.09. Water Treatment Facilities.

- (1) **Water Treatment Facility Requirements.** All means and methods of treating, purifying and storing water for public water systems must be approved by the Division. The Division shall consider, but not be limited to, the following requirements when evaluating water treatment facilities for a public water system:
 - (a) Surface water treatment plants and ground water treatment plants must be of such design and capacity to provide for the required treatment of the raw water so that the drinking water will comply with the rules of this Chapter. In addition, surface water treatment plants and plants treating ground water under the influence of surface water must provide facilities for filtration of the raw water, and must provide, when required by the Division, flocculation and sedimentation of the raw water and continuous coagulation or application of other filter aids for optimization of filter performance.
 1. Water treatment plants processing surface water sources shall include, but not be limited to, means for rapid mixing, flocculation, sedimentation, filtration and disinfection. The treatment plant shall be of such construction

to allow units to be taken out of service without disrupting operation and required treatment processes.

2. Based upon the quality of raw water, the quality desired in the finished water and other factors, multiple-stage treatment facilities and/or presedimentation facilities, shall be provided when required by the Division.
- (b) The Division may accept new and alternate treatment means, methods and technologies, provided the following are demonstrated to the satisfaction of the Division:
1. The treatment method has been thoroughly tested in full scale comparable installations by an acceptable third party, in accordance with protocol and standards acceptable to the Division.
 2. The treatment method has been thoroughly tested in a pilot plant approved by the Division, by an acceptable third party, in accordance with protocol and standards acceptable to the Division, and operated for a period that will demonstrate the effectiveness and reliability of the proposed treatment system during changes in seasonal, and climatic conditions.
 3. Compliance with the treatment technique requirements of paragraph (1)(p).
- (c) Water from a spring shall be disinfected and retained in a detention tank for a minimum of thirty (30) minutes unless otherwise approved by the Division; and such additional water treatment as the Division may require for the drinking water to comply with the rules of this Chapter.
- (d) Chemical feed equipment shall be of such design and capacity to accurately supply, at all times, the treatment chemicals required.
- (e) Chlorination equipment may be solution-feed-gas-type but must have sufficient feed capacity for the treatment of the raw water and drinking water to maintain a chlorine residual in the drinking water as required by paragraph (2) of Rule [391-3-5-.14](#).
- (f) Gas chlorination equipment and cylinders must be housed in a separate room or facility provided for that purpose, separated from the other treatment facilities and chemicals. The following shall be required:
1. Chlorine cylinders stored or used outdoors must be protected from the direct rays of the sun by shading and additionally protected to prevent unauthorized tampering.
 2. Chlorine cylinders must be secured from accidental tipping or movement.

3. A chlorine gas mask or self-contained gas mask (air pack) must be provided outside the gas chlorine room or facility or otherwise made available and be readily accessible to the operator for repairs or emergencies.
 4. Forced air ventilation, placed near floor level and near the cylinders, must be provided to exhaust any leaking chlorine gas from a confined room or facility. Exhaust fumes must be directed away from the entrance to the room or facility. The fan must be activated by an outside switch or start automatically when the door is opened.
 5. A small bottle of fresh ammonia solution shall be provided for testing for chlorine gas leaks.
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- (g) Hypochlorite feeders are not required to be placed in a separate room or facility.
 - (h) Other means of disinfection such as iodine, ultra-violet light, or ozone treatment may be approved by the Division.
 - (i) There must be sufficient space for chemical storage.
 - (j) Fluoridation equipment and chemicals, where used, must be placed in a separate room or facility provided for that purpose, unless otherwise approved by the Division.
 - (k) Each water treatment facility must have, as may be required by the Division, a laboratory and laboratory equipment to perform daily tests pertinent to the proper control of the required water treatment operations.
 - (l) Water sampling taps shall be placed in the water treatment facility, as may be required by the Division, for obtaining water samples to perform laboratory tests to ensure the proper functioning of the water treatment facility.
 - (m) A metering device to measure the flow of raw water and/or treated water is required for all surface water treatment plants and all new wells serving public water systems.
 - (n) Water from a well used as a source of water supply shall be disinfected unless otherwise approved by the Division and such additional water treatment as the Division may require for the drinking water to comply with the rules of this Chapter.
 - (o) Chemical water treatment equipment must be installed in such a manner to prevent back-siphonage or overdosing of the chemicals to the water supply.

- (p) Each public water system with a surface water source or a ground water source under the direct influence of surface water must provide treatment of that source water that complies with these treatment technique requirements. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:
1. At least 99.9 percent (3-log) removal and/or inactivation of *Giardia lamblia* cysts between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer; and
 2. At least 99.99 percent (4-log) removal and/or inactivation of viruses between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer.
 3. At least 99 percent (2-log) removal of *Cryptosporidium* between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer for filtered systems. This treatment technique requirement is applicable to Subpart H systems serving at least 10,000 people, beginning January 1, 2002, and to systems serving fewer than 10,000 people, beginning January 14, 2005.
- (q) Effective June 29, 1993, each public water system with a surface water source or a ground water source under the direct influence of surface water source shall conduct continuous monitoring of the residual disinfectant concentration of the water entering the distribution system. The continuous online chlorine analyzer shall be calibrated in accordance with EPA Method 334.0. Systems must record the results of the residual disinfectant monitoring every fifteen (15) minutes, and record and report the lowest value each day, except if there is a failure in the continuous monitoring equipment, grab sampling every 4 hours may be conducted in lieu of continuous monitoring, but for no more than 5 working days following the failure of the equipment, and systems serving 3,300 or fewer persons may take grab samples in lieu of providing continuous monitoring on an ongoing basis at the frequencies each day prescribed below:

Population Served	Samples per day ¹
500 or fewer	1
501 to 1,000	2
1,001 to 2,500	3
2,501 to 3,300	4

Note: ¹ The day's samples cannot be taken at the same time. The sampling intervals are subject to Division review and approval. The residual disinfectant concentration in the water entering the distribution system cannot be less than 0.2

mg/L for more than four hours. If at any time the residual disinfectant concentration falls below 0.2 mg/L in a system using grab sampling in lieu of continuous monitoring, the system must take a grab sample every 4 hours until the residual disinfectant concentration is equal to or greater than 0.2 mg/L.

1. Maintenance of the disinfectant residual in the distribution system must conform to paragraph (2) of Rule [391-3-5-.14](#).
 2. Until March 31, 2016, the residual disinfectant concentration must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in [40 CFR § 141.21](#)
 3. Beginning April 1, 2016, the residual disinfectant concentration must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in Rule [391-3-5-.55\(4\) through \(8\)](#). The Division may allow a public water system which uses both a surface water source or a ground water source under the direct influence of surface water, and a ground water source, to take disinfectant residual samples at points other than the total coliform sampling points if the Division determines that such points are more representative of treated (disinfected) water quality within the distribution system. Heterotrophic bacteria, measured as heterotrophic plate count (HPC) as specified in [40 CFR § 141.74\(a\)\(1\)](#), may be measured in lieu of residual disinfectant concentration.
- (r) Filter backwash recycling requirement: [40 CFR § 141.76](#) is hereby incorporated by reference. All subpart H systems that employ conventional filtration or direct filtration treatment and that recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes must meet the requirements in paragraphs (b), (c) and (d) of [40 CFR § 141.76](#).
1. Treatment technique requirement. Any system that recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes must return these flows through the processes of a system's existing conventional or direct filtration system as defined in [40 CFR § 141.2](#) or at an alternate location approved by the Division by June 8, 2004. If capital improvements are required to modify the recycle location to meet this requirement, all capital improvements must be completed no later than June 8, 2006.
 2. Record keeping. The system must collect and retain on file recycle flow information specified in paragraphs (d)(1) through (6) or [40 CFR § 141.76](#) for review and evaluation by the Division beginning June 8, 2004.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.09

Authority: O.C.G.A. Sec. [12-5-170](#)*et seq.*

History. Original Rule entitled "Deviation from Approved Plans and Specifications" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Water Treatment Facilities" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: F. July 15, 1983; eff. August 4, 1983.

Amended: F. May 12, 1989; eff. June 1, 1989.

Amended: F. Dec. 4, 1990; eff. Dec. 24, 1990.

Amended: F. June 25, 1992; eff. July 15, 1992.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: New title "Water Treatment Facilities." F. Feb. 29, 2016; eff. Mar. 20, 2016.

Rule 391-3-5-.10. Distribution System.

- (1) **Design for Flow and Pressure.** The water distribution system must be designed and the water lines sufficiently sized to furnish at all times the instantaneous demand flow of water required and to maintain at all times a pressure of twenty (20) pounds per square inch at each service connection in the distribution system under all conditions of flow.
- (2) **Looped Lines.** Distribution lines must be looped whenever possible.
- (3) **Metering.** Beginning January 1, 1998, all new services connected to community and non-transient non-community water systems shall be metered, unless specifically directed otherwise by the Director. For existing water systems, metering of existing services shall be performed when required by the Director.
- (4) **Prevent Contamination.** It is the responsibility of the supplier of water to maintain the distribution system to prevent contamination of the drinking water and to provide the required pressure and flow at all times.
- (5) **Minimum Pipe Size.** The minimum size water main shall be two (2) inches in nominal diameter. The Division may allow for a departure in sizing provided it is justified by hydraulic analysis and future water use of the area to be served and such departures will be considered only in special circumstances.
- (6) **Lines in Contaminated Areas.** Water lines must not be installed in contaminated areas such as sanitary landfill or dump areas.
- (7) **Sewer Line Contact.** No water main or pipe shall pass through or come into contact with any part of a sewer or sewer manhole.
- (8) **Minimum Cover.** The minimum recommended cover for water distribution mains or lines shall be twenty-four (24) inches.

- (9) **Installation Requirements.** All newly installed distribution mains and appurtenances shall be flushed, pressure tested and disinfected.
- (10) **Lead Free.**
- (a) For purposes of this rule, the term "lead free" means:
 - 1. not containing more than 0.2 percent lead when used with respect to solder and flux; and
 - 2. not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.
 - (b) The weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with paragraph (a). For lead content of materials that are provided as a range, the maximum content of the range shall be used.
 - (c) When used with respect to plumbing fittings and fixtures intended by the manufacturer to dispense water for human ingestion refers to fittings and fixtures that are in compliance with standards established in accordance with [42 U.S.C. 300g-6\(e\)](#).
 - (d) This term does not apply to leaded joints necessary for the repair of cast iron pipes.
- (11) **Notification of Lead-containing Service Lines.** Suppliers of water shall identify and report to the Division any lead pipe and/or lead service connections known to be installed in the distribution system. Suppliers shall adopt a local plumbing code that requires use of lead free solder for plumbing.
- (12) **Infrastructure Security.** Public water distribution network and its related components must be protected to prevent unauthorized tampering.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.10

Authority: O.C.G.A. § [12-5-170](#)*et seq.*

History. Original Rule entitled "Water Treatment Facilities" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Distribution System" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule of same title adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.11. Storage Tanks.

- (1) **Tank Requirements.** All storage tanks must be provided with a permanent cover, screened vents and openings, overflow piping and means of draining.
- (2) **Interior Paint.** The paint used for the interior of a storage tank must be approved by the Division.
- (3) **Approval for Repairs.** Repairs and renovations to existing storage tanks that may affect the quality of the drinking water must receive approval from the Division prior to starting such work. Upon completion of such work the storage tank must be disinfected according to Rule [391-3-5-.12](#).
- (4) **Contamination Prevention.** It is the owner's responsibility to maintain the storage tank or tanks to prevent contamination of the drinking water by infiltration or other means.
- (5) **Buried Tanks.** Buried or semi-buried storage tanks must have the ground surface sloping away from the facility.
- (6) **Pressure Tanks.** Hydropneumatic pressure tanks must be provided with devices for maintaining the air-water volume at the designed water level and working pressures.
- (7) **Pre-Service Requirements.** All new storage tanks must be cleaned, tested for leakage, and must be disinfected according to Rule [391-3-5-.12](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.11

Authority: Ga. L. 1977, p. 351, *et seq.*, O.C.G.A. Sec. [12-5-170](#) *et seq.*, as amended.

History. Original rule entitled "Wells" was filed on September 6, 1973; effective September 26, 1973.

Amended: Rule repealed and a new Rule entitled "Storage Tanks" adopted. Filed July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule 391-3-5-.12. Disinfection.

- (1) **Disinfection Requirements.** All newly constructed public water systems including extensions, additions, modifications, or repairs to existing public water systems including water mains, storage tanks, treatment plants, wells, or any other pipes or parts of the public water system which may affect the quality of the drinking water which is delivered, treated or stored, must be disinfected before being placed into service by the supplier or water by one of the following methods:

- (a) Water mains. Any new or repaired water main must be disinfected in accordance with the latest edition of American Water Works Association (AWWA) Standard C651.
- (b) Storage facilities. Any new or repaired water storage facility must be disinfected in accordance with the latest edition of American Water Works Association (AWWA) Standard C652.
- (c) Water treatment plants. Any new or repaired portion of a water treatment plant must be disinfected in accordance with the latest edition of American Water Works Association (AWWA) Standard C653.
- (d) Wells. Any new well or existing well that has been rehabilitated or reworked must be disinfected in accordance with the latest edition of American Water Works Association (AWWA) Standard C654.
- (e) Any system required to develop a disinfection profile in accordance with the provisions specified in sections (8)(c)(i) and (ii) of Rule [391-3-5-.20](#) and that decides to make a significant change to its disinfection practice must consult with the Division prior to making such change. Significant changes to disinfection practice are: changes to the point of disinfection; changes to the disinfectant(s) used in the treatment plant; changes to the disinfection process; and, any other modification identified by the Division. Any system that is modifying its disinfection practice must calculate its disinfection benchmark as specified in section (8)(c)(iii) of Rule [391-3-5-.20](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.12

Authority: O.C.G.A. Sec. [12-5-170](#)*et seq.*

History. Original Rule entitled "Springs" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Disinfection" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: F. July 15, 1983; eff. August 4, 1983.

Amended: F. May 12, 1989; eff. June 1, 1989.

Repealed: New Rule of same title adopted. F. Dec. 4, 1990; eff. Dec. 24, 1990.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule 391-3-5-.13. Cross Connections.

- (1) **Prohibitions.** No person shall construct, maintain or operate a physical arrangement whereby a public water system is or may be connected directly or indirectly with a non-potable water system or non-permitted water system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, liquid, gasses, sewage or other waste of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as the results of backflow,

bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other temporary, permanent or potential connections through which or because of which back-flow or back-siphonage could or would occur.

- (2) **Contamination Prevention.** A supplier of water or any person having possession or control of facilities which may cause the contamination of a public water system has the responsibility to prevent water from unapproved sources or any contaminants from entering the public water system by such physical arrangements cited in paragraph (1) of this Section.
- (3) **Purchasers and Resellers.** Any person connecting to and purchasing water from a public water system and reselling it to others is considered a supplier of the water so purchased as well as a consumer, and is also responsible for the quality of such water.
- (4) **Cross-Connection Control Program.** A supplier shall, when requested by the Division, develop a control program for the elimination and prevention of all cross-connections. A written plan for the program shall be submitted to the Division for review and approval within two (2) years or less in accordance with a written request by the Division. When the plan is approved, the owner shall implement the program immediately.
- (5) **Conformance with National Standards.** The procedures for back-flow and back-siphonage prevention and cross-connection control shall conform to those recommended by the American Water Works Association, Manual 14, and the U.S. Environmental Protection Agency Cross-Connection Manual.
- (6) **Backflow Prevention Assemblies Field Testing.** The supplier shall require that all backflow prevention assemblies installed pursuant to this section be field tested following installation, repair, or relocation and at least annually thereafter.
- (7) **Certified Backflow Testing.** After October 1, 2004, all required field testing shall be performed by persons who are certified in the testing of backflow prevention assemblies by the Georgia Statewide Backflow Prevention Assembly Certification Program, as approved by the Division, the American Backflow Prevention Association (ABPA), the American Society of Sanitary Engineers (ASSE) or the University of Florida TREEO Center.
- (8) **Gauge Accuracy.** Gauges used in the testing of backflow prevention assemblies shall be tested for accuracy annually in accordance with the University of Southern California Manual of Cross-Connection Control or American Water Works Association Manual 14. Public water systems shall require testers to include test gauge serial numbers on "Test and Maintenance" report forms and ensure testers have gauges tested for accuracy.
- (9) **Record Maintenance.** Each water supplier shall maintain records of the following for a minimum of three (3) years:
 - (a) Most current hazard assessment, conducted pursuant to Section 608 of the Georgia State Minimum Standard Plumbing Code (International Plumbing Code);

- (b) Locations and types of backflow protection and associated hazards;
- (c) Results of all backflow prevention assembly field testing and air gap inspections;
and
- (d) Repairs made to, or replacement or relocation of, backflow protection.
- (e) Summaries of the information in sections (9)(a) - (d) shall be available to the Division on request for a minimum of three years.
- (f) The supplier shall ensure that backflow prevention assemblies that fail the field test are repaired or replaced within thirty (30) days.
- (g) The supplier shall ensure that bypass piping installed around any approved backflow preventer is equipped with a backflow preventer providing an equivalent level of protection.
- (h) Reduced pressure principal backflow prevention assemblies shall not be installed in any location subject to possible flooding. This includes pits and/or vaults which are not provided with a gravity drain to the ground's surface that is capable of exceeding the discharge rate of the relief valve.
- (i) Each supplier shall notify the Division of any known incident of backflow into the public water system as soon as possible but no later than the end of the next business day upon discovery of the incident. If requested to do so by the Division, the supplier shall submit a written report of the incident describing the nature and severity of the backflow, the actions taken by the water supplier in response to the incident, and the action plan intended to prevent such incidents in the future.
- (j) The supplier of water shall deny or discontinue water service to a commercial consumer if a required backflow prevention device is not installed or properly maintained. Water service shall not be restored to such premises until the deficiencies have been corrected or eliminated to the satisfaction of the supplier and the Division. Residential connections shall be maintained in accordance with the Georgia State Minimum Standard Plumbing Code (International Plumbing Code).

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.13

Authority: Ga. L. 1977, p. 351, *et seq.*, O.C.G.A. Sec. [12-5-170](#) *et seq.*, as amended.

History. Original Rule entitled "Storage Tanks and Distribution System" was filed on September 6, 1973; effective September 26, 1973.

Amended: Rule repealed and a new Rule entitled "Cross Connections" adopted. Filed July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: Filed July 15, 1983; effective August 4, 1983.

Amended: F. Dec. 4, 1990; eff. Dec. 24, 1990.

Amended: F. Dec. 21, 2004; eff. Jan. 10, 2005.

Amended: New title "Cross-Connections. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule 391-3-5-.14. Operation.

- (1) **Compliance with Safe Drinking Water Rules.** A supplier of water shall treat the water supplied so the water complies with the Safe Drinking Water rules of this Chapter. Public water systems shall not use bottled water to achieve compliance with a maximum contaminant level (MCL). Bottled water may be used on a temporary basis to avoid unreasonable risk to health. Community and non-transient non-community water systems shall not use point-of-use or point-of-entry treatment units to achieve compliance with an MCL or a treatment technique requirement.
- (2) **Continuous Chlorination.** The supplier of water must continuously chlorinate the water to maintain a detectable residual of free chlorine in all parts of the distribution system in the recommended amount of at least 0.2 parts per million, and such additional amounts as may be determined necessary by the Division, unless other means of disinfection have been approved by the Director. If the residual disinfectant concentration is measured by approved analytical methods and not detected, the supplier may, upon approval by the Division, determine and report detectability by the use of heterotrophic plate count measurements as required by [40 CFR § 141.72](#) (1989) and other applicable paragraphs of 40 CFR Part 141.
- (3) **Disinfection Waiver.** After consideration of the microbiological quality of the source of water supply, the local geology, the population served and the extent of the water distribution system, the disinfection treatment may be waived by the Director.
- (4) **Fluoridation Requirements.** The supplier of water of a fluoridated public water system shall daily sample and analyze the fluoride concentration of the drinking water. Daily records of the analytical results shall be kept on forms provided by the Division or on forms acceptable to the Division and a copy of the result submitted to the Division in accordance with Rule [391-3-5-.30](#).
- (5) **Surface Water Source Certified Operator.** A supplier having a surface water source must have a certified operator on duty and onsite at all times when the water plant is in operation. A supplier having a groundwater source under the direct influence of surface water must have a certified operator on duty and onsite at all times when the water plant is in operation, unless otherwise approved by the Division, depending upon the complexity of the water treatment processes, quality of the water sources, and the size of the system.
- (6) **Groundwater Source Certified Operator.** A supplier having only ground water sources must have a certified operator to comply with the classification prescribed in Section [391-3-5-.39](#) of this Chapter. The Director may find that the availability of a certified operator to a system with only groundwater sources is sufficient to comply with Section [391-3-5-.39](#) of this Chapter and may so allow, but only if the Director determines that the

complexity of the water treatment processes, quality of the water sources, and the size of the system so warrant.

- (7) **Record Maintenance.** The supplier of water shall maintain daily records of the operation of the water treatment facility and water distribution system as may be required by the Division including the amount of water treated daily, results of the performance of daily tests pertinent to the control of the water treatment processes, disinfectant residuals, and tests performed in the water distribution system. Daily records shall be kept by the supplier on forms furnished by the Division and a copy of the record submitted to the Division in accordance with Rule [391-3-5-.30](#). Based on the complexity of the water treatment process, the quality of the water sources, and the size of the system, the Director may establish less frequent maintenance of record requirements for small groundwater systems.
- (8) **Microbiological Laboratory.** All community water systems which have a surface water source with water treatment facilities and those public water systems having only a ground water source or only a water distribution system and serving a population of more than 12,900 must have, or have available, the services of a microbiological laboratory certified by the Division to perform the microbiological tests necessary for compliance with the maximum microbiological contaminant levels. The laboratory and equipment must be kept in good working order at all times.
- (9) **Summary Microbiological Analytical Results.** A supplier of water required to have, or have available, a microbiological laboratory under paragraph (8) of Section 391-3-5-.14 shall collect and analyze drinking water samples in accordance with the minimum number specified in paragraph (1) of Section [391-3-5-.23](#) and such additional samples as may be required by the Director. The supplier shall furnish the Division, on forms provided by the Division, a monthly microbiological summary of the number of samples analyzed and the results in accordance with Section [391-3-5-.30](#).
- (10) **Routine Microbiological Samples.** The supplier of water shall collect routine drinking water samples for microbiological analysis as follows:
 - (a) the minimum number of routine samples per month shall be in accordance with paragraph (1) of Section [391-3-5-.23](#);
 - (b) at the treatment plant and at various points in the distribution system which are representative of the drinking water when three or more samples per month are required; or
 - (c) at various points in the distribution system which are representative of the drinking water when only one or two samples per month are required.
- (11) **Certified Laboratories.** For the purposes of determining compliance with Rules [391-3-5-.18](#), .19, .20, .21, .22, .23, .24, .25, .26, .27 samples may be considered only if they have been analyzed by a laboratory certified by the Division, except that measurements used solely for operational control, including but not limited to turbidity, free chlorine

residual, fluoride residual, temperature, pH, conductivity, calcium, alkalinity, orthophosphate, chloramines, chlorine dioxide, chlorite and silica may be performed by any person acceptable to the Division.

- (12) **Operations and Maintenance Plan.** All public surface water and ground water under the direct influence of surface water systems shall develop an Operations and Maintenance Plan (O & M Plan). The plan shall be prepared in accordance with the Division's "*Operation and Maintenance Plan - Guidance Manual for Preparing Public Water Supply System O & M Plans*", latest edition. The plan shall be updated at intervals determined by the Director. For public groundwater systems and systems that are using alternate treatment technologies, development of such a plan may be required by the Director when the complexity of the water treatment processes, quality of the water sources, and the size of the system so warrant.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.14

Authority: O.C.G.A. Sec. [12-5-170](#)*et seq.*

History. Original Rule entitled "Disinfection" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Operation" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: F. July 15, 1983; eff. August 4, 1983.

Amended: F. May 12, 1989; eff. June 1, 1989.

Amended: F. Dec. 4, 1990; eff. Dec. 24, 1990.

Amended: F. Mar. 10, 1994; eff. Mar. 30, 1994.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Sept. 24, 1999; eff. Oct. 14, 1999.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. June 8, 2001; eff. June 28, 2001.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule 391-3-5-.15. Record Maintenance.

- (1) **Requirements for Records and Retention.** Any supplier of water shall retain on its premises or at a convenient location near its premises, the following records:
- (a) Records of microbiological analyses and turbidity analyses made pursuant to these rules shall be kept for not less than five (5) years. Records of chemical analyses made pursuant to these rules shall be kept for not less than ten (10) years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:
 - 1. the date, place and time of sampling and the name of the person who collected the sample;

2. identification of the sample as to whether it was routine distribution system sample, check sample, raw or drinking water sample or other special purpose sample;
 3. date of analysis;
 4. laboratory and person responsible for performing analysis;
 5. the analytical technique/method used; and
 6. the results of the analysis.
- (b) Records of public notices, certifications of public notices and any actions taken by the system to correct violations of these rules shall be kept for a period not less than three (3) years after either the public notice was issued, certification was submitted or the last corrective action was taken with respect to the particular violation involved.
- (c) Copies of any written reports, summaries or communications relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by any local, state or federal agency, shall be kept for a period not less than ten (10) years after completion of the sanitary survey involved.
- (d) Records concerning a variance or exemption granted to the system shall be kept for a period ending not less than five (5) years following the expiration of such variance or exemption.
- (e) Any system subject to the lead and copper requirements shall retain on its premises original records of all sampling data, analyses, reports, surveys, letters, evaluations, schedules, Division determinations, and any other information required by Rules [391-3-5-.25](#) or .30. Each water system shall retain the records required by this rule for no fewer than twelve (12) years.
- (f) Systems must maintain the results of individual filter monitoring taken under Rule [391-3-5-.20\(7\)\(c\) and \(8\)\(h\)](#) for at least three (3) years.
- (g) Any system subject to disinfection profiling and benchmarking shall keep the results of the profile and the benchmark (including raw data and analysis) indefinitely.
- (h) Copies of monitoring plans developed pursuant to this part shall be kept for the same period of time as the records of analyses taken under the plan are required to be kept under paragraph (1)(a), except as specified elsewhere in this part.

History. Original Rule entitled "Operation" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Record Maintenance" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: F. June 25, 1992; eff. July 15, 1992.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. May 27, 2009; eff. June 16, 2009.

Amended: New title "Record Maintenance. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.16. Fluoridation.

All potable water supplies in incorporated communities and counties lying wholly within this State must be fluoridated in compliance with the Act.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.16

Authority: Ga. L. 1973, p. 148, et. seq., Ga. L. 1977, p. 351, et seq., O.C.G.A. Sec. [12-5-170](#) et seq., as amended.

History. Original Rule entitled "Certificate of Approval" was filed on September 6, 1973; effective September 26, 1973.

Amended: Rule repealed and new Rule entitled "Fluoridation" adopted. Filed July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 15, 1983; effective August 4, 1983.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule 391-3-5-.17. Permit to Operate a Public Water System.

- (1) **Permit Required from the Director.** Any person who owns or operates a public water system or who desires to commence operation of a public water system shall obtain a permit from the Director.
- (2) **Permit Application.** Applicants for permits under the Act shall be on forms as may be prescribed and furnished by the Division. The permit application form shall be signed by the owner or their duly authorized agent.
- (3) **Additional Information.** Any applicant for a permit whose application is pending final consideration shall upon the request of the Director provide such additional information as may be necessary to enable the Director to properly pass upon the application. Such additional information may include, but not be limited to, complete engineering report, quantitative and qualitative determinations of the source of water supply and drinking water, plans, specifications, maps, measurements, records, documentation to demonstrate system's financial, technical and managerial capacity with respect to drinking water regulations in effect or likely to be in effect, source water assessments and protection plan, water conservation plan, cross-connection plan, operations and maintenance plan, infrastructure protection plan, and all related material.

- (4) **Complete Applications.** Applications for permits will be reviewed together with the submitted information and when the Director is satisfied that the application is complete a determination to issue or deny the permit will be made.
- (5) **Public Participation.** Whenever in the judgment of the Director public participation may be required prior to the final determination to issue or deny a permit the Director may give public notice of the proposed action. Public notice will be prepared and circulated in a manner designed to inform interested and potentially interested persons of the permit application. Procedures for circulation of the public notice shall include the following:
- (a) A copy of the public notice will be provided to the permit applicant, will be available at the Division office in Atlanta, and will be posted to the Division's website.
 - (b) Electronic mailing (e-mail) notification of the public notice to any persons or groups included on the electronic mailing list to receive such notices. The EPD shall maintain an electronic mailing list for distribution of public notices. Any person or group may request that their e-mail address be added to the electronic mailing list or they may sign-up through the EPD website.
 - (c) The Director shall provide a period of not less than thirty (30) days following the public notice in which interested persons may submit their written views with respect to the permit application. All written comments submitted during the thirty (30) day comment period will be retained by the Division and considered in the final determination of the permit application.
 - (d) The contents of the public notice will be in accordance with applicable Federal regulations and State laws.
- (6) **Public Hearing.** The Director shall hold a public hearing if he determines that there is sufficient public interest or need for a public hearing prior to the final determination to issue or deny a permit.
- (a) Any public hearing held pursuant to this paragraph shall be held in the geographical area of the proposed or existing public water system or other appropriate location at the discretion of the Director.
 - (b) The Director may hold one public hearing on related groups of permit applications.
 - (c) Public notice of any public hearing held pursuant to this paragraph shall be provided at least thirty (30) days in advance of the hearing date and shall be circulated in accordance with paragraph (5) of this rule.
- (7) **Permit Conditions.** A permit issued by the Director shall stipulate such terms, and conditions and schedules of compliance as the Director deems necessary to meet the requirements of these rules and which are consistent and in conformity with the Act and

the Federal Act. Any permit issued pursuant to the Act may be subject to such monitoring, recording and reporting requirements as may be reasonably required by the Director including the installation, use and maintenance of monitoring equipment or methods; specific requirements for recording of monitoring activities and results; and periodic reporting of monitoring results. The monitoring, recording and reporting requirements shall be specified in a permit issued, provided, however, the Director may modify or require additional monitoring, recording and reporting by written notification to the permittee.

- (8) **Permit Transfers.** A permit issued by the Director may be transferred due to a change in ownership of the public water system. The permittee shall notify the succeeding owner by letter of the existing permit and shall surrender the permit to the Director along with a copy of the letter to the succeeding owner. It shall be the succeeding owner's responsibility to request a transfer of the permit. A completed permit application shall be submitted to the Director on the forms prescribed and furnished by the Division within 30 days of transfer. The succeeding owner shall upon the request of the Director provide such additional information as may be necessary (including but not limited to proof of ownership and business plan) to enable the Director to transfer the permit.
- (9) **Permit Application Denials.** Based on the information submitted or available to the Director, a permit application may be denied by the Director for any one of the following reasons where the proposed activity or system would:
 - (a) present an immediate or potential health hazard to the public, or
 - (b) not adequately supply water under sufficient pressure and flow at all times, or
 - (c) not meet the requirements of these rules or the Act.
- (10) **Notice In Case of Application Denial.** In the event an applicant's permit is denied, the Director shall serve written notice of such action to the applicant setting forth in such notice the reason for the action.
- (11) **Permit Expiration Term.** Each permit issued under this Rule shall have a fixed term not to exceed ten (10) years. The permittee shall apply for a renewal at least 90 days prior to the expiration of the permit. A new permit may be issued by the Director if, after a review, the Director determines that the continued operation of such public water system meets or will meet all applicable drinking water standards, maximum contaminant levels and all requirements of the Act and these rules. Any permit issued under this paragraph may include any of the terms, conditions and schedules of compliance under paragraph (7) of this Rule.
- (12) **Revocation, Suspension, or Modification.** The Director may revoke, suspend, or modify a permit issued under this Rule for cause, including, but not limited to, the following:
 - (a) violation of any condition of said permit;

- (b) obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts;
 - (c) change in any condition that requires either:
 - 1. a temporary or permanent decrease in the maximum contaminant levels; or
 - 2. elimination of the permitted operation.
- (13) **Notice In Case of Permit Revocation, Suspension, or Modification.** In the event of modification, suspension, or revocation of a permit, the Director shall serve written notice of such action on the permit holder and shall set forth in such notice the reason for the action.
- (14) **Access by Division.** The Director or any agents or employees of the Division shall be permitted access in or upon any private or public property at all reasonable times for the purpose of investigating conditions, processes, methods of treatment, records relating to the operation of any public water system, compliance with any operating permit issued, to make sanitary surveys, to determine compliance with the Act and any rules promulgated thereunder, or to make such investigations and studies as the Director deems advisable and necessary for the protection of the public health.
- (15) **Previous Permits.** In the event of reissue, modification, suspension, revocation or transfer of a permit all previously issued permits for the system shall be surrendered to the Division upon written notice by the Director.
- (16) **Compliance with Wellhead Protection.** All community public water systems utilizing ground water sources and serving a municipality, county, or an authority are required to comply with the Wellhead Protection rule, Rule [391-3-5-.40](#).
- (17) **Conformance with Minimum Standards.** Design and construction of all public water systems shall conform to the latest edition of the Division's "Minimum Standards for Public Water Systems".

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.17

Authority: O.C.G.A. § [12-5-170](#)*et seq.*

History. Original Rule entitled "Water Samples" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Permit to Operate Public Water System" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: F. July 15, 1983; eff. August 4, 1983.

Repealed: New Rule of same title adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Dec. 4, 1990; eff. Dec. 24, 1990.

Amended: F. June 25, 1992; eff. July 15, 1992.

Amended: F. June 7, 1993; eff. June 27, 1993.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.18. Primary Maximum Contaminant Levels for Drinking Water.

- (1) **Primary MCLs for Inorganics.** INORGANICS - The maximum contaminant levels (MCLs) for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, mercury, nickel, selenium and thallium of this Rule apply to community water systems and non-transient, non-community water systems. The MCLs for fluoride in this Rule apply to community water systems. The MCLs for nitrate, nitrite, and total nitrate-nitrite of this Rule apply to all (CWS, NTNCWS, TNCWS) public water systems.

- (a) The following are the maximum contaminant levels for inorganic chemicals:

Contaminant	Maximum Contaminant Level (mg/L)	Applicable Systems
Antimony	0.006	CWS, NTNCWS
Arsenic	0.010	CWS, NTNCWS
Asbestos	7 Million Fibers/Liter Longer than 10 µm	CWS, NTNCWS
Barium	2	CWS, NTNCWS
Beryllium	0.004	CWS, NTNCWS
Cadmium	0.005	CWS, NTNCWS
Chromium	0.1	CWS, NTNCWS
Cyanide	0.2	CWS, NTNCWS
Fluoride ^{1,2}	4.0	CWS
Lead	see 391-3-5-.25 Treatment Technique	CWS, NTNCWS
Mercury	0.002	CWS, NTNCWS
Nickel	0.1	CWS, NTNCWS
Nitrate	10 (as N)	CWS, NTNCWS, TNCWS
Nitrite	1 (as N)	CWS, NTNCWS, TNCWS
Total Nitrate + Nitrite	10 (as N)	CWS, NTNCWS, TNCWS
Selenium	0.05	CWS, NTNCWS
Thallium	0.002	CWS, NTNCWS

NOTES:

1. Effective date for fluoride was October 2, 1987.
 2. Fluoride also has a secondary MCL (Rule [391-3-5-.19\(2\)](#)).
- (b) At the discretion of the Director, nitrate levels not to exceed 20 mg/L may be allowed in a non-community water system if the supplier of water demonstrates to the satisfaction of the Director that:
1. such water will not be available to children under 6 months of age;
 2. the water system is meeting the public notification requirements under Rule [391-3-5-.32](#), including continuous posting of the fact that nitrate levels exceed 10 mg/L and the potential health effects of exposure;
 3. local and State public health authorities will be notified annually of nitrate levels that exceed 10 mg/L; and
 4. no adverse health effects shall result.
- (2) **Primary MCLs for Organics.** ORGANIC CHEMICALS - The following maximum contaminant levels for organic contaminants apply to community water systems and non-transient, non-community water systems. Compliance with maximum contaminant levels for the following organics is to be calculated pursuant to Rule [391-3-5-.22](#).

- (a) Synthetic Organic Chemicals, Pesticides and Polychlorinated biphenyls

Contaminant	Maximum Contaminant Level (mg/L)
Alachlor	0.002
Aldicarb	Deferred
Aldicarb sulfone	Deferred
Aldicarb sulfoxide	Deferred
Atrazine	0.003
Benzo(a)Pyrene	0.0002
Carbofuran	0.04
Chlordane	0.002
Dalapon	0.2
Di(2-ethylhexyl) adipate	0.4
Di(2-ethylhexyl) phthalate	0.006

Dibromochloropropane (DBCP)	0.0002
Dinoseb	0.007
Diquat	0.02
2,4-D	0.07
Endothall	0.1
Endrin	0.002
Ethylene dibromide (EDB)	0.00005
Glyphosate	0.7
Heptachlor	0.0004
Heptachlor Epoxide	0.0002
Hexachlorobenzene	0.001
Hexachlorocyclopentadiene	0.05
Lindane	0.0002
Methoxychlor	0.04
Oxamyl (Vydate)	0.2
Pentachlorophenol	0.001
Picloram	0.5
Polychlorinated biphenyls (PCBs)	0.0005
Simazine	0.004
Toxaphene	0.003
2,4,5-TP (Silvex)	0.05
2,3,7,8-TCDD (Dioxin)	3×10^{-8}

(b) Volatile Organic Contaminants (VOCs)

Contaminant	Maximum Contaminant Level (mg/L)
Vinyl chloride	0.002
Benzene	0.005
Carbon tetrachloride	0.005
1,2-Dichloroethane	0.005
Trichloroethylene	0.005
para-Dichlorobenzene	0.075
1,1-Dichloroethylene	0.007
1,1,1-Trichloroethane	0.2
cis-1,2-Dichloroethylene	0.07

1,2-Dichloropropane	0.005
Ethylbenzene	0.7
Monochlorobenzene	0.1
o-Dichlorobenzene	0.6
Styrene	0.1
Tetrachloroethylene	0.005
Toluene	1
trans-1,2-Dichloroethylene	0.1
Xylenes (total)	10
Dichloromethane	0.005
1,2,4-Trichlorobenzene	0.07
1,1,2-Trichloroethane	0.005

(3) **Primary MCLs for Turbidity.** Turbidity - Treatment Technique Requirements:

- (a) The maximum contaminant level for turbidity is determined by a treatment technique requirement as set forth in this Rule.
- (b) The treatment technique requirement for turbidity is applicable to both community water systems and non-community water systems using surface water sources or ground water sources under the direct influence of surface water in whole or in part. The treatment technique requirement for turbidity in drinking water, measured at a representative point(s) in the filtered water is:
 1. Less than or equal to 0.3 turbidity unit in at least 95 percent of the monthly measurements. One turbidity unit is the maximum allowable level and must not be exceeded at any time.
 2. Five turbidity units is the maximum allowable level and must not be exceeded at any time.
 3. In accordance with [40 CFR § 141.73](#), the Division may allow higher turbidity levels for slow sand filtration, diatomaceous earth filtration, or other filtration technologies.
 4. Beginning January 1, 2002, public water systems that use surface water or ground water under the direct influence of surface water and serve at least 10,000 people must meet the filtration requirements specified in [40 CFR § 141.173](#) (see Rule [391-3-5-.20\(5\)](#)).

5. The Enhanced Filtration and Disinfection requirements specified in 40 CFR Part 141, Subpart P are applicable to Subpart H systems serving at least 10,000 people (see Rule [391-3-5-.20\(8\)](#)).
6. Beginning January 14, 2005, public water systems that use surface water or ground water under the direct influence of surface water as a source and serve fewer than 10,000 people must meet the filtration and disinfection requirements in 40 CFR Part 141, Subpart T. This requirement is in addition to complying with requirements in Subpart H of 40 CFR Part 141 [see Rule [391-3-5-.20\(8\)](#)].

(4) **Primary MCLs for Microbiologicals.** Microbiological - Maximum contaminant levels (MCLs) for microbiological contaminants.

- (a) Until March 31, 2016, the total coliform MCL is based on the presence or absence of total coliforms in a sample, rather than coliform density.
 1. For a system that collects at least 40 samples per month, if no more than 5.0 percent of the samples collected during a month are total coliform-positive, the system is in compliance with the MCL for total coliforms.
 2. For a system that collects fewer than 40 samples per month, if no more than one sample collected during a month is total coliform-positive, the system is in compliance with the MCL for total coliforms.
- (b) Until March 31, 2016, any fecal coliform-positive repeat sample or *E. coli*-positive repeat sample, or any total coliform-positive repeat sample following a fecal coliform-positive or *E. coli*-positive routine sample, constitutes a violation of the MCL for total coliforms. For purposes of the public notification requirements in Rule [391-3-5-.32](#), this is a violation that may pose an acute risk to health.
- (c) Beginning April 1, 2016, a system is in compliance with the MCL for *E. coli* for samples taken under the provisions of Rule [391-3-5-.55](#) unless any of the conditions identified in paragraphs (4)(c)1. through (4)(c)4. occur. For purposes of the public notification requirements in Rule [391-3-5-.32](#), violation of the MCL may pose an acute risk to health.
 1. The system has an *E. coli*-positive repeat sample following a total coliform-positive routine sample.
 2. The system has a total coliform-positive repeat sample following an *E. coli*-positive routine sample.
 3. The system fails to take all required repeat samples following an *E. coli*-positive routine sample.

4. The system fails to test for *E. coli* when any repeat sample tests positive for total coliform.
- (d) Until March 31, 2016, a public water system must determine compliance with the MCL for total coliforms in paragraphs (4)(a) and (4)(b) for each month in which it is required to monitor for total coliforms. Beginning April 1, 2016, a public water system must determine compliance with the MCL for *E. coli* in paragraph (4)(c) for each month in which it is required to monitor for total coliforms.
- (e) The EPA Administrator, pursuant to section 1412 of the federal Safe Drinking Water Act, identifies the following as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant level for total coliforms in paragraphs (4)(a) and (4)(b) and for achieving compliance with the maximum contaminant level for *E. coli* in paragraph (4)(c):
 1. Protection of wells from fecal contamination by appropriate placement and construction;
 2. Maintenance of a disinfectant residual throughout the distribution system;
 3. Proper maintenance of the distribution system including appropriate pipe replacement and repair procedures, main flushing programs, proper operation and maintenance of storage tanks and reservoirs, cross connection control, and continual maintenance of positive water pressure in all parts of the distribution system;
 4. Filtration and/or disinfection of surface water, as described in 40 CFR Part 141 Subparts H, P, T, and W, or disinfection of ground water, as described in 40 CFR Part 141 Subpart S, using strong oxidants such as chlorine, chlorine dioxide, or ozone; and
 5. For systems using ground water, compliance with the requirements of an EPA-approved Division Wellhead Protection Program developed and implemented under section 1428 of the federal Safe Drinking Water Act.
- (f) The EPA Administrator, pursuant to section 1412 of the federal Safe Drinking Water Act, identifies the technology, treatment techniques, or other means available identified in paragraph (4)(e) as affordable technology, treatment techniques, or other means available to systems serving 10,000 or fewer people for achieving compliance with the maximum contaminant level for total coliforms in paragraphs (4)(a) and (4)(b) and for achieving compliance with the maximum contaminant level for *E. coli* in paragraph (4)(c).
- (5) **Primary MCLs for Radioactivity and Radionuclides.** Radioactivity - Maximum contaminant levels for Radium-226, Radium-228, gross alpha particle radioactivity, beta

particle and photon radioactivity from man-made radionuclides in community water systems.

- (a) The following are the maximum contaminant levels for Radium-226, Radium-228, gross alpha radioactivity, and Uranium:

Radionuclides / Radioactivity	Maximum Contaminant Level
Combined Radium-226 and Radium-228 (^{226}Ra , ^{228}Ra)	5 pCi/L
Gross alpha particle activity (including Radium-226 but excluding Radon and Uranium)	15 pCi/L
Uranium	30 $\mu\text{g/L}$

- (b) The average annual concentration of beta particle and photon radioactivity from manmade radionuclides in drinking water shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem per year.
- (c) Except for the radionuclides listed in Table A, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalents shall be calculated on the basis of a 2 liter per day drinking water intake using the 168 hour data listed in "*Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air or Water for Occupational Exposure*", NBS Handbook 69 as amended August, 1963, U.S. Department of Commerce. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 millirem per year.

TABLE A. - Average annual concentrations assumed for the purpose of this rule to produce a total body or organ dose of 4 millirem per year.

Radionuclide	Critical Organ	Average Annal Concentration
Tritium (^3H)	Total Body	20,000 pCi/L
Strontium-90 (^{90}Sr)	Bone Marrow	8 pCi/L

- (6) **Primary MCLs for Trihalomethanes.** TRIHALOMETHANES - Maximum contaminant level for trihalomethanes: see paragraph (7), DISINFECTANTS and DISINFECTION BYPRODUCTS, below.
- (7) **Primary MCLs for Disinfectants and Disinfection Byproducts.** DISINFECTANTS and DISINFECTION BYPRODUCTS (D/DBPs). Beginning January 1, 2002, this paragraph shall be applicable as specified below:

- (a) The maximum contaminant levels (MCLs) for disinfection byproducts (DBPs) are as specified in [40 CFR § 141.64](#) and the maximum residual disinfectant levels (MRDLs) are as specified in [40 CFR § 141.65](#).

Disinfection Byproduct	Maximum Contaminant Level (mg/L)
Total trihalomethanes	0.080
Haloacetic acids (five)	0.060
Bromate	0.010
Chlorite	1.0

Disinfectant Residuals	Maximum Residual Disinfectant Level (mg/L)
Chlorine	4.0 (as Cl ₂)
Chloramines	4.0 (as Cl ₂)
Chlorine Dioxide	0.8 (as ClO ₂)

- (b) Beginning January 1, 2002, community and non-transient, non-community Subpart H water systems which serve a population of 10,000 people or more must comply with paragraph (7). All systems must comply with these MCLs until the date specified for Subpart V compliance in [40 CFR § 141.620\(c\)](#).
- (c) Beginning January 1, 2004, community and non-transient, non-community Subpart H water systems serving fewer than 10,000 people and systems using only ground water not under the direct influence of surface water must comply with paragraph (7). All systems must comply with these MCLs until the date specified for Subpart V compliance in [40 CFR § 141.620\(c\)](#).
- (d) The Subpart V MCLs for TTHM and HAA5 must be complied with as a locational running annual average at each monitoring location beginning the date specified for Subpart V compliance in [40 CFR § 141.620\(c\)](#).
- (e) A system that is installing granular activated carbon (GAC) or membrane technology to comply with paragraph (7) may apply to the Division for an extension of up to 24 months past the dates in paragraphs (7)(b) and (7)(c), but not beyond December 31, 2003.
- (f) Transient non-community Subpart H water systems serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002.
- (g) Transient non-community Subpart H water systems serving fewer than 10,000 persons and using chlorine dioxide as a disinfectant or oxidant and systems using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.

- (h) The best technology, treatment technique, or other means available for achieving compliance with the maximum contaminant levels for disinfection byproducts identified in paragraph (7)(a) shall be in accordance with [40 CFR §§ 141.64\(a\)\(2\) and \(b\)\(2\)](#).
- (8) **Maximum Contamination Level Goals (MCLG).** The maximum contaminant level goals for organic contaminants, inorganic contaminants, and microbiological contaminants shall be in accordance with [40 CFR §§ 141.50](#), [141.51](#), [141.52](#), [141.53](#), and [141.54](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.18

Authority: O.C.G.A. § [12-5-170](#)*et seq.*

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Repealed: New Rule entitled - Primary Maximum Contaminant Levels for Drinking Water" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

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Amended: F. Dec. 4, 1990; eff. Dec. 24, 1990.

Repealed: New Rule, same title adopted. F. June 25, 1992; eff. July 15, 1992.

Repealed: New Rule of same title adopted. F. Mar. 10, 1994; eff. Mar. 30, 1994.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. June 8, 2001; eff. June 28, 2001.

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Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.19. Secondary Maximum Contaminant Levels for Drinking Water.

- (1) **Adverse Effects on Drinking Water.** The drinking water should not contain any contaminant which will adversely affect the odor or appearance of the drinking water and consequently may cause a substantial number of the persons served by the public water system to discontinue its use or which may adversely affect the public welfare.
- (2) **Secondary MCLs.** The Secondary maximum contaminant levels established below represent reasonable goals for drinking water quality:

Contaminant	Secondary Level
Aluminum (Al)	0.05 to 0.2 mg/L
Chloride	250 mg/L

Color	15 color units
Copper (Cu)	1.0 mg/L
Corrosivity	Non-corrosive
Fluoride (F)	2.0 mg/L
Foaming Agents	0.5 mg/L
Iron (Fe)	0.3 mg/L
Manganese (Mn)	0.05 mg/L
Odor	3 threshold odor number
pH	6.5 to 8.5
Silver (Ag)	0.1 mg/L
Sulfate	250 mg/L
Total dissolved solids (TDS)	500 mg/L
Zinc (Zn)	5.0 mg/L

- (3) **Standard Methods.** Any analyses required under this rule shall be conducted in accordance with the analytical recommendations set forth in the latest edition of "Standard Methods of Examination of Water and Wastewater" as published by the American Public Health Association, or as such analyses may be modified by the Director.
- (4) **Collect and Submit Samples for Analyses.** Upon written direction of the Director, the supplier shall collect drinking water samples and submit them to the Division's water laboratory or other laboratory for analyses in accordance with the schedule furnished to the supplier.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.19

Authority: Ga. L. 1977, p. 351, *et seq.*, O.C.G.A. § [12-5-170](#)*et seq.*, as amended.

History. Original Rule entitled "Drinking Water Standards" was filed on September 6, 1973; effective September 26, 1973.

Amended: Rule repealed and a new Rule entitled "Microbiological Contaminant Sampling and Analytical Requirements" adopted. Filed July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: Filed July 15, 1983; effective August 4, 1983.

Repealed: New Rule entitled "Secondary Maximum Contaminant Levels for Drinking Water" adopted. F. May 12, 1989; eff. June 1, 1989.

Repealed: New Rule, same title, adopted. F. Jun. 25, 1992; eff. July 15, 1992.

Repealed: New Rule, same title, adopted. F. Mar. 10, 1994; eff. Mar. 30, 1994.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.20. Turbidity Sampling and Analytical Requirements.

- (1) **Turbidity Testing Frequency.** On and after June 29, 1993, representative samples of filtered water shall be taken and analyzed by said suppliers at least every four hours when the plant is in operation, for the purpose of making turbidity measurements to determine compliance with the treatment technique requirement of Rule [391-3-5-.18\(3\)](#). If the Division determines that a reduced sampling frequency in a non-community system will not pose a risk to public health, it can reduce the required sampling frequency in accordance with [40 CFR 141.74](#) for systems using slow sand filtration or filtration treatment other than conventional treatment, direct filtration, or diatomaceous earth filtration. The option of reducing the turbidity frequency shall be permitted only in those public water systems that practice disinfection and which maintain an active residual disinfectant in the distribution system and in those cases where the Division has indicated in writing that no unreasonable risk to health existed under the circumstances of this option. The turbidity measurements shall be made in accordance with the recommendations set forth in [40 CFR Part 141.22](#).
- (2) **Exceedance Determination.** If a turbidity treatment violation has occurred based on a single exceedance of the maximum allowable turbidity limit, the supplier of water shall consult with the Division as soon as practical but no later than 24 hours after learning of the violation ([40 CFR 141.203\(b\)](#)). If the consultation does not occur within those 24 hours, the violation is elevated to Tier 1 under 40 CFR Subpart Q. If the monthly treatment technique requirement is exceeded, or if any measured turbidity level exceeds the maximum allowable level, the supplier of water shall report to the Division and notify the public as directed in Rules [391-3-5-.30](#) and .32.
- (3) **Applicability to Surface Water Sources.** The requirements of this Rule shall apply only to public water systems, which use water obtained in whole or in part from surface water sources or ground water sources under the direct influence of surface water.
- (4) **Compliance and Enforcement.** The Division has the authority to determine compliance or initiate enforcement action based upon analytical results or other information compiled by their sanctioned representatives or agencies.
- (5) **Filtration Requirements for Greater than 10,000 Population Water Systems.** Beginning January 1, 2002, public water systems that use surface water or ground water under the direct influence of surface water and serve at least 10,000 people must meet the filtration requirements specified in [40 CFR § 141.173](#).
- (6) **Enhanced Filtration Requirements.** The Enhanced Filtration and Disinfection requirements specified in 40 CFR, Subpart P are applicable to Subpart H systems serving at least 10,000 people.
 - (a) General requirements: [40 CFR, Subpart P § 141.170](#) is hereby incorporated by reference. Subpart H systems that did not conduct optional monitoring under § 141.172 because they served fewer than 10,000 persons when such monitoring was required, but serve more than 10,000 persons prior to January 14, 2005 must comply with §§ 141.170, 141.171, 141.173, 141.174, and 141.175. These systems

must contact the Division and establish a disinfection benchmark. A system that decides to make a significant change to its disinfection practice, as described in § 141.172(c)(1)(i) through (iv) must obtain prior approval from the Division prior to making such change.

- (b) Criteria for avoiding filtration: [40 CFR, Subpart P § 141.171](#) is hereby incorporated by reference.
 - (c) Disinfection profiling and benchmarking: [40 CFR, Subpart P § 141.172](#) is hereby incorporated by reference.
 - (d) Determination of systems required to profile: [40 CFR, Subpart P § 141.172\(a\)](#) is hereby incorporated by reference.
 - (e) Disinfection profiling: [40 CFR, Subpart P § 141.172\(b\)](#) is hereby incorporated by reference.
 - (f) Disinfection benchmarking: [40 CFR, Subpart P § 141.172\(c\)](#) is hereby incorporated by reference.
- (7) **Filtration.** [40 CFR, Subpart P § 141.173](#) is hereby incorporated by reference.
- (a) Conventional filtration treatment or direct filtration: [40 CFR, Subpart P § 141.173\(a\)](#) is hereby incorporated by reference. (For systems using conventional filtration or direct filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 0.3 NTU (Nephelometric Turbidity Units) in at least 95 percent of the measurements taken each month, measured as specified in [40 CFR § 141.74\(a\) and \(c\)](#), and the turbidity level of representative samples of a system's filtered water must at no time exceed 1 NTU, measured as specified in [40 CFR § 141.74\(a\) and \(c\)](#)).
 - (b) Systems using filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration: [40 CFR, Subpart P § 141.173\(b\)](#) is hereby incorporated by reference. Beginning January 1, 2002, systems serving at least 10,000 people must meet the requirements for other filtration technologies referenced in 141.173(b).
 - (c) Filtration sampling requirements: [40 CFR, Subpart P § 141.174](#) is hereby incorporated by reference. (A public water system subject to the requirements of this section that provides conventional filtration treatment or direct filtration must conduct continuous monitoring of turbidity for each individual filter using an approved method in [40 CFR § 141.74\(a\)](#) and must calibrate turbidimeters using the procedure specified by the manufacturer. Systems must record the results of individual filter monitoring every fifteen (15) minutes. If there is a failure in the continuous turbidity monitoring equipment, the system must conduct grab

sampling every four (4) hours in lieu of continuous monitoring, but for no more than five (5) working days following the failure of the equipment.)

(8) Filtration Requirements for Fewer than 10,000 Population Water Systems.

Beginning January 14, 2005, public water systems that use surface water or ground water under the direct influence of surface water as a source and serve fewer than 10,000 people must meet the filtration and disinfection requirements in 40 CFR Part 141, Subpart T. This requirement is in addition to complying with requirements in Subpart H of 40 CFR Part 141.

- (a) Beginning January 14, 2005, public water systems that use surface water or ground water under the direct influence of surface water and serve fewer than 10,000 people must meet the filtration requirements specified in [40 CFR §§ 141.550 through 141.553](#).
- (b) Other filtration technologies: [40 CFR § 141.73\(d\)](#) is hereby incorporated by reference. Beginning January 14, 2005, systems serving fewer than 10,000 people must meet the requirements for other filtration technologies in [40 CFR §§ 141.550 through 141.553](#).
- (c) General requirements: [40 CFR, Subpart T § 141.500](#) is hereby incorporated by reference.
- (d) Additional watershed control requirements for unfiltered systems: [40 CFR, Subpart T §§ 141.520 through 141.522](#) is hereby incorporated by reference. This is in addition to the continued requirement to comply with the filtration avoidance criteria in [40 CFR § 141.71](#).
- (e) Disinfection Profile: [40 CFR, Subpart T §§ 141.530 through 141.536](#) is hereby incorporated by reference. This requirement applies both to community and non-transient non-community water systems.
- (f) Disinfection benchmark: [40 CFR, Subpart T §§ 141.540 through 141.544](#) is hereby incorporated by reference. If you are a subpart H system required to develop a disinfection profile under Rule 391-3-5-.20(10)(e), your system must develop a disinfection benchmark if you decide to make a significant change to your disinfection practice. Before implementing a significant disinfection practice change, a prior approval from the Division must be obtained. Significant changes to disinfection practice include:
 - 1. Changes to the point of disinfection;
 - 2. Changes to the disinfectant(s) used in the treatment plant;
 - 3. Changes to the disinfection process; or

4. Any other modification identified by the Division.
- (g) Combined filter effluent requirements: [40 CFR, Subpart T § 141.550](#) through [141.553](#) is hereby incorporated by reference. This requirement applies to all subpart H systems which serve populations fewer than 10,000, are required to filter, and utilize filtration other than slow sand filtration or diatomaceous earth filtration.
1. For systems using conventional filtration or direct filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month, and the maximum turbidity level of representative samples of a system's filtered water must at no time exceed 1 NTU. All measurements must be taken as described in [40 CFR § 141.74\(a\) and \(c\)](#).
 2. For systems using "alternative" filtration (filtration other than slow sand filtration, diatomaceous earth filtration, conventional filtration, or direct filtration), the 95th percentile turbidity value, not to exceed 1 NTU, and the maximum turbidity value, not to exceed 5 NTU, shall be determined by the Division based on the demonstration as described in [40 CFR, Subpart T § 141.552](#). The systems, using pilot plant studies or other means, must demonstrate that the system's filtration, in combination with disinfection treatment, consistently achieves: two-log (99%) removal of *Cryptosporidium* oocysts; three-log (99.9%) removal and/or inactivation of *Giardia lamblia* cysts; and four-log (99.99%) removal and/or inactivation of viruses.
- (h) Individual filter turbidity requirements for systems utilizing conventional filtration or direct filtration: [40 CFR, Subpart T §§ 141.560](#) through [141.564](#) is hereby incorporated by reference. A subpart H public water system subject to the requirements of this Rule must conduct continuous monitoring of turbidity for each individual filter using an approved method in [40 CFR § 141.74\(a\)](#) and must calibrate turbidimeters using the procedure specified by the manufacturer. Systems must record the results of individual filter monitoring every fifteen (15) minutes. If there is a failure in the continuous turbidity monitoring equipment, the system must conduct grab sampling every four (4) hours in lieu of continuous monitoring until the turbidimeter is back on-line. The system has fourteen (14) days to resume continuous monitoring before a violation is incurred.
1. Systems with two or fewer filters may conduct continuous monitoring of combined filter effluent turbidity in lieu of individual filter effluent turbidity monitoring, in accordance with the same requirements set forth in [40 CFR § 141.560\(a\) through \(d\)](#) and § [141.561](#).

2. Based on continuous turbidity monitoring of individual filters, the systems are required to take the follow-up actions described in [40 CFR § 141.563\(a\), \(b\) and \(c\)](#).
- (i) Reporting and recordkeeping requirements: [40 CFR, Subpart T §§ 141.570 through 141.571](#) is hereby incorporated by reference. The items which must be reported and the frequency of reporting must be as specified in [40 CFR § 141.570](#). Based on the requirements of subpart T of 40 CFR Part 141, applicable systems must keep several required records, in addition to the recordkeeping required under [40 CFR § 141.75](#). Specifically, the results of individual filter monitoring must be kept for at least three (3) years and the results of any disinfection profiling or benchmarking (including raw data and analysis) must be kept indefinitely.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.20

Authority: O.C.G.A. § [12-5-170](#) *et seq.*

History. Original Rule entitled "Enforcement" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Turbidity Sampling and Analytical Requirements" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: F. July 15, 1983; eff. August 4, 1983.

Repealed: New Rule same title adopted. F. May 12, 1989; eff. June 1, 1989.

Repealed: New Rule of same title adopted. F. Dec. 4, 1990; eff. Dec. 24, 1990.

Amended: F. June 25, 1992; eff. July 15, 1992.

Repealed: New Rule of same title, adopted. F. Mar. 10, 1994; eff. Mar. 30, 1994.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. June 8, 2001; eff. June 28, 2001.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Dec. 21, 2004; eff. Jan. 10, 2005.

Amended: New title "Turbidity Sampling and Analytical Requirements. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.21. Inorganic Chemical Sampling and Analytical Requirements.

- (1) **CWS and NTNCWS Monitoring.** Community and non-transient, non-community water systems shall conduct monitoring to determine compliance with the maximum contaminant levels specified in Rule [391-3-5-.18](#) in accordance with this rule.
- (2) **TNCWS Monitoring.** Transient, non-community water systems shall conduct monitoring to determine compliance with the nitrate and nitrite maximum contaminant levels in Rule [391-3-5-.18](#) in accordance with this rule.
- (3) **Nitrate Monitoring for NCWS with Alternate Limit.** The frequency of monitoring conducted to determine compliance with the maximum contaminant level for Nitrate as specified in Rule [391-3-5-.18\(1\)\(b\)](#) shall be conducted as follows:

- (a) Analyses for all non community water systems (NTNCWS and TNCWS) utilizing surface water sources shall be repeated at yearly intervals. Analyses for all non community water systems (NTNCWS and TNCWS) utilizing only ground water sources shall be repeated at three-year intervals.
 - (b) For any non community water system (NTNCWS and TNCWS) that the Director has granted an alternate nitrate MCL of 20 mg/l pursuant to Rule [391-3-5-.18\(1\)\(b\)](#) the monitoring frequency shall be conducted at intervals determined by the Director.
 - (c) If the result of an analysis made pursuant to paragraph (3) of this Rule indicates that the level of Nitrate listed in Rule [391-3-5-.18\(1\)\(b\)](#) exceeds the maximum contaminant level, the supplier of water shall report to the Division in writing within seven (7) days and initiate three additional analyses at the same sampling point within fourteen (14) days.
 - (d) When the average of four analyses made pursuant to paragraph (3)(c), rounded to the same number of significant figures as the maximum contaminant level for the substance in question, exceeds the maximum contaminant level, the supplier of water shall notify the Division pursuant to Rule [391-3-5-.30](#) and give notice to the public pursuant to Rule [391-3-5-.32](#). Monitoring after public notification shall be at a frequency designated by the Division and shall continue until the maximum contaminant level has not been exceeded in two successive samples or until a monitoring schedule as a condition to a permit, variance, exception or enforcement action shall become effective.
 - (e) If the four analyses are not made pursuant to paragraph (3)(c), the Division will use the analyses available to prepare compliance calculations pursuant to paragraph (3)(d).
 - (f) The Division has the authority to determine compliance or initiate enforcement action based upon analytical results and other information compiled by their sanctioned representatives or agencies.
 - (g) The provisions of paragraphs (3)(c) and (3)(d) notwithstanding, compliance with maximum contaminant for nitrate shall be determined based on the mean of the two analyses. When a level exceeding the maximum contaminant level for nitrate is found, a second analysis shall be initiated within 24 hours and if the mean of the two analyses exceeds the maximum contamination level, the supplier of water shall report the findings to the Director pursuant to Rule [391-3-5-.30](#) and shall notify the public pursuant to Rule [391-3-5-.32](#).
- (4) **Inorganic Monitoring.** Monitoring for inorganic chemicals shall be conducted as follows:

- (a) Groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point) beginning in the compliance period starting January 1, 1993. The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.
 - (b) Surface water systems shall take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point which is representative of each source after treatment (hereafter called a sampling point) beginning in the compliance period starting January 1, 1993. The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant. [NOTE: For purposes of this paragraph, surface water systems include systems with a combination of surface and ground sources.]
 - (c) If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).
 - (d) The Division may reduce the total number of samples, which must be analyzed by allowing the use of compositing. Composite samples shall be collected and analyzed in accordance with [40 CFR, Part 141.23\(a\)\(4\)](#). In the case of arsenic, if a PWS supplies water to one or more other PWSs and the interconnection justifies treating them as a single system for monitoring purposes, then the PWSs receiving the supplied water may have their arsenic monitoring requirements modified.
- (5) **Asbestos Monitoring.** The frequency of monitoring conducted to determine compliance with the maximum contaminant level for asbestos specified in Rule [391-3-5-.18](#) shall be conducted as follows:
- (a) Community or non-transient, non-community water systems are required to monitor for asbestos during the first three-year compliance period of each nine-year compliance cycle beginning in the compliance period starting January 1, 1993.
 - (b) If the system believes it is not vulnerable to either asbestos contamination in its source water or due to corrosion of asbestos-cement pipe, or both, it may apply to the Division for a waiver of the monitoring requirements in paragraph (5)(a) above. If the waiver is granted by the Division, the system is not required to monitor.
 - (c) The Division may grant a waiver based on a consideration of the following factors:

1. Potential asbestos contamination of the water source.
 2. The use of asbestos-cement pipe for finished water distribution and the corrosive nature of the water.
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- (d) A waiver remains in effect until the completion of the three-year compliance period. Systems not receiving a waiver must monitor in accordance with the provisions of paragraph (5)(a).
 - (e) A system vulnerable to asbestos contamination due solely to corrosion of asbestos-cement pipe shall take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.
 - (f) A system vulnerable to asbestos contamination due solely to source water shall monitor in accordance with the provision of paragraph (4).
 - (g) A system vulnerable to asbestos contamination due both to its source water supply and corrosion of asbestos-cement pipe shall take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.
 - (h) A system which exceeds the maximum contaminant levels as determined in Rule 391-3-5-.21(12) shall monitor quarterly beginning in the next quarter after the violation occurred.
 - (i) The Division may decrease the quarterly monitoring requirement to the frequency specified in paragraph (5)(a) provided the Division has determined that the system is reliably and consistently below the maximum contaminant level. In no case can the Division make this determination unless a groundwater system takes a minimum of two quarterly samples and a surface (or combined surface/ground) water system takes a minimum of four quarterly samples.
 - (j) If monitoring data collected after January 1, 1990 are generally consistent with the requirements of Rule 391-3-5-.21(5) then the Division may allow systems to use that data to satisfy the monitoring requirement for the initial compliance period beginning January 1, 1993.
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- (6) **Other Inorganics Monitoring.** The frequency of monitoring conducted to determine compliance with the maximum contaminant levels in Rule [391-3-5-.18](#) for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium and thallium shall be as follows:
- (a) Groundwater systems shall take one sample at each sampling point during each compliance period beginning in the compliance period starting January 1, 1993.

Surface water systems (or combined surface/ground) shall take one sample annually at each sampling point beginning January 1, 1993.

- (b) The system may apply to the Division for a waiver from the monitoring frequencies specified in paragraph (6)(a).
- (c) A condition of the waiver shall require that a system shall take a minimum of one sample while the waiver is effective. The term during which the waiver is effective shall not exceed one compliance cycle (i.e., nine years).
- (d) The Division may grant a waiver provided surface water systems have monitored annually for at least three years and groundwater systems have conducted a minimum of three rounds of monitoring. (At least one sample shall have been taken since January 1, 1990.) Both surface and groundwater systems shall demonstrate that all previous analytical results were less than the maximum contaminant level. Systems that use a new water source are not eligible for a waiver until three rounds of monitoring from the new source have been completed. In the case of arsenic, new water systems are not eligible for a waiver until three rounds of monitoring have been completed.
- (e) In determining the appropriate reduced monitoring frequency, the Division shall consider:
 - 1. Reported concentrations from all previous monitoring;
 - 2. The degree of variation in reported concentrations; and
 - 3. Other factors which may affect contaminant concentrations such as changes in groundwater pumping rates, changes in the system's configuration, changes in the system's operating procedures, or changes in stream flows or characteristics.
- (f) A decision by the Division to grant a waiver shall be made in writing and shall set forth the basis for the determination. The determination may be initiated by the Division or upon an application by the public water system. The public water system shall specify the basis for its request. The Division shall review and, where appropriate, revise its determination of the appropriate monitoring frequency when the system submits new monitoring data or when other data relevant to the system's appropriate monitoring frequency become available.
- (g) Systems which exceed the maximum contaminant levels as calculated in paragraphs (3)(d) and (12) shall monitor quarterly beginning in the next quarter after the violation occurred.
- (h) The Division may decrease the quarterly monitoring requirement to the frequencies specified in paragraphs (3)(a), (3)(b), (6)(a) and (6)(b) provided it has

determined that the system is reliably and consistently below the maximum contaminant level. In no case can the Division make this determination unless a groundwater system takes a minimum of two quarterly samples and a surface water system takes a minimum of four quarterly samples.

- (i) All new systems or systems that use a new source of water that begin operation after January 22, 2004 must demonstrate compliance with the MCL within a period of time specified by the Division. The system must also comply with the initial sampling frequencies specified by the Division to ensure a system can demonstrate compliance with the MCL. Routine and increased monitoring frequencies shall be conducted in accordance with the requirements in this paragraph.
- (7) **Nitrate Monitoring.** The frequency of monitoring for nitrate shall be as follows: All public water systems (community; non-transient, non-community; and transient, non-community systems) shall monitor to determine compliance with the maximum contaminant level for nitrate in Rule [391-3-5-.18](#).
- (a) Community and non-transient, non-community water systems served by groundwater systems shall monitor annually beginning January 1, 1993; systems served by surface water shall monitor quarterly beginning January 1, 1993.
 - (b) For community and non-transient, non-community water systems, the repeat monitoring frequency for ground water systems shall be quarterly for at least one year following any one sample in which the concentration is greater than or equal to fifty percent (=50%) of the MCL. The Division may allow a groundwater system to reduce the sampling frequency to annually after four consecutive quarterly samples are reliably and consistently less than the MCL.
 - (c) For community and non-transient, non-community water systems, the Division may allow a surface water system to reduce the sampling frequency to annually if all analytical results from four consecutive quarters are less than fifty percent (50%) of the MCL. A surface water system shall return to quarterly monitoring if any one sample is greater than or equal to fifty percent (=50%) of the MCL.
 - (d) Each transient non-community water system shall monitor annually beginning January 1, 1993.
 - (e) After the initial round of quarterly sampling is completed, each community and non-transient non-community system which is monitoring annually shall take subsequent samples during the quarter(s) which previously resulted in the highest analytical result.
- (8) **Nitrite Monitoring.** The frequency of monitoring for nitrite shall be as follows: All public water systems (community; non-transient, non-community; and transient, non-community systems) shall monitor to determine compliance with the maximum contaminant level for nitrite in Rule [391-3-5-.18](#).

- (a) All public water systems shall take one sample at each sampling point in the compliance period beginning January 1, 1993 and ending December 31, 1995.
- (b) After the initial sample, systems where an analytical result for nitrite is less than fifty percent (<50%) of the MCL shall monitor at the frequency specified by the Division.
- (c) For community, non-transient, non-community, and transient non-community water systems, the repeat monitoring frequency for any water system shall be quarterly for at least one year following any one sample in which the concentration is greater than or equal to fifty percent ($\geq 50\%$) of the MCL. The Division may allow a system to reduce the sampling frequency to annually after determining the system is reliably and consistently less than the MCL.
- (d) Systems which are monitoring annually shall take each subsequent sample during the quarter(s) which previously resulted in the highest analytical result.

(9) Confirmation samples.

- (a) Where the results of sampling for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium indicate an exceedance of the maximum contaminant level, the Division may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point.
- (b) Where nitrate or nitrite sample results indicate an exceedance of the maximum contaminant level, the system shall take a confirmation sample within 24 hours of the system's receipt of notification of the analytical results of the first sample. Systems unable to comply with the 24-hour sampling requirement must immediately notify the customers served by the area served by the public water system in accordance with Rule [391-3-5-.32](#). Systems exercising this option must take and analyze a confirmation sample within two weeks of notification of the analytical results of the first sample.
- (c) If a Division-required confirmation sample is taken for any contaminant, then the results of the initial and confirmation sample shall be averaged. The resulting average shall be used to determine the system's compliance in accordance with paragraph (12).

(10) Increased Frequency of Monitoring. The Division may require more frequent monitoring than specified in paragraphs (5), (6), (7), and (8) or may require confirmation samples for positive and negative results at its discretion.

(11) Request for Increased Monitoring Frequency. Systems may apply to the Division to conduct more frequent monitoring than the minimum monitoring frequencies specified in this rule.

- (12) **Compliance Based on Analytical Results.** Compliance with Rule [391-3-5-.18](#) (as appropriate) shall be determined based on the analytical result(s) obtained at each sampling point.
- (a) For systems which are conducting monitoring at a frequency greater than annual, compliance with the maximum contaminant levels for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium and thallium is determined by a running annual average at each sampling point. If the average at any sampling point is greater than the MCL, then the system is out of compliance. If any single sample would cause the annual average to be exceeded, then the system is out of compliance immediately. Any sample below the detection limit shall be calculated at zero for the purpose of determining the annual average.
 - (b) For systems which are monitoring annually, or less frequently, the system is out of compliance with the maximum contaminant levels for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium and thallium if the level of a contaminant at any sampling point is greater than the MCL. The Division may require one or more additional confirmation samples per paragraph (10). If a confirmation sample is required, the determination of compliance will be based on the annual average of the initial MCL exceedance and any state required confirmation sample(s).
 - (c) Compliance with the maximum contaminant levels for nitrate and nitrite is determined based on one sample if the levels of these contaminants are below the MCLs. If the levels of nitrate and/or nitrite exceed the MCLs in the initial sample, a confirmation sample is required in accordance with paragraph (9), and compliance shall be determined based on the average of the initial and confirmation samples.
 - (d) If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the Division may allow the system to give public notice to only the area served by that portion of the system which is out of compliance.
- (13) **Monitor at Time Designed by Division.** Each public water system shall monitor at the time designated by the Division during each compliance period.
- (14) **Analyses to Determine Compliance.** All analyses conducted to determine compliance with paragraph (1)(a) of Rule [391-3-5-.18](#) and this Rule shall be in accordance with [40 CFR, Part 141.23\(k\)](#). Detection limits must be no less stringent than the detection limits presented in [40 CFR Part 141.23\(a\)\(4\)](#). Arsenic sampling results shall be reported to the nearest 0.001 mg/L.
- (15) **Certified Laboratories.** Analysis under this rule shall only be conducted by laboratories that have received approval by EPA fulfilling the requirements listed in [40](#)

[CFR, Part 141.23\(k\)\(3\)](#) or have received certification from the Division. Laboratories may conduct sample analysis under provisional certification until January 1, 1996.

- (16) **Treatment to Achieve Compliance.** The best technology, treatment technique, or other means available for achieving compliance with the maximum contaminant level for inorganic contaminants identified in Rule [391-3-5-.18\(1\)\(a\)](#) shall be in accordance with [40 CFR, Part 141.62\(c\)](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.21

Authority: O.C.G.A. § [12-5-170](#)*et seq.*

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Rule 391-3-5-.22. Organic Chemical Sampling and Analytical Requirements.

- (1) **Organic Monitoring.** Beginning on January 1, 1993, analysis of the contaminants listed in Rule [391-3-5-.18\(2\)\(b\)1](#) -21 for the purpose of determining compliance with the maximum contaminant level shall be conducted as follows:
- (a) Groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source, treatment plant, or within the distribution system.
 - (b) Surface water systems (or combined surface/ground) shall take a minimum of one sample at points in the distribution system that are representative of each source or at each entry point to the distribution system after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source, treatment plant, or within the distribution system.
 - (c) If the system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water representative of all sources is being used).

- (d) Each community and non-transient non-community water system shall take four consecutive quarterly samples for each contaminant listed in Rule [391-3-5-.18\(2\)\(b\)2](#) -21 during each compliance period.
- (e) If the initial monitoring for contaminants listed in Rule [391-3-5-.18\(2\)\(b\)1](#) -8 and the monitoring for the contaminants listed in Rule [391-3-5-.18\(2\)\(b\)9](#) -21 as allowed in paragraph (1)(q) has been completed by December 31, 1992 and the system did not detect any contaminant listed in Rule [391-3-5-.18\(2\)\(b\)1](#) -21, then each ground and surface water system shall take one sample annually.
- (f) After a minimum of three years of annual sampling, the Division may allow groundwater systems with no previous detection of any contaminant listed in Rule [391-3-5-.18\(2\)\(b\)](#) to take one sample during each compliance period.
- (g) Each community and non-transient groundwater system which does not detect a contaminant listed in Rule [391-3-5-.18\(2\)\(b\)1](#) -21 may apply to the Division for a waiver from the requirement of paragraph (1)(e) and (1)(f) after completing the initial monitoring. (For the purposes of paragraph (1), detection is defined as 0.0005 mg/L.) A waiver shall be effective for no more than six years (two compliance periods). The Division may also issue waivers to small systems for the initial round of monitoring for 1,2,4-trichlorobenzene.
- (h) The Division may grant a waiver after evaluating the factors in accordance with [40 CFR, Part 141.24\(f\)\(8-9\)](#).
- (i) Each community and non-transient surface water system which does not detect a contaminant listed in Rule [391-3-5-.18\(2\)\(b\)1](#) -21 may apply to the Division for a waiver from the requirements of paragraph (1)(e) after completing the initial monitoring. Composite samples from a maximum of five sampling points are allowed, provided that the detection limit of the method used for analysis is less than one-fifth of the MCL. Systems meeting this criteria must be determined by the Division to be non-vulnerable based on a vulnerability assessment during each compliance period. Each system receiving a waiver shall sample at the frequency specified by the Division (if any).
- (j) If a contaminant listed in Rule [391-3-5-.18\(2\)\(b\)2](#) -21 is detected at a level exceeding 0.0005 mg/L in any sample, then:
 - 1. The system must monitor quarterly at each sampling point which resulted in a detection.
 - 2. The Division may decrease the quarterly monitoring requirements specified in paragraph (1)(j)(1); provided it has determined that the system is reliably and consistently below the maximum contaminant level. In no case shall the Division make this determination unless a groundwater system takes a

minimum of two quarterly samples and a surface water system takes a minimum of four quarterly samples.

3. If the Division determines that the system is reliably and consistently below the MCL, the Division may allow the system to monitor annually. Systems which monitor annually must monitor during the quarter(s) which previously yielded the highest analytical result.
 4. Systems which have three consecutive annual samples with no detection of a contaminant may apply to the Division for a waiver as specified in paragraph (1)(g).
 5. Groundwater systems which have detected one or more of the following two-carbon organic compounds: trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, or 1,1-dichloroethylene shall monitor quarterly for vinyl chloride. A vinyl chloride sample shall be taken at each sampling point at which one or more of the two-carbon organic compounds was detected. If the results of the first analysis do not detect vinyl chloride, the Division may reduce the quarterly monitoring frequency of vinyl chloride monitoring to one sample during each compliance period. Surface water systems are required to monitor for vinyl chloride as specified by the Division.
- (k) Systems which violate the requirements of Rule [391-3-5-.18\(2\)\(b\)1](#) -21 as determined by paragraph (l)(n) must monitor quarterly. After a minimum of four quarterly samples which show the system is in compliance as specified in paragraph (l)(n), and the Division determines that the system is reliably and consistently below the maximum contaminant level, the system may monitor at the frequency and time specified in paragraph (l)(j)3.
- (l) The Division may require a confirmation sample for positive or negative results. If a confirmation sample is required by the Division, the result must be averaged with the first sampling result and the average is used for the compliance determination as specified by paragraph (l)(n). The Division has the discretion to delete results of obvious sampling errors from this calculation.
- (m) The Division may reduce the total number of samples a system must analyze by allowing the use of compositing. Composite sampling and their analysis shall be in accordance with [40 CFR, Part 141.24\(f\)\(14\)](#).
- (n) Compliance with Rule [391-3-5-.18\(2\)\(b\)1](#) -21 shall be determined based on the analytical results obtained at each sampling point.
1. For systems which are conducting monitoring at a frequency greater than annual, compliance is determined by a running annual average of all

samples taken at each sampling point. If the annual average of any sampling point is greater than the MCL, then the system is out of compliance. If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the system is out of compliance immediately.

2. If monitoring is conducted annually, or less frequently, the system is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is required by the Division, the determination of compliance will be based on the average of two samples.
 3. If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the Division may allow the system to give public notice to only that area served by that portion of the system which is out of compliance.
 4. If a system fails to collect the required number of samples, compliance will be based on the total number of samples collected.
- (o) Analysis for the contaminants listed in Rule [391-3-5-.18\(2\)\(b\)1](#) -21 shall be conducted in accordance with [40 CFR, Part 141.24\(f\)\(17\)](#). These methods are contained in Methods for the Determination of Organic Compounds in Drinking Water, EPA/600/4-88/039, December 1988 and are available from the National Technical Information Service (NTIS) NTIS PB91-231480 and PB91-146027, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.
- (p) Analysis under paragraph (1) shall only be conducted by laboratories certified by the Division or laboratories certified by EPA in accordance with conditions listed in [40 CFR, Part 141.24\(f\)\(17\)](#).
- (q) The Division may allow the use of monitoring data collected after January 1, 1998 required under section 1445 of the Public Health Service Act, as amended by the Federal Safe Drinking Water Act, Public Law 93-523, for purposes of initial monitoring compliance. If the data are generally consistent with the other requirements in this rule, the Division may use these data (i.e., a single sample rather than four quarterly samples) to satisfy the initial monitoring requirement of paragraph (1)(d). Systems which use grandfathered samples and did not detect any contaminant listed in Rule [391-3-5-.18\(2\)\(b\)2](#) -21 shall begin monitoring annually in accordance with paragraph 1(e).
- (r) The Division may increase required monitoring where necessary to detect variations within the system.
- (s) Each certified laboratory must determine the method detection limit (MDL), as defined in 40 CFR, Part 136 appendix B, at which it is capable of detecting VOCs.

The acceptable MDL is 0.0005 mg/L. This concentration is the detection concentration for purposes of paragraph (1).

- (t) Each public water system shall monitor at the time designated by the Division within each compliance period.
- (2) **Initial Organic Monitoring.** For systems in operation before January 1, 1993, for purposes of initial monitoring, analysis of the contaminants listed in Rule [391-3-5-.18\(2\)\(b\)1](#) -8 for purposes of determining compliance with the maximum contaminant levels shall be conducted as follows:
- (a) Ground-water systems shall sample at points of entry to the distribution system representative of each well after any application of treatment. Sampling must be conducted at the same location(s) or more representative location(s) every three months for one year except as provided in paragraph (2)(h).
 - (b) Surface water systems shall sample at points in the distribution system representative of each source or at entry points to the system after any application of treatment. Surface water systems must sample each source every three months except as provided in paragraph (2)(h). Sampling must be conducted at the same location or a more representative location each quarter.
 - (c) If the system draws water from more than one source and sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions.
 - (d) All community water systems and non-transient, non-community water systems serving more than 10,000 people shall analyze all distribution or entry-point samples, as appropriate, representing all source waters beginning no later than January 1, 1988. All community water systems and non-transient, non-community water systems serving from 3,300 to 10,000 people shall analyze all distribution or entry point samples, as required in this paragraph (2), representing source waters no later than January 1, 1989. All other community and non-transient, non-community water systems shall analyze distribution or entry-point samples as required in this paragraph (2), representing all source waters beginning no later than January 1, 1991.
 - (e) The Division may require confirmation samples for positive or negative results. If a confirmation sample(s) is required by the Division, then the sample results(s) should be averaged with the first sampling result and used for compliance determination in accordance with paragraph (2)(i). The Division has the discretion to delete results of obvious sampling errors from this calculation.
 - (f) Analysis for vinyl chloride is required only for ground water systems that have detected one or more of the following two-carbon organic compounds: Trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane,

cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, or 1,1-dichloroethylene. The analysis for vinyl chloride is required at each distribution or entry point at which one or more of the two-carbon organic compounds were found. If the first analysis does not detect vinyl chloride, the Division may reduce the frequency of vinyl chloride monitoring to once every three years for that sample location or other sample locations that are more representative of the same source. Surface water systems may be required to analyze for vinyl chloride at the discretion of the Division.

- (g) The Division may allow compositing of up to five samples from one or more public water systems.
- (h) The Division may reduce the monitoring frequency specified in paragraphs (2)(a) and (b) as explained in this paragraph.
- (i) Compliance with Rule [391-3-5-.18\(2\)\(b\)](#) shall be determined based on the results of running annual average of quarterly sampling for each sampling location. If one location's average is greater than the MCL, then the system shall be deemed to be out of compliance. If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, only that part of the system that exceeds any MCL as specified in Rule [391-3-5-.18\(2\)\(b\)](#) will be deemed out of compliance. The Division may reduce the public notice requirement to that portion of the system which is out of compliance. If any single sample result would cause the annual average to be exceeded, then the system shall be deemed to be out of compliance immediately. For systems that only take one sample per location because no VOCs were detected, compliance shall be based on that one sample.
- (j) Analysis under paragraph (2) shall only be conducted by laboratories certified by the Division or have been certified by the EPA.
- (k) The Division may allow the use of monitoring data collected after January 1, 1983, for purposes of monitoring compliance. If the data is consistent with other requirements of this rule, the Division may use that data to represent the initial monitoring if the system is determined by the Division not to be vulnerable under the requirements of paragraph (2). In addition, the result of EPA's Ground Water Supply Survey may be used in a similar manner for systems supplied by a single well.
- (l) The Division may increase required monitoring where necessary to detect variations within the system.
- (m) The Division may determine compliance or initiate enforcement action based on analytical results or other information compiled by their sanctioned representatives and agencies.

- (n) Each certified laboratory must determine the method detection limit (MDL), as defined in 40 CFR, Part 136 appendix B, at which it is capable of detecting VOCs. The acceptable MDL is 0.0005 mg/L. This concentration is the detection level for purposes of paragraphs (2)(e), (f), and (g).
- (3) **Ongoing Organic Monitoring.** Analysis of the contaminants listed in Rule [391-3-5-.18\(2\)\(a\)](#) for the purposes of determining compliance with the maximum contaminant level shall be conducted as follows:
- (a) Groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.
 - (b) Surface water systems shall take a minimum of one sample at points in the distribution system that are representative of each source or at each entry point to the distribution system after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant. [Note: For purposes of this paragraph, surface water systems include systems with a combination of surface and ground sources.]
 - (c) If the system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water representative of all sources is being used).
 - (d) Monitoring frequency:
 - 1. Each community and non-transient non-community water system shall take four consecutive quarterly samples for each contaminant listed in Rule [391-3-5-.18\(2\)\(a\)](#) during each compliance period beginning with the compliance period starting January 1, 1993.
 - 2. Systems serving more than 3,300 persons which do not detect a contaminant in the initial compliance period, may reduce the sampling frequency to a minimum of two quarterly samples in one year during each repeat compliance period.
 - 3. Systems serving less than or equal to 3,300 persons which do not detect a contaminant in the initial compliance period may reduce the sampling frequency to a minimum of one sample during each repeat compliance period.

- (e) Each community and non-transient water system may apply to the Division for a waiver from the requirement of paragraph (3)(d). A system must reapply for a waiver for each compliance period.
- (f) The Division may grant a waiver after evaluating the factors in accordance with [40 CFR, Part 141.24\(h\)\(6\)](#).
- (g) If an organic contaminant listed in Rule [391-3-5-.18\(2\)\(a\)](#) is detected (as defined by paragraph (3)(q)) in any sample, then:
 - 1. Each system must monitor quarterly at each sampling point which resulted in a detection.
 - 2. The Division may decrease the quarterly monitoring requirement specified in paragraph (3)(g)1 provided it has determined that the system is reliably and consistently below the maximum contaminant level. In no case shall the Division make this determination unless a groundwater system takes a minimum of two quarterly samples and a surface water system takes a minimum of four quarterly samples.
 - 3. After the Division determines the system is reliably and consistently below the maximum contaminant level the Division may allow the system to monitor annually. Systems which monitor annually must monitor during the quarter that previously yielded the highest analytical result.
 - 4. Systems which have three (3) consecutive annual samples with no detection of a contaminant may apply to the Division for a waiver as specified in paragraph (3)(f).
 - 5. If monitoring results in detection of one or more of certain related contaminants (aldicarb, aldicarb sulfone, aldicarb sulfoxide and heptachlor, heptachlor epoxide), then subsequent monitoring shall analyze for all related contaminants.
- (h) Systems which violate the requirements of Rule [391-3-5-.18\(2\)\(a\)](#) as determined by paragraph (3)(k) must monitor quarterly. After a minimum of four quarterly samples show the system is in compliance and the Division determines the system is reliably and consistently below the MCL, as specified in paragraph (3)(k), the system shall monitor at the frequency specified in paragraph (3)(g)3.
- (i) The Division may require a confirmation sample for positive or negative results. If a confirmation sample is required by the Division, the result must be averaged with the first sampling result and the average used for the compliance determination as specified by paragraph (3)(k). The Division has the discretion to delete results of obvious sampling errors from this calculation.

- (j) The Division may reduce the total number of samples a system must analyze by allowing the use of compositing. Composite sampling and their analysis shall be in accordance with [40 CFR, Part 141.24\(h\)\(10\)](#).
- (k) Compliance with Rule [391-3-5-.18\(2\)\(a\)](#) shall be determined based on the analytical results obtained at each sampling point.
 - 1. For systems which are conducting monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point. If the annual average of any sampling point is greater than the MCL, then the system is out of compliance. If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the system is out of compliance immediately. Any samples below the detection limit shall be calculated as zero for purposes of determining the annual average.
 - 2. If monitoring is conducted annually, or less frequently, the system is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is required by the Division, the determination of compliance will be based on the average of two samples.
 - 3. If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the Division may allow the system to give public notice to only that portion of the system which is out of compliance.
 - 4. If a system fails to collect the required number of samples, compliance will be based on the total number of samples collected.
- (l) Analysis for the contaminants listed in Rule [391-3-5-.18\(2\)\(a\)](#) shall be conducted in accordance with [40 CFR, Part 141.24\(h\)](#) (12-13). These methods are contained in "Methods for the Determination of Organic Compounds in Drinking Water", ORD Publications, CERL, EPA/600/4-88/039, December 1988.
- (m) If monitoring data collected after January 1, 1990, are generally consistent with the requirements of Rule 391-3-5-.22(3), then the Division may allow systems to use that data to satisfy the monitoring requirement for the initial compliance period beginning January 1, 1993.
- (n) The Division may increase the required monitoring frequency, where necessary, to detect variations within the system (e.g., fluctuations in concentration due to seasonal use, changes in water source).
- (o) The Division has the authority to determine compliance or initiate enforcement action based upon analytical results and other information compiled by their sanctioned representatives and agencies.

- (p) Each public water system shall monitor at the time designated by the Division within each compliance period.
- (q) Detection limits for contaminants used in paragraph (3) shall be in accordance with [40 CFR, Part 141.24\(h\)\(18\)](#).
- (r) Analysis under paragraph (3) shall conform to paragraph (1) of Rule [391-3-5-.29](#).
- (s) The best technology, treatment technique, or other means available for achieving compliance with the maximum contaminant level for organic contaminants in Rule [391-3-5-.18\(2\)\(a\) and \(2\)\(b\)](#) shall be in accordance with [40 CFR, Part 141.61\(b\)](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.22

Authority: O.C.G.A. § [12-5-170](#)*et seq.*

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Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

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Rule 391-3-5-.23. Coliform Sampling.

(1) Routine Coliform Monitoring.

- (a) Public water systems must collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sample siting plan. These plans are subject to Division review and revision.
- (b) The minimum residential population of a community water system shall be determined by a mathematical calculation of the total number of active residential service connections multiplied by Georgia's average population per household, as published in the most recent Federal Census Bureau Statistics. Multiple residential units served by a single connection (master meter) shall be included in the determination of population for a water system. The minimum monitoring frequency for total coliforms for community water systems is based on the population served by the system, as follows:

Population Served	Minimum Number of Samples per Month
25 to 1,000 ¹	1

1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270
970,001 to 1,230,000	300
1,230,001 to 1,520,000	330
1,520,001 to 1,850,000	360
1,850,001 to 2,270,000	390
2,270,001 to 3,020,000	420
3,020,001 to 3,960,000	450
3,960,001 or more	480

¹Includes public water systems which have at least 15 service connections, but serve fewer than 25 persons.

If a community water system serving 25 to 1,000 persons has no history of total coliform contamination in its current configuration and a sanitary survey conducted in the past five years shows that the system is supplied solely by a protected ground water source and is free of sanitary defects, the Division may reduce the monitoring frequency specified above, except that in no case shall it be reduced to less than one sample per quarter.

- (c) The monitoring frequency for total coliform for non-community water systems is as follows:
 - 1. A non-community water system using only ground water (except ground water under the direct influence of surface water) and serving 1,000 persons or fewer must monitor each calendar quarter that the system provides water to the public, except that the Division may adjust this monitoring frequency in writing, if a sanitary survey shows that the system is free of sanitary defects.
 - 2. A non-community water system using only ground water (except ground water under the direct influence of surface water) and serving more than 1,000 persons during any month must monitor at the same frequency as a like-sized community water system, except that the Division may adjust this monitoring frequency, in writing for any month the system serves 1,000 persons or fewer.
 - 3. A non-community water system using surface water, in total or in part, must monitor at the same frequency as a like-sized community water system, regardless of the number of persons it serves.
 - 4. A non-community water system using ground water under the direct influence of surface water must monitor at the same frequency as a like-sized community water system. The system must begin monitoring at this frequency beginning six months after the Division determines that the ground water is under the direct influence of surface water.
- (d) The public water system must collect samples at regular time intervals throughout the month, except that a system which uses only ground water (except ground water under the direct influence of surface water), and serves 4,900 persons or fewer, may collect all required samples on a single day if they are taken from different sites.
- (e) Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement, or repair, shall not

be used to determine compliance with the MCL for total coliforms. Repeat samples are not considered special purpose samples, and must be used to determine compliance with the MCL for total coliforms.

(2) Repeat Coliform Monitoring.

- (a) If a routine sample is total coliform-positive, the public water system must collect a set of repeat samples within 24 hours of being notified of the positive result. A system which collects more than one routine sample per month must collect no fewer than three repeat samples for each total coliform-positive sample found. A system which normally collects one routine sample per month or fewer must collect no fewer than four repeat samples for each total coliform-positive sample found. The Division may extend the 24- hour limit on a case-by-case basis if the system has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control.
- (b) The system must collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken, and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five service connections downstream of the original sampling site. If a total coliform-positive sample is at the end of the distribution system, or one away from the end of the distribution system, the Division may waive the requirement to collect at least one repeat sample upstream or downstream of the original sampling site.
- (c) The system must collect all repeat samples on the same day, except that the Division may allow a system with a single service connection to collect the required set of repeat samples over a four-day period.
- (d) If one or more repeat samples in the set is total coliform-positive, the public water system must collect an additional set of repeat samples in the manner specified in paragraph (2). The additional samples must be collected within 24 hours of being notified of the positive result, unless the Division extends the limit as provided in paragraph (2). The system must repeat this process until either total coliforms are not detected in one complete set of repeat samples or the system determines that the MCL for total coliforms has been exceeded and notifies the Division.
- (e) If a system collecting fewer than five routine samples per month has one or more total coliform-positive samples and the Division does not invalidate the sample(s), it must collect at least five routine samples during the next month the system provides water to the public, except that the Division may waive this requirement if the conditions specified below are met. The Division cannot waive the requirement for a system to collect repeat samples.
 - 1. The Division may waive the requirement to collect five routine samples the next month the system provides water to the public if the Division, or an

agent approved by the Division, performs a site visit before the end of the next month the system provides water to the public. Although a sanitary survey need not be performed, the site visit must be sufficiently detailed to allow the Division to determine whether additional monitoring and/or any corrective action is needed. The Division cannot approve an employee of the system to perform this site visit, even if the employee is an agent approved by the Division to perform sanitary surveys.

2. The Division may waive the requirement to collect five routine samples the next month the system provides water to the public if the Division has determined why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. The Division cannot waive the requirement to collect five routine samples the next month the system provides water to the public solely on the grounds that all repeat samples are total coliform-negative. Under this paragraph, a system must still take at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with the MCL for total coliforms, unless the Division has determined that the system has corrected the contamination problem before the system took the set of repeat samples required above, and all repeat samples were total coliform-negative.

- (f) After a system collects a routine sample and before it learns the results of the analysis of that sample, if it collects another routine sample(s) from within five adjacent service connections of the initial sample, and the initial sample, after analysis, is found to contain total coliforms, then the system may count the subsequent sample(s) as a repeat sample instead of as a routine sample.
- (g) Results of all routine and repeat samples not invalidated by the Division must be included in determining compliance with the MCL for total coliforms.

- (3) **Invalidation of Total Coliform Samples.** A total coliform-positive sample invalidated under this paragraph does not count towards meeting the minimum monitoring requirements of this Rule.

- (a) The Division may invalidate a total coliform-positive sample only if the conditions that follow below are met:
 1. The laboratory establishes that improper sample analysis caused the total coliform-positive result.
 2. The Division, on the basis of the results of repeat samples collected as required by this Rule, determines that the total coliform-positive sample resulted from a domestic or other non-distribution system plumbing problem. The Division cannot invalidate a sample on the basis of repeat

sample results unless all repeat sample(s) collected at the same tap as the original total coliform-positive sample are also total coliform-positive, and all repeat samples collected within five service connections of the original tap are total coliform-negative (e.g., the Division cannot invalidate a total coliform-positive sample on the basis of repeat samples if all the repeat samples are total coliform-negative, or if the public water system has only one service connection).

3. The Division has substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition which does not reflect water quality in the distribution system. In this case, the system must still collect all repeat samples required under this Rule, and use them to determine compliance with the MCL for total coliforms. The Division may not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform-negative.
- (b) A laboratory must invalidate a total coliform sample (unless total coliforms are detected) if the sample produces a turbid culture in the absence of gas production using an analytical method where gas formation is examined (e.g., the Multiple-Tube Fermentation Technique), produces a turbid culture in the absence of an acid reaction in the Presence-Absence (P-A) Coliform Test, or exhibits confluent growth or produces colonies too numerous to count with an analytical method using a membrane filter (e.g., Membrane Filter Technique). If a laboratory invalidates a sample because of such interference, the system must collect another sample from the same location as the original sample within 24 hours of being notified of the interference problem, and have it analyzed for the presence of total coliforms. The system must continue to re-sample within 24 hours and have the samples analyzed until it obtains a valid result. The Division may waive the 24-hour time limit on a case-by-case basis.

(4) Sanitary Surveys.

- (a) All ground water systems must undergo sanitary surveys no less frequently than every three years for community systems, except as provided in paragraph (4)(b), and no less frequently than every five years for non-community systems. The initial sanitary survey for each community ground water system must be conducted by December 31, 2012, unless the system meets requirements of paragraph (4)(b).
- (b) For community ground water systems determined by the Division to have outstanding performance based on prior sanitary surveys, or that provide at least 4-log (99.99%) treatment of viruses (using inactivation, removal, or a combination of the two) subsequent sanitary surveys may be conducted no less than every five years. The initial sanitary survey for community systems that meet these

requirements and for each non-community system must be conducted by December 31, 2014.

- (c) All surface water systems (including ground water under the influence) must undergo sanitary surveys no less frequently than every three years for community systems and no less frequently than every five years for non-community systems. For community systems determined by the Division to have outstanding performance based on prior sanitary surveys, subsequent sanitary surveys may be conducted no less than every five years.
- (d) Sanitary surveys must be performed by the Division or an agent approved by the Division. The system is responsible for ensuring the survey takes place.

(5) Fecal Coliforms - *Escherichia coli* (*E. coli*) Testing.

- (a) If any routine or repeat sample is total coliform-positive, the system must analyze that total coliform-positive culture medium to determine if fecal coliforms are present, except that the system may test for *E. coli* in lieu of fecal coliforms. If fecal coliforms or *E. coli* are present, the system must notify the Division by the end of the day when the system is notified of the test result, unless the system is notified of the result after the Division office is closed, in which case the system must notify the Division before the end of the next business day.
- (b) The Division has the discretion to allow a public water system, on a case-by-case basis, to forego fecal coliform or *E. coli* testing on a total coliform-positive sample if that system assumes that the total coliform-positive sample is fecal coliform-positive or *E. coli*-positive. Accordingly, the system must notify the Division as specified in this Rule and the MCL applies.

(6) Analytical Methodology.

- (a) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 mL.
- (b) Public water systems need only determine the presence or absence of total coliforms; a determination of total coliform density is not required.
- (c) Public water systems must conduct total coliform analyses in accordance with [40 CFR § 141.21](#).
- (d) Public water systems must conduct fecal coliform analyses in accordance with [40 CFR § 141.21](#).

(7) Response to Violation.

- (a) A public water system which has exceeded the MCL for total coliforms must report the violation to the Division no later than the end of the next business day after it learns of the violation, and notify the public in accordance with this chapter.
 - (b) A public water system which has failed to comply with a coliform monitoring requirement, including the sanitary survey requirement, must report the monitoring violation to the Division within ten days after the system discovers the violation, and notify the public in accordance with this chapter.
- (8) The provisions of paragraphs (1) and (4) are applicable until March 31, 2016. The provisions of paragraphs (2), (3), (5), (6), and (7) are applicable until all required repeat monitoring under paragraph (2) and fecal coliform or *E. coli* testing under paragraph (5) that was initiated by a total coliform-positive sample taken before April 1, 2016 is completed, as well as analytical method, reporting, recordkeeping, public notification, and consumer confidence report requirements associated with that monitoring and testing. Beginning April 1, 2016, the provisions of Rule [391-3-5-.55](#) are applicable, with systems required to begin regular monitoring at the same frequency as the system-specific frequency required on March 31, 2016, except for seasonal systems which must monitor monthly beginning April 1, 2016.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.23

Authority: O.C.G.A. § [12-5-170](#)*et seq.*

History. Original Rule entitled "Alternative Analytical Techniques" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule entitled "Microbiological Contaminant Sampling and Analytical Requirements" adopted. F. May 12, 1989; eff. June 1, 1989.

Repealed: New Rule entitled "Coliform Sampling" adopted. F. Dec. 4, 1990; eff. Dec. 24, 1990.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. June 8, 2001; eff. June 28, 2001.

Amended: F. May 27, 2009; eff. June 16, 2009.

Amended: New title "Coliform Sampling. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: New title "Coliform Sampling." F. Feb. 29, 2016; eff. Mar. 20, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.24. Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors Sampling, Analytical and Other Requirements.

- (1) **Purpose.** The purpose of this Rule is to provide for the procedures for establishing maximum contaminant levels, monitoring and other requirements for trihalomethanes, disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors.
- (2) **Variances.** Variances from the maximum contaminant level for total trihalomethanes shall be conducted in accordance with [40 CFR § 142.60](#).

(3) Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors.

- (a) Community water systems and non-transient, non-community water systems which add a chemical disinfectant to the water in any part of the drinking water treatment process must modify their practices to meet MCLs and MRDLs specified in subparagraph (7)(a) of Rule [391-3-5-.18](#), and must meet the treatment technique requirements for disinfection byproduct precursors specified in paragraph (10).
- (b) Transient non-community water systems that use chlorine dioxide as a disinfectant or oxidant must modify their practices to meet the MRDL for chlorine dioxide specified in subparagraph (7)(a) of Rule [391-3-5-.18](#).
- (c) Community Subpart H water systems and non-transient, non-community Subpart H water systems must comply with the requirements of this Rule, as specified in paragraphs (7)(b) and (7)(c) of Rule [391-3-5-.18](#), respectively.
- (d) Beginning January 1, 2002, transient non-community Subpart H water systems serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the requirements for chlorine dioxide and chlorite in this Rule.
- (e) Beginning January 1, 2004, transient non-community Subpart H water systems serving fewer than 10,000 people and using chlorine dioxide as a disinfectant or oxidant and systems using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the requirements for chlorine dioxide and chlorite in this Rule.
- (f) Systems may increase residual disinfectant levels in the distribution system of chlorine or chloramines (but not chlorine dioxide) to a level and for a time necessary to protect public health, to address specific microbiological contamination problems caused by circumstances such as, but not limited to, distribution line breaks, storm run-off events, source water contamination events, or cross-connection events.
- (g) Systems must use the analytical method(s) specified in [40 CFR § 141.131](#) to demonstrate compliance with the requirements of this Rule. The analytical requirements specified in [40 CFR § 141.131](#), which is hereby incorporated by reference, are required to demonstrate compliance with the requirements of Subpart L (Disinfectant Residuals, Disinfection ByProducts, and Disinfection ByProduct Precursors), Subpart U (Initial Distribution System Evaluations), and Subpart V (Stage 2 Disinfection ByProducts Requirements) of 40 CFR Part 141.
- (h) Monitoring Requirements. [40 CFR § 141.132](#), in its entirety, is hereby incorporated by reference. For compliance with the requirements of this Rule, the water systems must monitor the applicable parameters included in this Rule at the

frequency specified in [40 CFR § 141.132](#). Failure to monitor will be treated as a violation for the entire period covered by the annual average where compliance is based on a running annual average of monthly or quarterly samples or averages and the system's failure to monitor makes it impossible to determine compliance with MCLs or MRDLs.

1. Systems must take all samples during normal operating conditions.
 2. Systems may consider multiple wells drawing water from a single aquifer as one treatment plant for determining the minimum number of TTHM and HAA5 samples required, with the Division approval.
 3. Systems may use only data collected under the provisions of this Rule to qualify for reduced monitoring.
 4. Each system required to monitor under this Rule must develop and implement a monitoring plan. The plan must include at least the following elements: specific locations and schedules for collecting samples for any parameters included in this Rule; how the system will calculate compliance with MCLs, MRDLs, and treatment techniques; and if approved for monitoring as a consecutive system, or if providing water to a consecutive system, the sampling plan must reflect the entire distribution system.
 - (i) The system must maintain the plan and make it available for inspection by the Division and the general public no later than thirty (30) days following applicable compliance dates stated in paragraph (3)(c).
 - (ii) All Subpart H systems serving more than 3,300 people must submit a copy of the monitoring plan to the Division no later than the date of the first report required under [40 CFR § 141.134](#).
 - (iii) The Division may require a monitoring plan to be submitted by any other system. The Division may also require changes in any plan elements.
- (4) **Monitoring and Compliance for Disinfection Byproducts.** Monitoring for disinfection byproducts shall be conducted as specified in [40 CFR § 141.132\(b\)](#). Compliance with the disinfection byproducts requirements shall be determined in accordance with [40 CFR § 141.133\(b\)](#).
- (5) **Monitoring and Compliance for Disinfectant Residuals.**
- (a) Monitoring for disinfectant residuals shall be conducted as specified in [40 CFR § 141.132\(c\)](#). Compliance with the disinfectant residuals requirements shall be determined in accordance with [40 CFR § 141.133\(c\)](#).

- (b) *Routine monitoring.* Until March 31, 2016, community and non-transient non-community water systems that use chlorine or chloramines must measure the residual disinfectant level in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled, as specified in [40 CFR § 141.21](#). Beginning April 1, 2016, community and non-transient non-community water systems that use chlorine or chloramines must measure the residual disinfectant level in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled, as specified in Rule [391-3-5-.55\(4\) through \(8\)](#). 40 CFR Part 141 Subpart H systems may use the results of residual disinfectant concentration sampling conducted under [40 CFR § 141.74\(c\)\(3\)\(i\)](#) for systems which filter, in lieu of taking separate samples.
- (6) **Monitoring and Compliance for Disinfection Byproduct Precursors.** Monitoring for disinfection byproduct precursors shall be conducted as specified in [40 CFR § 141.132\(d\)](#). Compliance with the disinfection byproduct precursors requirements shall be determined in accordance with [40 CFR § 141.133\(c\)](#) and as specified by [40 CFR § 141.135\(b\)](#).
- (7) **Non-Compliance in First Monitoring Year.** If, during the first year of monitoring under [40 CFR § 141.132](#), any individual quarter's average will cause the running annual average of that system to exceed the MCL, the system shall be considered out of compliance at the end of that quarter.
- (8) **Samples for Compliance Determination.** All samples taken and analyzed under the provisions of this Rule must be included in determining compliance, even if that number is greater than the minimum required. Compliance requirements specified in [40 CFR Part 141, Subpart L § 141.133](#) is hereby incorporated by reference.
- (9) **Treatment Techniques.** Treatment techniques for control of disinfection byproduct precursors requirements specified in [40 CFR Part 141, Subpart L § 141.135](#) is hereby incorporated by reference.
- (a) Subpart H systems using conventional filtration treatment (as defined in § 141.2) must operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in [40 CFR § 141.135\(b\)](#) unless the system meets at least one of the alternative compliance criteria specified in [40 CFR §§ 141.135\(a\)\(2\) or \(a\)\(3\)](#).
- (b) Alternative compliance criteria for enhanced coagulation and enhanced softening systems: [40 CFR Part 141, Subpart L § 141.135\(a\)\(2\)](#) is hereby incorporated by reference.
- (c) Additional alternative compliance criteria for softening systems: [40 CFR Part 141, Subpart L, § 141.135\(a\)\(3\)](#) is hereby incorporated by reference.

- (d) Enhanced coagulation and enhanced softening performance requirements: [40 CFR Part 141, Subpart L § 141.135\(b\)](#) is hereby incorporated by reference.
- (e) Compliance calculations: [40 CFR Part 141, Subpart L § 141.135\(c\)](#) is hereby incorporated by reference.
- (f) Treatment technique requirements for disinfection byproduct precursors: [40 CFR Part 141, Subpart L § 141.135\(d\)](#) is hereby incorporated by reference.
- (g) Required additional health information: [40 CFR § 141.154](#) is hereby incorporated by reference.

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Authority: O.C.G.A. § [12-5-170](#)*et seq.*

History. Original Rule entitled "Laboratory Approval" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule of same title adopted. F. July 15, 1983; eff. August 4, 1983.

Repealed: New Rule entitled "Trihalomethanes" adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Dec. 4, 1990; eff. Dec. 24, 1990.

Repealed: New Rule entitled "Total Trihalomethanes Sampling, Analytical and Other Requirements" adopted. F. June 25, 1992; eff. July 15, 1992.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. June 8, 2001; eff. June 28, 2001.

Amended: F. May 29, 2009; eff. June 16, 2009.

Amended: New title "Disinfection Byproducts Sampling, Analytical and Other Requirements. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: New title "Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors Sampling, Analytical and Other Requirements." F. Feb. 29, 2016; eff. Mar. 20, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.25. Treatment Techniques, Lead and Copper Requirements.

(1) General Requirements.

- (a) These requirements constitute the primary drinking water rules for lead and copper. Unless otherwise indicated, each of these provisions applies to community water systems and non-transient, non-community water systems (hereinafter referred to as "water systems" or "systems").
- (b) These rules establish a treatment technique that includes requirements for corrosion control treatment, source water treatment, lead service line replacement, and public education. These requirements are triggered, in some cases, by lead and copper action levels measured in samples collected at consumers' taps.
- (c) Lead and copper action levels:

1. The lead action level is exceeded if the concentration of lead in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with paragraph (7) is greater than 0.015 mg/L.
2. The copper action level is exceeded if the concentration of copper in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with paragraph (7) is greater than 1.3 mg/L.
3. Calculation of the lead and copper action levels shall be based on the "90th percentile" rule in accordance with [40 CFR, Part 141.80\(c\)\(3\)](#).

(d) Corrosion control treatment requirements:

1. All water systems shall install and operate optimal corrosion control treatment as defined in Rule [391-3-5-.02\(73\)](#).
2. Any water system that complies with the applicable corrosion control treatment requirements specified by the Division under paragraphs (2) and (3) shall be deemed in compliance with the treatment requirement contained in paragraph (d)(1).

(e) Source water treatment requirements; Any system exceeding the lead or copper action level shall implement all applicable source water treatment requirements specified by the "Division" under paragraph (4).

(f) Lead service line replacement requirements; Any system exceeding the lead action level after implementation of applicable corrosion control and source water treatment requirements shall complete the lead service replacement requirements contained in paragraph (5).

(g) Public education requirements; Pursuant to [40 CFR, Part 141.85](#), all water systems must provide a consumer notice of lead tap water monitoring results to persons served at the sites/taps that are tested. Any system exceeding the lead action level shall implement the public education requirements contained in paragraph (6).

(h) Monitoring and analytical requirements; Tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results under this subpart shall be completed in compliance with paragraphs (7) - (10).

(i) Reporting requirements; Systems shall report to the Division any information required by the treatment provisions of this subpart and Rule [391-3-5-.30\(7\)](#).

(j) Record keeping requirements; Systems shall maintain records in accordance with Rule [391-3-5-.15](#).

(k) Violation of national primary drinking water regulations; Failure to comply with the applicable requirements of paragraphs (1) - (10), including requirements established by the Division pursuant to the provisions, shall constitute a violation of the national primary drinking water regulations for lead and/or copper.

(l) The maximum contaminant level goals (MCLGs) for lead and copper are as follows:

Contaminant	MCLG (mg/L)
Copper	1.3
Lead	0 (zero)

(2) Applicability of Corrosion Control Treatment Steps to Small, Medium and Large Water Systems.

(a) Systems shall complete the applicable corrosion control treatment requirements described in paragraph (3) by the deadlines established in this paragraph.

1. A large system (serving more than 50,000 persons) shall complete the corrosion control treatment steps specified in paragraph (2)(d), unless it is deemed to have optimized corrosion control under paragraphs (2)(b)2. or (2)(b)3..
2. A small system (serving less than 3,301 persons) and a medium-size system (serving more than 3,300 and less than 50,001 persons) shall complete the corrosion control treatment steps specified in paragraph (2)(d), unless it is deemed to have optimized corrosion control under paragraphs (2)(b)1., (2)(b)2., or (2)(b)3..

(b) A system is deemed to have optimized corrosion control and is not required to complete the applicable control treatment steps identified in this section if the system satisfies one of the criteria specified in paragraphs (2)(b)1. through (2)(b)3.. Any such system deemed to have optimized corrosion control under this paragraph, and which has treatment in place, shall continue to operate and maintain optimal corrosion control treatment and meet any requirements that the State determines appropriate to ensure optimal corrosion control treatment is maintained.

1. A small or medium-size water system is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two consecutive six-month monitoring periods conducted in accordance with paragraph (7).
2. Any water system may be deemed by the Division to have optimized corrosion control treatment if the system demonstrates to the satisfaction of the Division that it has conducted activities equivalent to the corrosion

control steps applicable to such system under this rule. If the Division makes this determination, it shall provide the system with written notice explaining the basis for its decision and shall specify the water quality control parameters representing optimal corrosion control in accordance with paragraph (3). Water systems deemed to have optimized corrosion control under this paragraph shall operate in compliance with the Division designated optimal water quality control parameters in accordance with paragraph (3) and continue to conduct lead and copper tap water quality parameter sampling in accordance with paragraphs (7)(d) 3. and (8)(d). A system shall provide the Division with the following information in order to support a determination under this paragraph.

- (i) the results of all test samples collected for each of the water quality parameters in paragraph (3).
 - (ii) a report explaining the test methods used by the water system to evaluate the corrosion control treatments listed in paragraph (3), the results of all tests conducted, and the basis for the system's selection of optimal corrosion control treatment.
 - (iii) a report explaining how corrosion control has been installed and how it is being maintained to insure minimal lead and copper concentrations at consumers' taps.
 - (iv) the results of tap water samples collected in accordance with paragraph (7) at least once every six months for one year after corrosion control has been installed.
3. Any water system is deemed to have optimized corrosion control if it submits results of tap water monitoring conducted in accordance with paragraph (7) and source water monitoring conducted in accordance with paragraph (9) that demonstrates for two consecutive six-month monitoring periods that the difference between the 90th percentile tap water lead level computed under paragraph (1)(c) 3., and the highest source water lead concentration, is less than the Practical Quantitation Level for lead specified in paragraph (10).
- (i) Those systems whose highest source water lead level is below the Method Detection Limit may also be deemed to have optimized corrosion control under this paragraph if the 90th percentile tap water lead levels is less than or equal to the Practical Quantitation Level for the lead for two consecutive 6-month monitoring periods.
 - (ii) Any water system deemed to have optimized corrosion control in accordance with this paragraph shall continue monitoring for lead

and copper at the tap no less frequently than once every three calendar years using the reduced number of sites specified in Rule 391-3-5-.25(7)(c) and collecting samples at times and locations specified in Rule 391-3-5-.25(7)(d) 4.

- (iii) Any water system deemed to have optimized corrosion control pursuant to this paragraph shall notify the Division in writing pursuant to Rule 391-3-5-.25(11) of any upcoming long-term change in treatment or addition of a new source. The Division must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The Division may require any system to conduct additional monitoring or to take other action the Division deems appropriate to ensure that such systems maintain minimal levels of corrosion in the distribution system.
 - (iv) As of July 12, 2001, a system is not deemed to have optimized corrosion control under this paragraph, and shall implement corrosion control treatment pursuant to paragraph (2)(b)3.(v) unless it meets the copper action level.
 - (v) Any system triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this paragraph shall implement corrosion control treatment in accordance with the deadlines in paragraph (2)(d). Any such large system shall adhere to schedule specified in that paragraph for medium-size systems, with the time periods for completing each step being triggered by the date the system is no longer deemed to have optimized corrosion control under this paragraph.
- (c) Any small or medium-size water system that is required to complete the corrosion control steps due to its exceedance of the lead or copper action level may request approval from the Division to cease completing the treatment steps if the system meets both lead and copper action levels during each of two consecutive monitoring periods conducted pursuant to paragraph (7) and submits the results to the Division. If approval is granted, any such water system thereafter exceeds the lead or copper action level during any monitoring period, the system (or the Division, as the case may be) shall recommence completion of the applicable treatment steps, beginning with the first treatment step which was not previously completed in its entirety. The Division may require a system to repeat treatment steps previously completed by the system where the Division determines that this is necessary to implement properly the treatment requirements of this rule. The Division shall notify the water system in writing of such a determination and explain the basis for its decision. The requirement for any small- or medium-size

water system to implement corrosion control treatment steps in accordance with paragraph (2)(d) (including, water systems deemed to have optimized corrosion control under paragraph (2)(b)1.) is triggered whenever any small- or medium-size water system exceeds the lead or copper action level.

- (d) Treatment steps and deadlines for all systems affected by this rule shall be in accordance with [40 CFR, Part 141.81\(d\) and \(e\)](#).
- (3) **Description of Corrosion Control Treatment Requirements.** Each system shall complete the corrosion control treatment requirements as described and in accordance with [40 CFR Part 141.82](#) and as approved by the Division.
- (4) **Source Water Treatment Requirements.** Systems shall complete the applicable source water monitoring and treatment requirements, described in the referenced portions of paragraph (4)(b), and in paragraphs (7) and (9) by the following deadlines.
 - (a) Deadlines for Completing Source Water Treatment Steps.
 1. Step 1: A system exceeding the lead or copper action level shall complete lead and copper source water monitoring (paragraph (9)(b)) and make a treatment recommendation to the Division (paragraph (4)(b) 1.) no later than 180 days after the end of the monitoring period in which the lead or copper action level was exceeded.
 2. Step 2: The Division shall make a determination regarding source water treatment (paragraph (4)(b) 2.) within 6 months after submission of monitoring results under Step 1.
 3. Step 3: If the Division requires installation of source water treatment, the system shall install the treatment (paragraph (4)(b) 3.) within 24 months after completion of Step 2.
 4. Step 4: The system shall complete follow-up tap water monitoring for lead and copper (paragraph (7)(d) 2.) and source water monitoring for lead and copper (paragraph (9)(c)) within 36 months after completion of Step 2.
 5. Step 5: The Division shall review the system's installation and operation of source water treatment and specify maximum permissible source water levels (paragraph (4)(b) 4.) within 6 months after completion of Step 4.
 6. Step 6: The system shall operate in compliance with the Division specified maximum permissible lead and copper source water levels (paragraph (4)(b) 4.) and continue source water monitoring for lead and copper (paragraph (9)(d)).

(b) Description of Source Water Treatment Requirements:

1. System treatment recommendation. Any system which exceeds the lead or copper action level shall recommend in writing to the Division the installation and operation of one of the source water treatments listed in paragraph (4)(b)2.. A system may recommend that no treatment be installed based upon a demonstration that source water treatment is not necessary to minimize lead and copper levels at users' taps.
2. Division determination regarding source water treatment. The Division shall complete an evaluation of the results of all source water samples submitted by the water system to determine whether source water treatment is necessary to minimize lead or copper levels in water delivered to users' taps. If the Division determines that treatment is needed, the Division shall either require installation and operation of the source water treatment recommended by the system (if any) or require the installation and operation of another source water treatment such as: ion exchange, reverse osmosis, lime softening or coagulation/filtration. If the Division requests additional information to aid in its review, the water system shall provide the information by the date specified by the Division in its request. The Division shall notify the system in writing of its determination and set forth the basis for its decision.
3. Installation of source water treatment. Each system shall properly install and operate the source water treatment designated by the Division under paragraph (4)(b)2..
4. Division review of source water treatment and specification of maximum permissible source water levels. The Division shall review the source water samples taken by the water system both before and after the system installs source water treatment, and determine whether the system has properly installed and operated the source water treatment designated by the Division. Based upon its review, the Division shall designate the maximum permissible lead and copper concentrations for finished water entering the distribution system. Such levels shall reflect the contaminant removal capability of the treatment properly operated and maintained. The Division shall notify the system in writing and explain the basis for its decision.
5. Continued operation and maintenance. Each water system shall maintain lead and copper levels below the maximum permissible concentrations designated by the Division at each sampling point monitored in accordance with paragraph (9). The system is out of compliance with this paragraph if the level of lead and/or copper at any sampling point is greater than the maximum permissible concentration designated by the Division.
6. Modification of Division treatment decisions. Upon its own initiative or in response to a request by a water system or other interested party, the

Division may modify its determination of the source water treatment under paragraph (2), or maximum permissible lead and copper concentrations for finished water entering the distribution system under paragraph (4). A request for modification by a system or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The Division may modify its determination where it concludes that such change is necessary to ensure that the system continues to minimize lead and copper concentrations in source water. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the Division's decision, and provide an implementation schedule for completing the treatment modifications.

7. EPA may review treatment determinations made by the Division and issue federal treatment determinations as outlined in [40 CFR, Part 141.83\(b\)\(7\)](#).
- (5) **Lead Service Line Replacement Requirements.** Systems may be required to replace lead service lines in accordance with [40 CFR Parts 141.84](#) and [141.90\(e\)](#) when they fail to meet the lead action level in tap samples. [40 CFR Part 141.84](#) describes the conditions that will require lead service line replacement.
- (6) **Public Educational and Supplemental Monitoring Requirements.** All water systems must deliver a consumer notice of lead tap water monitoring results to persons served by the water system at the sites/taps that are tested. A water system that exceeds the lead action level based on tap water samples collected in accordance with paragraph (7) shall carry out a public education program as described in [40 CFR, Part 141.85](#).
- (7) **Monitoring Requirements for Lead and Copper in Tap Water.**
 - (a) Sample site location.
 1. By the applicable date for commencement of monitoring under paragraph (7)(d)1., each water system shall complete a materials evaluation of its distribution system. In order to identify a pool of targeted sampling sites that meets the requirements of this rule, and which is sufficiently large to ensure that the water system can collect the number of lead and copper tap samples required in paragraph (7)(c). All sites from which first draw samples are collected shall be selected from this pool of targeted sampling sites. Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices.
 2. A water system shall use the information on lead, copper, and galvanized steel that it is required to collect under Rule [391-3-5-.26\(4\)](#) of this part [special monitoring for corrosivity characteristics] when conducting a materials evaluation. When an evaluation of the information collected pursuant to Rule [391-3-5-.26\(4\)](#) is insufficient to locate the requisite number

of lead and copper sampling sites that meet the targeting criteria in paragraph (7)(a)1., the water system shall review the sources of information listed below in order to identify a sufficient number of sampling sites. In addition, the system shall seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities):

- (i) all plumbing codes, permits, and records in the files of the building department(s) which indicate the plumbing materials that are installed within publicly and privately owned structures connected to the distribution system;
 - (ii) all inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system; and
 - (iii) all existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations.
3. The sampling sites selected for a community water system's sampling pool ("tier 1 sampling sites") shall consist of single family structures that:
- (i) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or
 - (ii) are served by a lead service line. When multiple-family residences comprise at least 20 percent of the structures served by a water system, the system may include these types of structures in its sampling pool.
4. Any community water system with insufficient tier 1 sampling sites shall complete its sampling pool with "tier 2 sampling sites", consisting of buildings, including multiple-family residences that:
- (i) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or
 - (ii) are served by a lead service line.
5. Any community water system with insufficient tier 1 and tier 2 sampling sites shall complete its sampling pool with "tier 3 sampling sites", consisting of single family structures that contain copper pipes with lead solder installed before 1983. A community water system with insufficient tier 1,

tier 2, and tier 3 sampling sites shall complete its sampling pool with representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

6. The sampling sites selected for a non-transient non-community water system ("tier 1 sampling sites") shall consist of buildings that:
 - (i) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or
 - (ii) are served by a lead service line.
7. A non-transient non-community water system with insufficient tier 1 sites that meet the targeting criteria in paragraph (7)(a)6 shall complete its sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. If additional sites are needed to complete the sampling pool, the nontransient non-community water system shall use representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.
8. Any water system whose sampling pool does not consist exclusively of tier 1 sites shall demonstrate to the Division under paragraph (11) why a review of the information listed in paragraph (7)(a)2. was inadequate to locate a sufficient number of tier 1 sites. Any community water system which includes tier 3 or other representative sampling sites in its sampling pool shall demonstrate why it was unable to locate a sufficient number of tier 1 and tier 2 sampling sites.
9. Any water system whose distribution system contains lead service lines shall draw 50 percent of the samples it collects during each monitoring period from sites that contain lead pipes, or copper pipes with lead solder, and 50 percent of those samples from sites served by a lead service line. A water system that cannot identify a sufficient number of sampling sites served by lead service line shall collect first draw samples from all of the sites identified as being served by such lines.

(b) Sample collection methods.

1. All tap samples for lead and copper collected in accordance with this subpart, with the exception of lead service line samples collected under paragraph (5), shall be first draw samples.

2. Each first-draw tap sample for lead and copper shall be one liter in volume and must have stood motionless in the plumbing system of each sampling site for at least six hours. First draw samples from residential housing shall be collected from the cold-water kitchen or bathroom sink tap. First-draw samples from a non-residential building shall be one liter in volume and shall be collected at an interior tap from which is typically drawn for consumption. First draw samples may be collected by the system or the system may allow residents to collect first draw samples after instructing the residents of the sampling procedures specified in this paragraph. To avoid problems of residents handling nitric acid, acidification of first-draw samples may be done up to fourteen (14) days after the sample is collected. After acidification to resolubilize the metals, the sample must stand in the original container for the time specified in the approved EPA method before the sample can be analyzed. If a system allows residents to perform sampling, the system may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.
3. Each service line sample shall be one liter in volume and have stood motionless in the lead service line for at least six hours. Lead service line samples shall be collected in one of the following three ways:
 - (i) at the tap after flushing the volume of water between the tap and the lead service line. The volume of water shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line;
 - (ii) tapping directly into the lead service line; or
 - (iii) if the sampling site is a building constructed as a single-family residence, allowing the water to run until there is a significant change in temperature which would be indicative of water that has been standing in the lead service line.
4. A water system shall collect each first draw tap sample from the same sampling site from which it collected a previous sample. If, for any reason, the water system cannot gain entry to a sampling site in order to collect a follow-up tap sample or a particular site is no longer available, the system may collect the follow-up tap sample from another sampling site in its sampling pool as long as the new site meets the same targeting criteria, and is within reasonable proximity of the original site.
5. A non-transient non-community water system, or a community water system that meets the criteria of Rule 391-3-5-.25(7)(a) 3. -7. that does not have enough taps that can supply first-draw samples, as defined in Rule 391-3-5-.25(7)(b) 2., must collect multiple samples from available

sites/taps, provided the samples are collected at different times and/or on different days in order to meet the "first-draw"/6-hour minimum non-use time criteria.

(c) Number of samples.

Water systems shall collect at least one sample during each monitoring period specified in paragraph (7)(d) from the number of sites listed in the first column below ("# of Sites Standard Monitoring") of the table in this paragraph. A system conducting reduced monitoring under paragraph (7)(d)4. shall collect at least one sample from the number of sites specified in the second column ("# of Sites Reduced Monitoring") of the table in this paragraph during each monitoring period specified in paragraph (7)(d)4.. Such reduced monitoring sites shall be representative of the sites required for standard monitoring. States may specify sampling locations when a system is conducting reduced monitoring. The table is as follows:

System Size Population Served	Number of Sites Standard Monitoring	Number of Sites Reduced Monitoring
100,001 or more	100	50
10,001 to 100,000	60	30
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
100 or fewer	5	5

(d) Timing of monitoring.

1. Initial tap sampling: Two consecutive six-month periods, between January-June and between July-December.
 - (i) All large systems shall monitor at the required number of standard monitoring sites during two consecutive six-month periods.
 - (ii) All small and medium-size systems shall monitor at the required number of standard monitoring sites during each six-month monitoring period until:
 - (I) the system exceeds the lead or copper action level and is therefore required to implement the corrosion control treatment requirements under paragraph (2), in which case the

system shall continue monitoring in accordance with paragraph (7)(d)2., or

- (II) the system meets the lead or copper action levels during two consecutive six-month monitoring periods, in which case the system may reduce monitoring in accordance with paragraph (7)(d)4..

2. Monitoring after installation of corrosion control and source water treatment.

- (i) Any large system which installs optimal corrosion control treatment pursuant to paragraph (2)(d) shall monitor during two consecutive six-month monitoring periods by the date specified in paragraph (2)(d).
- (ii) Any small or medium-size system which installs optimal corrosion control treatment pursuant to paragraph (2) shall monitor during two consecutive six-month monitoring periods by the date specified in paragraph (2)(d).
- (iii) Any system which installs source water treatment pursuant to paragraph (4)(a) 3. shall monitor during two consecutive six-month monitoring periods by the date specified in paragraph (4)(a) 4.

3. Monitoring after Division specifies water quality parameter values for optimal corrosion control. After the Division specifies the value for water quality control parameters under paragraph (3), the system shall monitor during each subsequent six-month monitoring period, with the first monitoring period to begin on the date the Division specifies the optimal values under paragraph (3).

4. Reduced monitoring.

- (i) A small or medium-size water system that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with paragraph (7)(c), and reduce the frequency of sampling to once per year between the months of June and September of the calendar year immediately following the end of the second consecutive six-month monitoring period.

- (ii) Any water system that meets the lead and copper action levels and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Division under paragraph (3) during each of two consecutive six-month monitoring periods may reduce the frequency of monitoring to once per year between the months of June and September and reduce the number of lead and copper samples in accordance with paragraph (7)(c) if it receives written approval from the division. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period. The Division shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with paragraph (11) and shall notify the water system in writing when the Division determines the water system is eligible to commence reduced monitoring to once every three (3) years pursuant to this paragraph. The Division shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.
- (iii) A small or medium-size water system that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years. Sampling must still occur between the months of June and September of the year in which monitoring is required. Any water system that meets the lead and copper action levels and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Division under paragraph (3) during three consecutive years of monitoring may reduce the frequency from annually to once every three years if it receives written approval from the Division. Samples collected once every three years must be collected no later than every third calendar year. The Division shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with paragraph (11) and shall notify the system in writing when it determines the system is eligible to reduce the frequency of monitoring to once every three years. The Division shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

- (iv) A water system that reduces the number and frequency of sampling shall collect these samples from representative sites included in the original pool of targeted sampling sites identified in paragraph (7)(a)1. Systems sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August or September unless the Division has approved a different sampling period in accordance with paragraph (7)(d)4.(iv)(1).
 - (I) The Division, at its discretion, may approve a different period for conducting the lead and copper tap sampling for systems collecting a reduced number of samples. Such a period shall be no longer than four consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For non-transient non-community water system that does not operate during the months of June, through September, and for which the period of normal operation where the highest levels of lead are most likely to occur is not known, the Division shall designate a period that represents a time of normal operation for the system. Any alternate reduced monitoring must meet criteria set forth in [40 CFR, part 141.86\(d\)\(4\)\(iv\)\(A\)](#).
 - (II) Systems monitoring annually, that have been collecting samples during the months of June through September and that receive Division approval to alter their sample collection period under paragraph (7)(d)4.(iv)(I), must collect their next round of samples during a time period that ends no later than 21 months after the previous round of sampling. Systems monitoring triennially that have been collecting samples during the months of June through September, and receive Division approval to alter the sampling collection period per paragraph (7)(d)4.(iv)(I), must collect their next round of samples during a time period that ends no later than 45 months after the previous round of sampling. Subsequent rounds of sampling must be collected annually or triennially, as requested by this rule. Small systems with waivers, granted pursuant to paragraph (7)(g), that have been collecting samples during the months of June through September and receive Division approval to alter their sample collection period under paragraph (7)(d)4.(iv)(I) must collect their next round of samples before the end of the 9-year period.

- (v) Any water system that demonstrates for two consecutive 6- month monitoring periods that the tap water lead level computed under paragraph (1)(c) 3. is less than or equal to 0.005 mg/L and the tap water copper level computed under paragraph (1)(c) 3. is less than or equal to 0.65 mg/L may reduce the number in accordance with paragraph (3) and reduce the frequency of sampling to once every three calendar years.
- (vi)
 - (I) A small or medium-size water system subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling in accordance with paragraph (7)(d)3. and collect the number of samples for standard monitoring under paragraph (7)(c). Such a system shall also conduct water quality parameter monitoring in accordance with [40 CFR, Part 141.87\(b\), \(c\) or \(d\)](#) (as appropriate) during the monitoring period in which it exceeded the action level. Any such system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in paragraph (7)(c) after it has completed two consecutive six-month rounds of monitoring with no action level exceeded.
 - (II) Any water system subject to the reduced monitoring frequency that fails to meet the lead or copper action level during any four-month monitoring period or that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the Division for more than nine days in any six-month monitoring period shall conduct tap water sampling for lead and copper at the frequency specified in paragraph (7)(d)3., collect the number of samples specified for standard monitoring under paragraph (c), and shall resume monitoring for water quality parameters within the distribution system in accordance with [40 CFR, Part 141.87\(d\)](#). This standard tap water sampling shall begin no later than the six-month period beginning January 1 of the calendar year following the lead or copper action level exceedance or water quality parameter excursion. Such a system may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:
 - I. The system may resume annual monitoring for lead and copper at the tap at the reduced number of sites

specified in paragraph (7)(c) after it has completed two consecutive six-month rounds of monitoring that meet both lead and copper action levels and the system has received written approval from the Division that it is appropriate to resume reduced monitoring on an annual frequency. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.

II. The system may resume triennial monitoring for lead and copper at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the action level criteria for lead and copper and has received approval from the Division that it is appropriate to resume triennial monitoring.

III. The system may reduce the number of water quality parameter tap water samples required and the frequency with which it collects such samples in accordance with [40 CFR, Part 141.87\(e\)\(1\) and \(2\)](#). Such a system may not resume triennial monitoring for water quality parameters at the tap until it demonstrates that it has re-qualified for triennial monitoring, in accordance with [40 CFR, Part 141.87\(e\)\(2\)](#).

(vii) Any water system subject to a reduced monitoring frequency under paragraph (7)(d)(4) shall notify the Division in writing of any upcoming long-term change in treatment or addition of a new source as described in [40 CFR, Part 141.90\(a\)\(3\)](#). The Division must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The Division may require the system to resume sampling in accordance with paragraph (7)(d)3. and collect the number of samples specified for standard monitoring under paragraph (7)(c) or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations.

- (e) Additional monitoring by systems. The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the Division in making any determinations (i.e., calculating the 90th percentile lead or copper level) under this subpart or [40 CFR Part 141.82](#).
- (f) Invalidation of lead or copper tap water samples. A sample invalidated under this paragraph does not count toward determining lead or copper 90th percentile levels under paragraph (1)(c) or toward meeting the minimum monitoring requirements of paragraph (7)(c).
 - 1. The Division may invalidate a lead or copper tap water sample if at least one of the following conditions is met.
 - (i) The laboratory establishes that improper sample analysis caused erroneous results.
 - (ii) The Division determines that the sample was taken from a site that did not meet the site selection criteria of this rule.
 - (iii) The sample container was damaged in transit.
 - (iv) There is substantial reason to believe that the sample was subject to tampering.
 - 2. The system must report the results of all samples to the Division and all supporting documentation for samples the system believes should be invalidated.
 - 3. To invalidate a sample under paragraph (7)(f)1., the decision and the rationale for the decision must be documented in writing. The Division may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.
 - 4. The water system must collect replacement samples for any samples invalidated under this section if, after the invalidation of one or more samples, the system has too few samples to meet the minimum requirements of paragraph (7)(c). Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the Division invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period shall not be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples shall be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

- (g) Monitoring waivers for small systems. Any small system that meets the criteria of [40 CFR, Section 141.86\(g\)](#) may apply to the Division to reduce the frequency of monitoring for lead and copper in accordance with the requirements of [40 CFR Section 141.86\(g\)](#).

(8) **Monitoring Requirements for Water Quality Parameters.** All large water systems and all small and medium-size systems that exceed the lead or copper action level shall monitor water quality parameters in addition to lead and copper in accordance with this paragraph. The requirements of this paragraph are summarized in a table at the end of [40 CFR, Part 141.87](#).

- (a) Systems will have to monitor water quality parameters at different locations.
1. Representative taps throughout the distribution system (system can use total coliform sample sites). The system should take into account the number of persons served, the different sources of water, the different treatment methods employed by the system, and seasonal variability.
 2. Samples are to be collected of the treated water from each source before entry point to the distribution system. If the system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).
 3. Number of samples.
 - (i) Systems shall collect two tap samples for applicable water quality parameters during each monitoring period as described in paragraphs (8)(b) thru (8)(e). The following number of sites is required:

Distribution System Tap Sampling Requirements for Water Quality Parameters. (Other Than Lead and Copper)

System Size Population Served	Number of Distribution Sampling Sites Base Monitoring
100,001 or more	25
10,001 to 100,000	10
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
100 or fewer	1

- (ii) Except as provided in paragraph (8)(c), systems shall collect two samples for each water quality parameter at each entry point to the distribution system during each monitoring period as described in paragraph (8)(b). During each monitoring period specified in paragraphs (8)(c)-(8)(e), systems shall collect one sample for each applicable water quality parameter at each entry point to the distribution system.
- (b) Initial Sampling - All large water systems shall measure the water quality parameters listed below at distribution system taps and at each entry point to the distribution system during each six-month monitoring period (specified in paragraph (7)(d) 1.).
 - 1. pH;
 - 2. alkalinity;
 - 3. calcium;
 - 4. conductivity;
 - 5. orthophosphate, when an inhibitor containing phosphate is used;
 - 6. silica, when an inhibitor containing silica is used;
 - 7. Water temperature.
- (c) Monitoring after installation of corrosion control. All large systems which install optimal corrosion control treatment according to paragraph (7)(d) 2.(i) shall measure water quality parameters at the locations and frequencies listed below during each six month monitoring period. All small or medium size systems which install optimal corrosion treatment shall conduct such monitoring during each six-month monitoring period specified in paragraph (7)(d) 2.(ii) only when the system exceeds the lead and copper action level.
 - 1. At the required number of distribution system sites/taps, two samples every six months for:
 - (i) pH;
 - (ii) alkalinity;
 - (iii) orthophosphate, when an inhibitor containing phosphate is used;
 - (iv) silica, when an inhibitor containing silica is used;

- (v) calcium;
2. At each entry point to the distribution system, one sample every two weeks for:
- (i) pH;
 - (ii) when alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration.
 - (iii) when a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica.
- (d) Monitoring after the Division specifies water quality parameter values for optimal corrosion control will be as follows. The Division will specify the values for applicable water quality control parameters reflecting optimal corrosion control treatment in accordance with 40 CFR Part, 141.82(f). All large systems shall measure the applicable water quality parameters in accordance with paragraph (8)(c) and determine compliance with the requirements of paragraph (7)(d) 3. every six months with the first six-month period to begin on January 1 or July 1, whichever comes first, after the Division specifies optimal values under [40 CFR, Part 141.82\(f\)](#). Any small or medium-size system shall conduct such monitoring during each six-month period specified in this paragraph in which the system exceeds the lead and/or copper action level(s). For any such small and medium-size system that is subject to a reduced monitoring frequency pursuant to 391-3-5-.25(7)(d) 4. at the time of the action level exceedance, the start of the applicable six-month period under this paragraph shall coincide with the start of the applicable monitoring period under paragraph (7)(d) 4. Compliance with the division-designated optimal water quality parameter values shall be determined as specified under paragraph (7)(d) 3.
- (e) Reduced monitoring for water quality parameters.
- 1. Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under paragraph (8)(d) shall continue monitoring at the entry point(s) to the distribution system as specified in paragraph (8)(c)2.. Such system may collect two tap samples for applicable water quality parameters from the following reduced number of sites during each six-month monitoring period.

System Size Population Served	Number of Distribution Sampling Sites Reduced Monitoring
100,001 or more	10
10,001 to 100,000	7
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
100 or fewer	1

2.
 - (i) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Division during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in paragraph (8)(e)1. from every six months to annually. This sampling begins during the calendar year immediately following the end of the monitoring period in which the third consecutive year of six-month monitoring occurs. Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Division under [40 CFR Part 141.82\(f\)](#) or Rule 391-3-5-.25(3) during three consecutive years of annual monitoring under this paragraph may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters from annually to every three years. This sampling begins no later than the third calendar year following the end of the monitoring period in which the third consecutive year of monitoring occurs.
 - (ii) A water system may reduce the frequency with which it collects tap samples for applicable water quality parameters specified in paragraph (8)(e)1. to every three years if it demonstrates during two consecutive monitoring periods that its tap water lead level at the 90th percentile is less than or equal to the practical quantitation limit (PQL) for lead specified in paragraph (10), that its tap water copper level is less than or equal to 0.65 mg/L for copper in paragraph (2)(c), and that it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the division under paragraph (2)(d). Monitoring conducted every three years must be done no later than every third calendar year.

3. A water system that conducts sampling annually shall collect these samples evenly throughout the year so as to reflect seasonal variability.
4. Any water system subject to reduced monitoring frequency that fails to operate at or above the minimum value within the range of values for the water quality parameters specified by the Division under paragraph (3) shall resume distribution system tap water sampling in accordance with the number and frequency requirements in paragraph (8)(d). Such a water system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified under paragraph (8)(e) 1. after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of that paragraph or may resume triennial monitoring for water quality parameters at the tap at the reduced number of sites after the water system demonstrates through subsequent rounds of monitoring that the water system meets the criteria of either paragraphs (8)(e)2.(i) or (e)2.(ii) or both.

(f) Additional monitoring by systems must be approved by the Division.

(9) Monitoring Requirements for Lead and Copper in Source Water.

- (a) Sample location, collection methods, and number of samples.
 1. A water system that fails to meet the lead or copper action level on the basis of routine tap samples collected in accordance with paragraph (7) shall collect lead and copper source water samples in accordance with the requirements regarding sample location, number of samples, and collection methods specified in [40 CFR, Part 141.88\(a\)\(1\)\(i\)-\(iv\) and \(A\)-\(B\)](#).
 2. Where the results of sampling indicate an exceedance of maximum permissible source water levels established under paragraph (4)(b) 4., the Division may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point. If a Division-required confirmation sample is taken for lead or copper, then the results of the initial and confirmation sample shall be averaged in determining compliance with the Division-specified maximum permissible levels. Any sample value below the detection limit shall be considered to be zero. Any value above the detection limit but below the PQL shall either be considered as the measured value or be considered one-half the PQL.
- (b) Monitoring frequency after system exceeds tap water action level. Any system that exceeds the lead or copper action level during routine tap water monitoring shall collect one source water sample from each entry point to the distribution system no later than six months after the end of the monitoring period during which the

action level was exceeded. For monitoring periods that are annual or less frequent, the end of the monitoring period is September 30 of the calendar year in which sampling occurs, or if the Division has established an alternate monitoring period, the last day of that period.

- (c) Monitoring frequency after installation of source water treatment. Any system which installs source water treatment pursuant to paragraph (4)(a) 2. shall collect an additional source water sample from each entry point to the distribution system during two consecutive six-month monitoring periods by the deadline specified in paragraph (4)(a) 4.
- (d) Monitoring frequency after Division specifies maximum permissible source water levels or determines that source water treatment is not needed.
 - 1. A system shall monitor at the frequency specified below in cases where the Division specifies maximum permissible source water levels under paragraph (4)(b) 4. or determines that the system is not required to install source water treatment under paragraph (4)(b) 2.
 - (i) A water system using only groundwater shall collect samples once during the three-year compliance period (as that term is defined in Rule [391-3-5-.02](#)) in effect when the applicable Division determination under paragraph (9)(d)1. is made. Such systems shall collect samples once during each subsequent compliance period. Triennial samples shall be collected every third year.
 - (ii) A water system using surface water (or a combination of surface and groundwater) shall collect samples once during each year, the first annual monitoring period to begin during the year in which the applicable Division determination is made under paragraph (9)(d)1. of this.
 - 2. A system is not required to conduct source water sampling for lead and/or copper if the system meets the action level for the specific contaminant in tap water samples during the entire source water sampling period applicable to the system under paragraphs (9)(d)1.(i) or (ii).
- (e) Reduced monitoring frequency.
 - 1. A water system using only ground water may reduce the monitoring frequency for lead and copper in source water to once during each nine-year compliance cycle, as is defined in [40 CFR, Part 141.2](#), provided the samples are collected no later than every ninth calendar year and if the system meets one of the following:

- (i) The system demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Division under Rule 391-3-5-.25(1)(c) during at least three consecutive compliance periods under paragraph (9)(d)1.; or
 - (ii) The Division has determined that source water treatment is not needed and the system demonstrates that, at least three consecutive compliance periods in which sampling was conducted under paragraph (9)(d)1., the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.
 - 2. A water system using surface water or a combination of surface and groundwater may reduce the monitoring frequency in paragraph (9)(d)1. to once during each nine-year compliance cycle, as is defined in [40 CFR, Part 141.2](#), provided the samples are collected no later than every ninth calendar year and if the system meets one of the following:
 - (i) The system demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Division under paragraph (1)(c) during at least three consecutive years; or
 - (ii) The Division has determined that source water treatment is not needed and the system demonstrates that, for at least three consecutive years, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.
 - 3. A water system that uses a new source of water is not eligible for reduced monitoring for lead and/or copper until concentrations in samples collected from the new source during three consecutive monitoring periods are below the maximum permissible lead and copper concentrations specified in paragraph (4)(a) 5.
- (10) **Analytical Methods.** Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature shall be conducted in accordance with [40 CFR, Part 141.89](#).
- (11) **Reporting Requirements.** All water systems shall report all information to the Division in accordance with [40 CFR, Part 141.90](#).

- (12) **Record Keeping Requirements.** All systems subject to the requirements of this rule shall retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, Division determinations, and any other information required in accordance with [40 CFR, Part 141.91](#).
- (13) **Treatment Techniques.**
- (a) These regulations establish treatment techniques in lieu of maximum contaminant levels for acrylamide and epichlorohydrin.
 - (b) Each public water system must certify annually in writing to the Division (using third party or manufacturer's certification) that when acrylamide and epichlorohydrin are used in drinking water systems, the combination (or product) of dose and monomer level does not exceed the levels specified as follows:
 - 1. Acrylamide = 0.05% dosed at 1 ppm (or equivalent);
 - 2. Epichlorohydrin = 0.01% dosed at 20 ppm (or equivalent); certifications can rely on manufacturers or third parties, as approved by the Division.

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Authority: O.C.G.A. § [12-5-170](#) *et seq.*

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Repealed: New Rule of same title adopted. F. Dec. 4, 1990; eff. Dec. 24, 1990. Repealed: New Rule, entitled "Treatment Techniques, Lead and Copper Requirements" adopted. F. June 25, 1992; eff. July 15, 1992.

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Amended: New title "Treatment Techniques, Lead and Copper Requirements. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.26. Unregulated Contaminants Sampling and Analytical Requirements.

(1) Contaminant Monitoring.

Monitoring of the contaminants listed below in this section shall be conducted as follows:

- (a) All community and non-transient, non-community water systems shall monitor for the contaminants listed in paragraphs (e) and (f) of this section by the date specified in Table 1. Systems serving 10,000 or fewer persons are not required to monitor for the contaminants in this section after December 31, 1998.

TABLE 1 - MONITORING SCHEDULE BY SYSTEM SIZE

Population Served	Monitoring to Begin No Later Than
Over 10,000	January 1, 1993
3,300 to 10,000	January 1, 1994
Less than 3,300	January 1, 1996

- (b) Surface water systems shall sample at points in the distribution system representative of each water source or at entry points to the distribution system after application of treatment. The minimum number of samples is one year of quarterly samples per water source.
- (c) Ground water systems shall sample at points of entry to the distribution system representative of each well after any application of treatment. The minimum number of samples is one sample per entry point to the distribution system.
- (d) The Division may require confirmation samples for positive or negative results.
- (e) Group III Unregulated Volatile Organic Contaminants.

Group III Unregulated Volatile Organic Contaminants
Chloroform
Bromodichloromethane
Chlorodibromomethane
Bromoform
Dibromomethane
m-Dichlorobenzene
1,1-Dichloropropene
1,1-Dichloroethane
1,1,2,2-Tetrachloroethane
1,3-Dichloropropane
Chloromethane
Bromomethane
1,2,3-Trichloropropane
1,1,1,2-Tetrachloroethane

Chloroethane
2,2-Dichloropropane
o-Chlorotoluene
p-Chlorotoluene
Bromobenzene
1,3-Dichloropropene

(f) Group IV Unregulated Volatile Organic Contaminants.

Group IV Unregulated Volatile Organic Contaminants
1,2,4-Trimethylbenzene
1,2,3-Trichlorobenzene
n-Propylbenzene
n-Butylbenzene
Naphthalene
Hexachlorobutadiene
1,3,5-Trimethylbenzene
p-Isopropyltoluene
Isopropylbenzene
Tert-butylbenzene
Sec-butylbenzene
Fluorotrichloromethane
Dichlorofluoromethane
Bromochloromethane

- (g) Instead of performing the monitoring required by this section, a community water system or non-transient non-community water system serving fewer than 150 service connections may send a letter to the Division stating that the system is available for sampling. This letter must be sent to the Division by January 1, 1994. The system shall not send such samples to the Division, unless requested to do so by the Division.
- (h) All community and non-transient, non-community water systems shall repeat the monitoring required in Section 391-3-5-.26(1) no less than every five (5) years from the dates specified in Section 391-3-5-.26(1)(a).
- (i) The Division may allow the public water system to composite up to five samples when monitoring for substances listed in Section 391-3-5-.26(1)(e) and (f).

- (j) Analysis under this section shall only be conducted by laboratories certified by the Division in accordance with Section [391-3-5-.29](#).

(2) Unregulated Contaminant Monitoring.

Monitoring of the contaminants listed in paragraphs (2)(k) and (2)(l) shall be conducted as follows:

- (a) Each community and non-transient, non-community water system shall take four consecutive quarterly samples at each sampling point for each contaminant listed in paragraph (2)(k) of this section and report the results to the Division. Monitoring must be completed by December 31, 1995.
- (b) Each community and non-transient non-community water system shall take one sample at each sampling point for each contaminant listed in paragraph (2)(l) of this section and report the results to the Division. Monitoring must be completed by December 31, 1995.
- (c) Each community and non-transient non-community water system may apply to the Division for a waiver from the requirements of paragraph (2)(a) and (b) of this section.
- (d) The Division may grant a waiver for the requirement of paragraph (2)(a) of this section based on the criteria specified in Section [391-3-5-.22\(3\)\(f\)](#). The Division may grant a waiver from the requirement of paragraph (2)(b) of this section if previous analytical results indicate contamination would not occur, provided this data was collected after January 1, 1990.
- (e) Groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.
- (f) Surface water systems shall take a minimum of one sample at points in the distribution system that are representative of each source or at each entry point to the distribution system after treatment (hereafter called a sampling point.) Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant. [Note: For purposes of this paragraph, surface water systems include systems with a combination of surface and ground sources.]
- (g) If the system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the

distribution system during periods of normal operating conditions (i.e., when water representative of all sources is being used).

- (h) The Division may require a confirmation sample for positive or negative results.
- (i) The Division may reduce the total number of samples a system must analyze by allowing the use of compositing. Composite samples from a maximum of five sampling points are allowed. Compositing of samples must be done in the laboratory and the composite sample must be analyzed within 14 days of collection. If the population served by the system is greater than 3,300 persons, then compositing may only be permitted by the Division at sampling points within a single system. In systems serving fewer than or equal to 3,300 persons, the Division may permit compositing among different systems provided the 5-sample limit is maintained.
- (j) Instead of performing the monitoring required by this section, a community water system or non-transient non-community water system serving fewer than 150 service connections may send a letter to the Division stating that the system is available for sampling. This letter must be sent to the Division by January 1, 1994. The system shall not send such samples to the Division, unless requested to do so by the Division.
- (k) Listed below are the unregulated organic contaminants. The analytical method shall be in accordance with [40 CFR, Part 141.40](#).

Unregulated Organic Contaminants
Aldrin
Butachlor
Carbaryl
Dicamba
Dieldrin
3-Hydroxycarbofuran
Methomyl
Metolachlor
Metribuzin
Propachlor

- (l) Listed below are the unregulated inorganic contaminants. The analytical method shall be in accordance with [40 CFR, Part 141.40](#):

- (m)

Unregulated Inorganic Contaminants
Sulfate

- (n) Analysis under this section shall only be conducted by laboratories certified by the Division.

(3) Special Monitoring for Sodium.

- (a) Suppliers of water for community public water systems shall collect and analyze one sample per plant at the entry point of the distribution system for the determination of sodium concentration levels; samples must be collected and analyzed annually for systems utilizing surface water sources in whole or in part, and at least every three years for systems utilizing solely ground water sources. The minimum number of samples required to be taken by the system shall be based on the number of treatment plants used by the system, except that multiple wells drawing raw water from a single aquifer may, with the Division approval, be considered one treatment plant for determining the minimum number of samples. The supplier of water may be required by the Division to collect and analyze water samples for sodium more frequently in locations where the sodium content is variable.
- (b) The supplier of water shall report to the Division the results of the analyses for sodium within the first 10 days of the month following the month in which the sample results were received or within the first 10 days following the end of the required monitoring period as stipulated by the Division, whichever of these is first, unless such analysis is performed by the Division. If more than annual sampling is required the supplier shall report the average sodium concentration within 10 days of the month following the month in which the analytical results of the last sample used for the annual average was received.
- (c) The supplier of water shall notify appropriate local and state public health officials of the sodium levels by written notice by direct mail within three months. A copy of each notice required to be provided by this paragraph shall be sent to the Division within 10 days of its issuance. The supplier of water is not required to notify appropriate local and state public health officials of the sodium levels where the Division provides such notices in lieu of the supplier.
- (d) Analyses for sodium shall be performed in accordance with the Federal Regulations [40 CFR, Part 141.41\(d\)](#) procedures.
- (e) Initial analyses for sodium for new community public water systems shall be completed within one year from the effective date of the permit to operate.

(4) Special Monitoring for Corrosivity Characteristics.

- (a) Suppliers of water for community public water systems when required by the Division shall collect samples from a representative entry point to the water distribution system for the purpose of analysis to determine the corrosivity characteristics of the water.

1. The supplier shall collect two samples per plant for analysis for each plant using surface water sources wholly or in part or more if required by the Division one during mid-winter and one during midsummer. The supplier of the water shall collect one sample per plant for analysis for each plant using ground water sources or more if required by the Division. The minimum number of samples required to be taken by the system shall be based on the number of treatment plants used by the system, except that multiple wells drawing raw water from a single aquifer may, with the Division approval, be considered one treatment plant for determining the minimum number of samples.
 2. Determination of the corrosivity characteristics of the water shall include measurement of pH, calcium, hardness, alkalinity, temperature, total dissolved solids (total filterable residue), and calculation of the Langelier Index in accordance with subparagraph (c) below. The determination of corrosivity characteristics shall only include one round of sampling (two samples per plant for surface water and one sample per plant for ground water sources). However, the Division has the discretion to require monitoring for additional parameters which may indicate corrosivity characteristics, such as sulfates and chlorides. In certain cases, the Aggressive Index, as described in subparagraph (c), can be used instead of the Langelier Index; the supplier shall request in writing to the Division and the Division will make this determination.
- (b) The supplier of water shall report to the Division the results of the analyses for the corrosivity characteristics within the first 10 days of the month following the month in which the sample results were received, unless the analysis is conducted by the Division. If more frequent sampling is required by the Division, the supplier can accumulate the data and shall report each value within 10 days of the month following the month in which the analytical results of the last sample was received.
- (c) Analyses conducted to determine the corrosivity of the water shall be made in accordance with [40 CFR Part 141.42\(c\)](#).
- (d) When required by the Division, the supplier of water for community and non-transient, non-community public water systems shall implement a corrosion control program satisfactory to the Division to insure that the drinking water is not unduly corrosive.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.26

Authority: O.C.G.A. Sec. [12-5-170](#)*et seq.*

History. Original Rule entitled "Public Notification" adopted F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: F. July 15, 1983; eff. August 4, 1983.

Repealed: New Rule entitled "Sodium and Corrosion Control" adopted. F. May 12, 1989; eff. June 1, 1989.

Repealed: New Rule entitled "Unregulated Contaminants Sampling and Analytical Requirements" adopted. F. June 25, 1992; eff. July 15, 1992.

Amended: F. Mar. 10, 1994; eff. Mar. 30, 1994.

Amended: F. Sept. 24, 1999; eff. Oct. 14, 1999.

Amended: F. June 8, 2001; eff. June 28, 2001.

Rule 391-3-5-.27. Monitoring Frequency and Analytical Methods for Radioactivity in Community Water Systems.

(1) Monitoring Requirements for Gross Alpha Particle Activity, Radium-226, Radium-228, and Uranium.

- (a) Compliance with Rule [391-3-5-.18\(5\)](#) shall be based on the analysis of an annual composite of four consecutive quarterly samples or the average of the analyses of four samples obtained at quarterly intervals.
 - 1. A gross alpha particle activity measurement may be substituted for the required Radium-226 and Radium-228 analysis provided that the measured gross alpha particle activity does not exceed 5 pCi/L, at a confidence level of 95 percent (1.65 [LOWER CASE SIGMA], where [LOWER CASE SIGMA] [sigma] is the standard deviation of the net counting rate of the sample). In localities where Radium-228 may be present in drinking water, Radium-226 and/or Radium-228 analyses are required when the gross alpha particle activity exceeds 2 pCi/L.
 - 2. When the gross alpha particle activity exceeds 5 pCi/L, the same or an equivalent sample shall be analyzed for Radium-226. If the concentration of Radium-226 exceeds 3 pCi/L the same or an equivalent sample shall be analyzed for Radium-228.
- (b) The initial analysis required by subparagraph (1)(a) for new water systems shall be completed within two years from the effective date of the permit to operate.
- (c) Suppliers of water shall monitor at least once every four years following the procedure required by subparagraph (1)(a). At the discretion of the Director when an annual record taken in conformance with subparagraph (1)(a) has established that the average annual concentration is less than half the maximum contaminant levels established by Rule [391-3-5-.18\(6\)](#), analysis of a single sample may be substituted for the quarterly sampling procedure required by subparagraph (1)(a).
 - 1. More frequent monitoring shall be conducted when ordered by the Director in the vicinity of mining or other operations which may contribute alpha particle radioactivity to either surface or ground water sources of drinking water.

2. A supplier of water shall monitor in conformance with subparagraph (1)(a) within one year of the introduction of a new water source for a community water system. More frequent monitoring shall be conducted when ordered by the Director in the event of possible contamination or when changes in the distribution system or treatment process occur which may increase the concentration of radioactivity in drinking water.
 3. A community water system using two or more sources having different concentrations of radioactivity shall monitor each source of water, in addition to water from a free flowing drinking water tap, when ordered by the Director.
 4. Monitoring for compliance with Rule [391-3-5-.18\(5\)](#) after the initial period need not include Radium-228 except when required by the Director provided, that the average annual concentration of Radium-228 has been assayed at least once using the quarterly sampling procedure required by subparagraph (1)(a).
 5. Suppliers of water shall, as ordered by the Director, conduct annual monitoring of any community water system in which the Radium-228 concentration exceeds 3 pCi/L.
- (d) If the MCL for gross alpha particle activity or total radium as set forth in Rule [391-3-5-.18\(5\)](#) is exceeded, the supplier of a community water system shall give notice to the Division pursuant to Rule [391-3-5-.30](#) and notify the public pursuant to Rule [391-3-5-.32](#). Monitoring at quarterly intervals shall be continued until the annual average concentration no longer exceeds the maximum contaminant level or until a monitoring schedule as a condition to a permit, variance, exemption or enforcement action shall become effective.
- (e) The Division may require more frequent monitoring than specified in this section, or may require confirmation samples at its discretion. The results of the initial and confirmation samples will be averaged for use in compliance determinations.
- (f) Compliance with Rule [391-3-5-.18\(5\)](#) will be determined based on the analytical result(s) obtained at each sampling point. If one sampling point is in violation of an MCL, the system is in violation of the MCL. Systems must include all samples taken and analyzed under the provisions of this section in determining compliance, even if that number is greater than the minimum required.

(2) Monitoring Requirements for Man-made Radioactivity in Community Water Systems.

- (a) Within two years following June 24, 1977 systems using surface water sources and serving more than 100,000 persons and such other community water systems

as are designated by the Division shall be monitored for compliance with Rule [391-3-5-.18\(5\)](#) by analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. Compliance with Rule [391-3-5-.18\(5\)](#) may be assumed without further analysis if the average annual concentrations of tritium and strontium-90 are less than those listed in Table A, provided, that in no case shall the sum of their annual dose equivalents to bone marrow exceed 4 milligrams per year.

1. If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with Rule [391-3-5-.18\(5\)](#).
 2. Suppliers of water shall conduct additional monitoring, as ordered by the Director, to determine the concentration of man-made radioactivity in principal watersheds designated by the Division.
 3. At the discretion of the Director suppliers of water utilizing only ground waters may be required to monitor for man-made radioactivity.
- (b) After the initial analysis required by subparagraph (2)(a) suppliers of water shall monitor at least every four years following the procedure given in subparagraph (2)(a).
- (c) Within two years of June 24, 1977 the supplier of any community water system designated by the Division as utilizing waters contaminated by effluents from nuclear facilities shall initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium.
1. Quarterly monitoring for gross beta particle activity shall be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. The former is recommended. If the gross beta particle activity in a sample exceeds 15 pCi/L, the same or an equivalent sample shall be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with Rule [391-3-5-.18\(5\)](#).
 2. For iodine-131, a composite of five consecutive daily samples shall be analyzed once each quarter. As ordered by the Director, more frequent monitoring shall be conducted when iodine-131 is identified in the drinking water.

3. Annual monitoring for strontium-90 and tritium shall be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. The latter procedure is recommended.
 4. The Division may allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of man-made radioactivity by the supplier of water where the Division determines such data is applicable to a particular community water system.
- (d) If the average annual maximum contaminant level for manmade radioactivity set forth in Rule [391-3-5-.18\(5\)](#) is exceeded, the operator of a community water system shall give notice to the Division pursuant to Rule [391-3-5-.30](#) and to the public as required by Rule [391-3-5-.32](#). Monitoring at monthly intervals shall be continued until the concentration no longer exceeds the maximum contaminant level or until a monitoring schedule as a condition to a permit, variance, exemption or enforcement action shall become effective.
- (3) **Sample Collection and Analysis.** Upon written direction of the Director, the supplier shall collect and submit drinking water samples for analysis in accordance with the schedule furnished. The Division shall have the discretion to delete results of obvious sampling or analytic errors. CWSs must conduct more frequent monitoring when ordered by the State in the event of possible contamination or when changes in the distribution system or treatment processes occur which may increase the concentration of radioactivity in finished water.
 - (4) **Analytical Methods.** Analytical methods for measurements, detection limits and determining compliance with maximum contaminant levels listed in Rule [391-3-5-.18](#) for radioactivity shall be in accordance with [40 CFR, Part 141.25](#).
 - (5) **Monitoring Requirements Effective December 7, 2003.** All existing community water systems (CWSs) must conduct initial monitoring to determine compliance with this rule between December 7, 2003 and December 31, 2007. CWSs must sample each entry point to the distribution system for four consecutive quarters. All existing CWSs using ground water, surface water or systems using both ground and surface water systems must sample at every entry point to the distribution system that is representative of all sources being used under normal operating conditions. The system must take each sample at the same sampling point unless conditions make another sampling point more representative of each source or the Division has designated a distribution system location, in accordance with [40 CFR § 141.26\(a\)\(2\)\(ii\)\(C\)](#).
 - (6) **New Sources.** All new CWSs or CWSs that use a new source of water shall begin to conduct initial monitoring within the first quarter after initiating use of the source.
 - (7) **Initial Monitoring Waiver.** For gross alpha particle activity, uranium, radium-226, and radium-228 monitoring, the Division may waive the final two quarters of initial

monitoring for a sampling point if the results of the samples from the previous two quarters are below the detection limit.

- (8) **Initial Monitoring Above MCL.** If the average of the initial monitoring results for a sampling point is above the MCL, the system must collect and analyze quarterly samples at the sampling point until the system has results from four consecutive quarters that are at or below the MCL, unless the system enters into another schedule as part of a formal compliance agreement with the Division.
- (9) **Reduced Monitoring.** The Division may allow community water systems to reduce the future frequency of monitoring from once every three years to once every six or nine years at each sampling point, based on the following criteria:
- (a) If the average of the initial monitoring results for each contaminant (i.e., gross alpha particle activity, uranium, radium-226, or radium-228) is below the detection limit specified in Table B, in Sec. 141.25(c)(1), the system must collect and analyze for that contaminant using at least one sample at the sampling point every nine years.
 - (b) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is at or above the detection limit but at or below half ($1/2$) the MCL, the system must collect and analyze for that contaminant using at least one sample at that sampling point every six years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is at or above the detection limit but at or below half ($1/2$) the MCL, the system must collect and analyze for that contaminant using at least one sample at that sampling point every six years.
 - (c) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is above half ($1/2$) the MCL but at or below the MCL, the system must collect and analyze at least one sample at that sampling point every three years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is above half ($1/2$) the MCL but at or below the MCL, the system must collect and analyze at least one sample at that sampling point every three years.
 - (d) Systems must use the samples collected during the reduced monitoring period to determine the monitoring frequency for subsequent monitoring periods, (e.g., if a system's sampling point is on a nine year monitoring period, and the sample result is above half ($1/2$) MCL, then the next monitoring period for that sampling point is three years).
 - (e) If a system has a monitoring result that exceeds the MCL while on reduced monitoring, the system must collect and analyze quarterly samples at that sampling point until the system has results from four consecutive quarters that are

below the MCL, unless the system enters into another schedule as part of a formal compliance agreement with the Division.

- (10) **Compositing.** To fulfill quarterly monitoring requirements for gross alpha particle activity, radium-226, radium-228, or uranium, a system may composite up to four consecutive quarterly samples from a single entry point if analysis is done within a year of the first sample. The Division will treat analytical results from the composited as the average analytical result to determine compliance with the MCLs and the future monitoring frequency. If the analytical result from the composited sample is greater than half (1/2) MCL, the Division may direct the system to take additional quarterly samples before allowing the system to sample under a reduced monitoring schedule.
- (11) **Gross Alpha Particle Activity.** A gross alpha particle activity measurement may be substituted for the required radium-226 measurement provided that the measured gross alpha particle activity does not exceed 5 pCi/L. A gross alpha particle activity measurement may be substituted for the required uranium measurement provided that the measured gross alpha particle activity does not exceed 15 pCi/L. The gross alpha measurement shall have a confidence interval of 95% (1.65 [LOWER CASE SIGMA], where [LOWER CASE SIGMA] is the standard deviation of the net counting rate of the sample) for radium-226 and uranium. When a system uses a gross alpha particle activity measurement in lieu of a radium-226 and/or uranium measurement, the gross alpha particle activity analytical result will be used to determine the future monitoring frequency for radium-226 and/or uranium. If the gross alpha particle activity result is less than detection, the detection limit will be used to determine compliance and the future monitoring frequency.
- (12) **Monitoring and Compliance Requirements for Beta Particle and Photon Radioactivity.** To determine compliance with the maximum contaminant levels in [40 CFR Sec. 141.66\(d\)](#) for beta particle and photon radioactivity, a system must monitor at a frequency as follows:
 - (a) Community water systems (both surface and ground water) designated by the Division as vulnerable must sample for beta particle and photon radioactivity. Systems must collect quarterly samples for both beta emitters and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Division. Systems already designated by the Division must continue to sample until the Division reviews and either reaffirms or removes the designation.
 - 1. If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 50 pCi/L (screening level), the Division may reduce the frequency of monitoring at that sampling point to

once every 3 years. Systems must collect all samples required in paragraph 12(a) during the reduced monitoring period.

2. For systems in the vicinity of a nuclear facility, the Division may allow the CWS to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the system's entry point(s), where the Division determines if such data is applicable to a particular water system. In the event that there is a release from a nuclear facility, systems which are using surveillance data must begin monitoring at the community water system's entry point(s) in accordance with paragraph 12(a) of this rule.
- (b) Community water systems (both surface and ground water) designated by the Division as utilizing waters contaminated by effluents from nuclear facilities must sample for beta particle and photon radioactivity. Systems must collect quarterly samples for beta emitters and iodine-131 and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Division. Systems already designated by the Division as systems using waters contaminated by effluents from nuclear facilities must continue to sample until the Division reviews and either reaffirms or removes the designation.
1. Quarterly monitoring for gross beta particle activity shall be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. The former is recommended.
 2. For iodine-131, a composite of five consecutive daily samples shall be analyzed once each quarter. As ordered by the Division, more frequent monitoring shall be conducted when iodine-131 is identified in the finished water.
 3. Annual monitoring for strontium-90 and tritium shall be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. The latter procedure is recommended.
 4. If the gross beta particle activity beta minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 15 pCi/L, the Division may reduce the frequency of monitoring at that sampling point to every 3 years. Systems must collect the same type of samples required in paragraph 12(b) during the reduced monitoring period.
 5. For systems in the vicinity of a nuclear facility, the Division may allow the CWS to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the system's entry point(s), where the

Division determines if such data is applicable to a particular water system. In the event that there is a release from a nuclear facility, systems which are using surveillance data must begin monitoring at the community water system's entry point(s) in accordance with paragraph 12(b).

- (c) Community water systems designated by the Division to monitor for beta particle activity and photon radioactivity cannot apply to the Division for a waiver from the monitoring frequencies specified in paragraphs 12(a) or 12(b).
 - (d) Community water systems may analyze for naturally occurring potassium-40 beta particle activity from the same or equivalent sample used for the gross beta particle activity analysis. Systems are allowed to subtract the potassium-40 beta particle activity value from the total gross beta particle activity value to determine if the screening level is exceeded. The potassium-40 beta particle activity must be calculated by multiplying elemental potassium concentrations (in mg/L) by a factor of 0.82.
 - (e) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity exceeds the screening level, an analysis of the sample must be performed to identify the major radioactive constituents present in the sample and the appropriate doses must be calculated and summed to determine compliance with [40 CFR Sec. 141.66\(d\)\(1\)](#), using the formula in [40 CFR Sec. 141.66\(d\)\(2\)](#). Doses must also be calculated and combined for measured levels of tritium and strontium to determine compliance.
- (13) **Monthly Sampling.** Systems must monitor monthly at the sampling point(s) which exceed the maximum contaminant level in [40 CFR Sec. 141.66\(d\)](#) beginning the month after the exceedance occurs. Systems must continue monthly monitoring until the system has established, by a rolling average of 3 monthly samples, that the MCL is being met. Systems who establish that the MCL is being met must return to quarterly monitoring until they meet the requirements set forth in paragraphs (12)(a)(1) or 12(b)(4).
- (14) **Running Annual Average.** For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average at each sampling point. If the average of any sampling point is greater than the MCL, then the system is out of compliance with the MCL.
- (15) **Exceeding MCL.** For systems monitoring more than once per year, if any sample result will cause the running average to exceed the MCL at any sample point, the system is out of compliance with the MCL immediately.
- (16) **Running Annual Average Calculation.** If a system does not collect all required samples when compliance is based on a running annual average of quarterly samples, compliance will be based on the running average of the samples collected.

- (17) **Detection Limit and Running Annual Average Calculation.** If a sample result is less than the detection limit, zero will be used to calculate the annual average, unless a gross alpha particle activity is being used in lieu of radium-226 and/or uranium. If the gross alpha particle activity result is less than detection, half (1/2) the detection limit will be used to calculate the annual average.
- (18) **MCLGs.** The Maximum Contaminant Level Goal (MCLG) for Combined radium-226 and radium-228, Gross alpha particle activity, Beta particle and photon radioactivity, and uranium is zero.
- (19) **MCLs.** The Maximum Contaminant Level (MCL) for radioactive particles is as follows:
- (a) MCL for combined radium-226 and radium-228. The maximum contaminant level for combined radium-226 and radium-228 is 5 pCi/L. The combined radium-226 and radium-228 value is determined by the addition of the results of the analysis for radium-226 and the analysis for radium-228.
 - (b) MCL for gross alpha particle activity (excluding radon and uranium). The maximum contaminant level for gross alpha particle activity (including radium-226 but excluding radon and uranium) is 15 pCi/L.
 - (c) MCL for beta particle and photon radioactivity. The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water must not produce an annual dose equivalent to the total body or any internal organ greater than four millirem per year (4 mrem/yr).
 - (d) MCL for uranium. The maximum contaminant level for uranium is 30 µg/L.
- (20) **Best available technology.** [40 CFR Parts 141.66\(g\)](#) and [141.66\(h\)](#) are incorporated by reference.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.27

Authority: O.C.G.A. § [12-5-170](#) *et seq.*

History. Original Rule entitled "Secondary Maximum Contaminant Levels for Drinking Water" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule of the same title adopted. F. July 15, 1983; eff. August 4, 1983.

Repealed: New Rule entitled "Monitoring Frequency and Analytical Methods for Radioactivity in Community Water Systems" adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Dec. 4, 1990; eff. Dec. 24, 1990.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. June 8, 2001; eff. June 28, 2001.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: New title "Monitoring Frequency and Analytical Methods for Radioactivity in Community Water Systems." F. Feb. 29, 2016; eff. Mar. 20, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.28. Alternative Analytical Techniques.

With the written permission of the Director, concurred in by the administrator of the U.S. Environmental Protection Agency, an alternative analytical technique may be employed. An alternative technique shall be acceptable only if it is accuracy as it relates to the determination of compliance with any maximum contaminant level. The use of the alternative analytical techniques shall not decrease the frequency of monitoring required by these rules, in accordance with [40 CFR, Part 141.27](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.28

Authority: Ga. L. 1977, p. 351, *et seq.*, O.C.G.A. Sec. [12-5-170](#)*et seq.*, as amended.

History. Original Rule entitled "Maximum Contaminant Levels for Radium-226, Radium-228, and Gross Alpha Particle Radioactivity in Community Water Systems" was filed on July 5, 1977; effective July 26, 1977, as specified by rule [391-3-5-.47](#).

Repealed: New Rule entitled "Alternative Analytical Techniques" adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: New title "Alternative Analytical Techniques. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule 391-3-5-.29. Certified Laboratories.

- (1) **Laboratories Approved by the Division.** For the purpose of determining compliance with Rules [391-3-5-.18](#), .19, .20, .21, .22, .23, .24, .25, .26, .27, .28, .52, .53, .54 and .55, samples may be considered only if they have been analyzed by a laboratory approved by the Division or by EPA, in accordance with [40 CFR Part 141.28](#), except that measurements for turbidity, disinfectant residual, fluoride residual, temperature, pH, conductivity, calcium, alkalinity, orthophosphate, and silica may be performed by any person acceptable to the Division. Fluoride analysis for determining compliance with MCL must be conducted by a laboratory approved by the Division or by EPA.
- (2) **Laboratory Personnel Changes.** All drinking water analysis laboratories certified by the Division must notify the Division of personnel changes within thirty (30) days from the time of the change.
- (3) **Division-Collected Samples.** Nothing in this Chapter shall be construed to preclude the Division or any duly designated representative of the Division from taking samples or from using the results from such samples to determine compliance by a supplier of water with the applicable requirements of this Chapter.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.29

Authority: Ga. L. 1977, p. 351, *et seq.*, O.C.G.A. § [12-5-170](#)*et seq.*, as amended.

History. Original Rule entitled "Maximum Contaminant Levels for Beta Particle and Photon Radioactivity from Man-Made Radionuclides in Community Water Systems" was filed on July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule entitled "Laboratory Approval" adopted. F. May 12, 1989; eff. June 1, 1989.

Repealed: New Rule, same title, adopted. F. Jun. 25, 1992; eff. July 15, 1992.

Amended: F. Mar. 10, 1994; eff. Mar. 30, 1994.

Amended: Rule retitled "Certified Laboratories" adopted F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. May 27, 2009; eff. June 16, 2009.

Amended: New title "Certified Laboratories. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: New title "Certified Laboratories." F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.30. Reporting Requirements.

- (1) **Reporting Period.** Except where a shorter period is specified by the Director, the supplier of water shall report to the Division the results of any test measurement or analysis required by this Chapter within:
 - (a) the first ten days following the month in which the results are received; or
 - (b) the first ten days following the end of the required monitoring period as stipulated by the Division, whichever of these is shortest. Note: Test measurements and results should be reported on the Division's reporting forms. Copies of these forms can be found on the Division web page.
- (2) **Violation.** Failure to comply with paragraphs (1)(a) and (b) of Rule 391-3-5-.30 will result in a monitoring/reporting violation.
- (3) **Analysis by Division Laboratory.** The supplier of water is not required to report analytical results to the Division in cases where the Division's laboratory performs the analysis and reports the results to the Division's office which would normally receive such notification from the supplier.
- (4) **Analysis by Non-Division Laboratory.** The supplier of water is not required to report analytical results to the Division in cases where the Division's laboratory performs the analysis and reports the results to the Division's office, which would normally receive such notification from the supplier. When the Division's laboratory does not perform the analysis, and the supplier chooses to use a laboratory certified by the Division, analytical results shall be reported to the Division's office in a manner that is specified by the Division.
- (5) **Records Maintained by Public Water System.** The water supply system shall submit to the Division within the time stated in the request copies of any records required to be maintained under Rule [391-3-5-.15](#) hereof or copies of any documents then in existence which the Division is entitled to inspect pursuant to the authority of the Act.
- (6) **Failure to Comply with National Primary Drinking Water Regulation.** Each system, upon discovering that an exceedance of any National Primary Drinking Water Regulation has occurred, must report that occurrence to the Division by telephone within forty-eight (48) hours or before the end of the next business day, whichever is earlier, followed by a written report, except where a different reporting period is specified in federal regulations.

- (7) **Lead and Copper Information.** All water systems shall report all lead and copper information in accordance with [40 CFR Part 141.90](#) when applicable. Separate reports are required for each of the following:
1. tap water monitoring for lead and copper, and other water quality monitoring;
 2. source water monitoring;
 3. corrosion control treatment;
 4. source water treatment;
 5. lead service line replacement;
 6. public education programs.
- (8) **Reserved.**
- (9) **Disinfection Byproducts Information.** Systems monitoring for disinfection by products (TTHM, HAA5, chlorite, bromate) under the requirements of [40 CFR § 141.132\(b\)](#) must report the information specified in section [40 CFR § 141.134\(b\)](#).
- (10) **Disinfectants Information.** Systems monitoring for disinfectants (chlorine, chloramines, chlorine dioxide) under the requirements of [40 CFR § 141.132\(c\)](#) must report the information specified in Section [40 CFR § 141.134\(c\)](#).
- (11) **Disinfection Byproduct Precursors Information.** Systems monitoring for disinfection byproduct precursors (TOC) under the requirements of [40 CFR § 141.132\(d\)](#) and required to meet the enhanced coagulation or enhanced softening requirements in 141.135(b)(2) or (3) or meeting one or more of the alternative compliance criteria in 141.135(a)(2) or (3) must report the information specified in section [40 CFR § 141.134\(d\)](#).
- (12) **Conventional or Direct Filtration Information for Systems Serving At Least 10,000 Persons.** Beginning January 1, 2002, in addition to the requirement in this Chapter, the Subpart H water systems serving at least 10,000 people and providing conventional filtration treatment or direct filtration must report monthly to the Division the information specified in [40 CFR § 141.175\(a\) and \(b\)](#). Those systems using filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration must report monthly to the Division the information in [40 CFR § 141.175\(a\)](#) in lieu of reporting in (b)(1).
- (13) **Content of Consumer Confidence Reports.** [40 CFR § 141.153](#) is hereby incorporated by reference.
- (14) **Filtration Information for Systems Serving Less Than 10,000 Persons.** In addition to the requirements in this Chapter, the Subpart H water systems serving fewer than 10,000

people must report the required items at the frequency described in [40 CFR Subpart T § 141.570](#).

- (15) **Filter Backwash Information.** All subpart H systems that employ conventional filtration or direct filtration treatment and that recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes must report the information specified in [40 CFR § 141.76\(b\)\(1\) and \(2\)](#) to the Division no later than December 8, 2003.
- (16) **Waterborne Disease Outbreak.** Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the Division by telephone within forty-eight (48) hours or before the end of the next business day, whichever is earlier, followed by a written report.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.30

Authority: O.C.G.A. § [12-5-170](#)*et seq.*

History. Original Rule entitled "Analytical Methods for Radioactivity" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule entitled "Reporting Requirements" adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: Dec. 4, 1990; eff. Dec. 24, 1990.

Amended: F. June 25, 1992; eff. July 15, 1992.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. June 8, 2001; eff. June 28, 2001.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.31. Monitoring of Consecutive Public Water Systems.

Purchased water systems may be monitored as consecutive systems with the consent of the system involved and the approval of the Director. Monitoring schedules and reporting procedures for consecutive water systems must be in the form and manner as specified by the Division.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.31

Authority: Ga. L. 1977, *et seq.*, O.C.G.A. Sec. [12-5-170](#)*et seq.*, as amended.

History. Original Rule entitled "Monitoring Frequency for Radioactivity in Community Water System" was filed on July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Amended: Filed July 15, 1983; effective August 4, 1983.

Repealed: New Rule entitled "Monitoring of Consecutive Public Water Systems" adopted. F. May 12, 1989; eff. June 1, 1989.

Repealed: New Rule, same title, adopted. F. Jun. 25, 1992; eff. July 15, 1992.

Amended: New title "Monitoring of Consecutive Public Water Systems. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule 391-3-5-.32. Public Notification.

- (1) **Public Notification Requirements.** [40 CFR, Part 141, Subpart Q §§ 141.201 through 141.210](#), including Appendices A, B and C to subpart Q of Part 141, is hereby incorporated by reference. Any amendments to any part of the appendices in 40 CFR, Subpart Q are hereby incorporated by reference. If a community or non-community water system fails to comply with an applicable primary maximum contaminant level or maximum residual disinfectant level established in Rule [391-3-5-18](#); fails to comply when applicable with the secondary maximum contaminant level for fluoride established in Rule [391-3-5-19](#); fails to comply with an applicable testing procedure established in Rules [391-3-5-20](#), .21, .22, .23, .24, .25, .27, .52, .53, .54, or .55; is granted a variance or an exemption from an applicable maximum contaminant level; fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption; or fails to comply with any treatment technique requirement specified by the Director; or fails to perform any monitoring or reporting required pursuant to Rules [391-3-5-20](#), .21, .22, .23, .24, .25, .26, .27, .30, .52, .53, .54, and .55; the supplier of water shall notify persons (including the mandatory health effects language) served by the system as required in 40 CFR, Part 141, Subpart Q. Other situations that require public notification include: occurrence of waterborne disease outbreak or other waterborne emergency; availability of unregulated contaminant monitoring data; detection of *E. Coli* in source water samples collected under Rule [391-3-5-54\(3\)](#); exceedance of the nitrate MCL by non-community water systems, where granted permission by the Division in accordance with Rule [391-3-5-18\(1\)\(b\)](#); and other situations not already listed and determined by EPD to require a public notice. The public water system, within ten (10) days of completing the public notification requirements under 40 CFR, Parts 141, Subpart Q for the initial public notice and any repeat notices, must submit to the Division a certification that it has fully complied with the public notification regulations. The public water system must include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system and to the media.
- (2) **Public Notification of Lead Contamination.** The owner or operator of each community water system and each non-transient, non-community water system shall issue notice, in accordance with [40 CFR, Part 141.34](#), to persons served by the system that may be affected by lead contamination of their drinking water. The owner or operator shall provide notice under this rule even if there is no violation of the national primary drinking water regulation for lead.
- (3) **Provide Notice Prior to New Service.** The owner or operator of a community or non-community water system must deliver a copy of the most recent public notice for any outstanding violation of any maximum contaminant level, any maximum residual disinfectant level, any treatment technique requirement, any monitoring or reporting requirement, any variance or exemption schedule and other situations requiring public notice to all new consumers at the time service begins. The owner or operator of a non-community water system shall continuously post such public notice in conspicuous locations to inform new consumers for as long as the situation persists.
- (4) **Cryptosporidium Public Notice.** Special public notice for repeated failure to conduct monitoring of the source water for *Cryptosporidium* and for failure to determine bin

classification or mean *Cryptosporidium* level: 40 CFR, Subpart Q § 141.211, in its entirety, including Appendix A, is hereby incorporated by reference. The specified mandatory language must be included in the special notice.

- (5) **Non-Applicability.** Any reference to public notification requirements in [40 CFR 141.32](#) is not applicable.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.32

Authority: O.C.G.A. § [12-5-170](#)*et seq.*

History. Original Rule entitled "Requirements for a Variance" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule entitled "Public Notification" adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Dec. 4, 1990; eff. Dec. 24, 1990.

Repealed: New Rule of same title adopted. F. June 25, 1992; eff. July 15, 1992.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. June 8, 2001; eff. June 28, 2001.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. May 27, 2009; eff. June 16, 2009.

Amended: New title "Public Notification. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: New title "Public Notification." F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.33. Variances and Exemptions.

- (1) Variances and exemptions from certain provisions of these regulations may be granted by the Director pursuant to O.C.G.A. Sec. [12-5-178](#) and [40 CFR § 141.4](#) and in the case of arsenic, [40 CFR § 142.20\(b\)](#).
- (2) Variances or exemptions from the MCLs for total coliforms and *E. coli* and variances from any of the treatment technique requirements of Subpart H systems may not be granted. As provided in [40 CFR § 142.304\(a\)](#), small systems variances are not available for rules addressing microbial contaminants, which would include 40 CFR Part 141 Subparts H, P, S, T, W, and Y.
- (3) The Division has stayed the effective date relating to the total coliform MCL of Rule [391-3-5-.18\(4\)\(a\)](#) for systems that demonstrate to the Division that the violation of the total coliform MCL is due to a persistent growth of total coliforms in the distribution system rather than fecal or pathogenic contamination, a treatment lapse or deficiency, or a problem in the operation or maintenance of the distribution system. This is stayed until March 31, 2016, at which time the total coliform MCL is no longer effective.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.33

Authority: O.C.G.A. § [12-5-170](#)*et seq.*

History. Original Rule entitled "Variance Request" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule entitled "Variances and Exemptions" adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Sept. 24, 1999; eff. Oct. 14, 1999.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: New title "Variances and Exemptions." F. Feb. 29, 2016; eff. Mar. 20, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.34. Emergencies.

Whenever the Director finds that an emergency exist, presenting an imminent hazard to the public health, safety or welfare, requiring immediate action to protect the public health and to insure that the need for safe drinking water is met, he may, without notice or hearing, issue such order or orders as he deems necessary and appropriate to meet to emergency. Any such order shall cite the existence of an emergency and shall contain a brief statement of the reasons for his finding that an emergency exists. Such orders shall be immediately effective and any person affected thereby shall comply therewith immediately. Such orders shall, however, contain a notice of the time and place of a hearing scheduled within twenty (20) days from the issuance of such order before a Hearing Officer, appointed by the Department. Based upon the findings, of the Hearing Officer, the order shall be modified, revoked, or continued as the Hearing Officer deems appropriate.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.34

Authority: Ga. L. 1977, p. 351, *et seq.*, O.C.G.A. Sec. [12-5-170](#)*et seq.*, as amended.

History. Original was filed on July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule entitled "Emergencies" adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule 391-3-5-.35. Inspections and Investigations.

- (1) **Access for Inspection or Investigation.** The Director, or his appointed agent, shall be permitted access in or upon any private or public property at all reasonable times for the purpose of inspecting or investigating conditions, processes, equipment, methods, treatment, facilities, or records relating to or associated with the operation of any water system, to determine applicability of and compliance with the Act and these rules, to investigate any apparent violation of the Act, and to make such other investigations as he deems advisable and necessary for the protection of the public health or welfare pursuant to the Act.
- (2) **Issue Orders for Compliance.** Based on the Director's findings in any such inspection or investigation, or upon denial of entry pursuant to the above paragraph, the Director may issue such orders as are necessary to insure compliance with the Act and these rules.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.35

Authority: Ga. L. 1977, p. 351, *et seq.*, O.C.G.A. Sec. [12-5-170](#)*et seq.*, as amended.

History. Original Rule was filed on July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule entitled "Inspections and Investigations" adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule 391-3-5-.36. Enforcement.

The administration and enforcement of these rules and regulations shall be in accordance with the Georgia Administrative Procedure Act. Such enforcement measures include, but are not limited to, administrative orders, court orders, injunctive relief, and civil and criminal penalties pursuant to the Act.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.36

Authority: Ga. L. 1977, p. 351 *et seq.*, O.C.G.A. Sec. [12-5-170](#) *et seq.*, as amended.

History. Original Rule was filed on July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule entitled "Enforcement" adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule 391-3-5-.37. State Primacy Maintenance.

- (1) Notwithstanding any other section, the requirements of these Safe Drinking Water Rules shall in any event be the same as the requirements of the National Primary Drinking Water Regulations in 40 CFR, Part 141 promulgated pursuant to Section 1412 of the Federal Act ([42 U.S.C. 300g-1](#)).
- (2) The Director may prescribe more stringent requirements than those specified by any other section of these Safe Drinking Water Rules when necessary to:
 - (a) meet any requirements of the Federal Act and Regulations; or
 - (b) safeguard the public health, safety and welfare.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.37

Authority: Ga. L. 1977, p. 351, *et seq.*, [12-5-170](#) *et seq.*, as amended.

History. Original Rule was filed on July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule entitled "State Primacy Maintenance" adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule 391-3-5-.38. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.38

Authority: O.C.G.A. § [12-5-170](#) *et seq.*

History. Original Rule was filed on July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#)

Repealed: New Rule entitled "Effective Date" adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Repealed: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.39. Public Water System Classification.

- (1) **Purpose.** In accordance with Section 10 of the Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts Act (O.C.G.A. Section [43-51-1](#)) the following classifications shall be considered as minimum levels, and the Division may classify any system or plant at a higher level if the complexity of the system or plant warrants such higher classification in the judgment of the Division. Any system or plant not fitting any of the following standard descriptions shall be classified individually according to the judgment of the Division. Where water is supplied to a distribution system from two or more sources, the classification may be set by the Division.
- (2) **Minimum Classifications.** The following classifications shall be considered as minimum levels:

Public Water System Classification for Community and Non-transient Non-community Systems¹

System Type	Class I	Class II	Class III	Class IV
Surface water with conventional treatment plant	5.0 MGD or greater	4.99 MGD or less	n/a	n/a
Surface water with package or non-conventional treatment plant	1.0 MGD or greater	0.99 MGD or less	n/a	n/a
Surface water with approved high-rate filtration	3.0 gpm/sq.ft. or greater	Less than 3.0 gpm/sq.ft.	n/a	n/a
Groundwater under the direct influence of surface water	1.0 MGD or greater	Greater than 0.1 MGD to 0.99 MGD	0.1 MGD or less	n/a
Ground-water	50,000 or greater population	10,000 to 49,999 population	1,000 to 9,999 population	25 to 999 population
Distribution systems	Certification is required for the operator of public water distribution systems.			

Note: ¹ MGD is million gallons per day; gpm/sq.ft. is gallons per minute per square-foot filter surface area; n/a is not applicable.

- (3) **Groundwater Transient Non-community Water Systems.** All Transient Non-community water systems with groundwater sources must have at least a Class IV operator certification.

- (4) **Surface Water Transient Non-community Water Systems.** Certification of Transient Non-community water systems with surface water will be specified in their permit to operate a public water system.
- (5) **Higher Classification.** When the complexity of water treatment warrants it, a higher classification may be required and specified in the permit to operate a public water system.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.39

Authority: O.C.G.A. Sec. [12-5-170](#)*et seq.*

History. Original Rule entitled "Consideration of an Exemption Request" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: New Rule entitled "Public Water System Classification" adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule 391-3-5-.40. Wellhead Protection.

- (1) **Purpose.** The following rule for wellhead protection serve to help protect wells and springs used as sources of water supply for community public water systems owned by and/or serving municipalities, counties, and authorities from nearby pollution sources.
- (2) **Development of Wellhead Protection Plan.** The Division shall develop a Wellhead Protection Plan for every well, well field or spring which is used as a source for a community public water supply owned by and/or serving a municipality, county, or an authority.
- (3) **Components of Wellhead Protection Plans.** Wellhead Protection Plans shall consist of five parts; namely:
 - (a) an identification and location of a Control Zone for each well or spring;
 - (b) an identification and location of each required Management Zone for each well or spring;
 - (c) an inventory of potential pollution sources in the designated wellhead protection areas;
 - (d) a management plan for potential pollution sources identified in the inventory; and
 - (e) if available, a contingency plan submitted by the supplier to the Division describing how alternate water supplies will be provided in case the well(s) in question become polluted. The Division shall develop all individual Wellhead Protection Plans consistent with the rules.

(4) **Wellhead Protection Zones.** Every Wellhead Protection Area shall consist of two zones, as follows:

- (a) The Control Zone: Within this zone, the owner shall control all activities so that there are minimal sources of potential pollution in the immediate vicinity of the well bore.
- (b) The Management Zone: Within this zone, certain potential pollution sources are prohibited or certain activities must be performed in accordance with the rules listed below. The size and shape of the management zone will vary according to aquifer type, aquifer hydraulic conductivity, pumpage rate, hydrologic province, and proximity to recharge.

(5) **Control Zone.** All wells used as a source of public water supply for community public water systems owned by and/or serving municipalities, counties, or authorities shall have a control zone.

(6) **Delineation of Management Zone.** The Division shall delineate the size and shape of the management zone of a wellhead protection area as defined below:

- (a) wells determined by the Division as drawing water only from confined aquifers shall have an inner management zone extending outward from the center of the borehole for a radius of 100 feet. No outer management zone is required for such wells.
- (b) wells drawing water from unconfined aquifers as determined by the Division and springs, except those determined by the Division to lie in areas of karst, shall have an inner management zone extending outward from the center of the borehole or spring head for a radius of 250 feet.
- (c) wells drawing water from unconfined aquifers as determined by the Division and springs, which the Division has identified as being in areas of karst, shall have an inner management zone extending outward from the center of the borehole or spring head for a radius of 500 feet.
- (d) unconfined wells which the Division has determined utilize fractured crystalline rock aquifers shall have an outer management zone determined according to the "Health Method Curve" contained in the EPA approved Georgia Wellhead Protection Plan.
- (e) unconfined aquifer wells determined by the Division as lying in karst regions and all springs shall have an outer management zone determined by hydrogeologic mapping or other method acceptable to the Division.
- (f) Other wells not meeting the above criteria shall have their outer management zones determined by time of travel calculations (a minimum of a 5-year time of travel) or by volumetric calculations as appropriate.

- (7) **Inventory of Potential Pollution Sources.** The Division shall carry out an inventory of potential pollution sources within the control zone and management zones. Inventories shall be permanently maintained by the Division in computer data base format. Minimum information shall be the name and address of the owner of the well or spring, location of the well or spring, applicable permit data, the size and shape of the control and management zones, and the types of potential pollution sources. Inventories shall be carried out by the Division every ten (10) years.
- (8) **Inner and Outer Management Zones.** Within the inner and outer management zones of existing wells and springs, the following shall apply:
- (a) The Division shall not issue any new permits for municipal solid waste landfills, industrial waste landfills or construction/demolition waste landfills.
 - (b) The Division shall not issue any new permits for the land disposal of hazardous wastes.
 - (c) The Division shall require all new facilities permitted to handle, treat, store or dispose of hazardous waste or hazardous materials to perform such operations on an impermeable pad having a spill and leak collection system.
 - (d) The Division shall require all new agricultural waste impoundments to have an impermeable synthetic liner.
 - (e) The Division shall not issue any new permits for land application of wastewater or sludge.
 - (f) Deleted.
 - (g) The Division shall not issue permits for any new quarries or underground mines unless a hydrogeological investigation carried out by the applicant clearly demonstrates that operation of the quarry or mine will not pollute the well or spring or cause a reduction of ground water flow to the well or spring. Such investigation shall be performed by a professional engineer or professional geologist.
 - (h) The Division shall require that all new underground storage tanks installed shall meet the highest standards applicable under the Underground Storage Tank Act. All preexisting underground storage tanks shall be required to have ground water or vapor monitoring. All abandoned underground storage tanks shall meet the requirements of Section [391-3-15-.11](#) of the Rules for Underground Storage Tanks.
 - (i) The Division shall require all new wastewater treatment basins to have an impermeable synthetic liner.

- (9) **New Sources that are Wells or Springs.** For new wells or springs that are to be used as a source of water supply for a community public water system owned by and/or serving a municipality, county, or authority the following shall apply:
- (a) The Division shall not issue any permit for the addition of a new well or spring until the Division has delineated an appropriate wellhead protection area and carried out an inventory of potential pollution sources in the wellhead protection area of the proposed well or spring. The Division shall make provision for emergency situations.
 - (b) Once the owner and/or supplier requests the Divisions approval for the construction and/or development of a new well, well field, or spring, the Division shall require the Owner and/or supplier to provide the Division with the exact location, intended aquifer, projected depth and expected production of the planned well(s) or springs.
 - (c) The Division shall not issue approval for the construction and/ or development of well or spring where the following potential pollution sources are known to be present within the inner management zone:
 - 1. underground storage tanks;
 - 2. non-domestic septic tanks with drain fields;
 - 3. animal feedlots, poultry enclosures, or animal enclosures (this rule shall not be construed to apply to family pets);
 - 4. Environmental facilities permitted by the Division or other potential pollution sources identified in the inventory unless the Division has determined that there will be no releases to the ground or that such releases, if they occur, will not be a threat to public health and safety. Domestic septic systems that are identified within the inner management zone shall be excluded from the requirements of this section, provided they are located in accordance with the criteria specified in Rule [391-3-5-.07](#) of this Chapter.
- (10) **Notification.** The Division shall notify the owner of any regulated or unregulated chemicals which the Division believes, based on the potential pollution source inventory, may be present in the control zone or management zones of new or existing individual wells, well fields, or springs.
- (11) **Underground Injection Wells.** Within the inner management zone of existing wells and springs, the Division shall not issue any new permits for underground injection wells, with the exception of remediation wells.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.40

Authority: O.C.G.A. Sec. [12-5-170](#)*et seq.*

History. Original Rule entitled "Disposition of an Exemption Request" adopted. F. July 5, 1977; eff. July 26, 1977,

as specified by Rule [391-3-5-.47](#).

Repealed: F. May 12, 1989, eff. June 1, 1989.

Amended: New Rule entitled "Wellhead Protection" adopted. F. June 7, 1993; eff. June 27, 1993.

Amended: F. Sept. 24, 1999; eff. Oct. 14, 1999.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Dec. 21, 2004; eff. Jan. 10, 2005.

Amended: New title "Wellhead Protection. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule 391-3-5-.41. Consumer Confidence Reports.

- (1) **Purpose and Applicability:** 40 CFR Part 141, Subpart O§141.151 is hereby incorporated by reference.
- (2) **Effective Dates.**
 - (a) Each existing community water system must deliver to all its customers its first report by October 19, 1999, its second report by July 1, 2000, and subsequent reports by July 1 annually thereafter. The first report must contain data collected during, or prior to, calendar year 1998 as prescribed in 40 CFR Part 141, Subpart O§141.153(d)(3). Each report thereafter must contain data collected during, or prior to, the previous calendar year.
 - (b) A new community water system must deliver to all its customers its first report by July 1 of the year after its first full calendar year in operation and annually thereafter.
 - (c) A community water system that sells water to another community water system must deliver the applicable information required in 40 CFR Part 141, Subpart O§141.153 to the buyer system:
 1. No later than April 19, 1999, by April 1, 2000, and by April 1 annually thereafter or
 2. On a date mutually agreed upon by the seller and the purchaser, and specifically included in a contract between the parties.
- (3) **Content of the reports:** 40 CFR Part 141, Subpart O§141.153 is hereby incorporated by reference.
- (4) **Required additional health information:** 40 CFR Part 141, Subpart O§141.154 is hereby incorporated by reference.
- (5) **Report delivery and recordkeeping:** 40 CFR Part 141, Subpart O§141.155 is hereby incorporated by reference.

(6) Appendix A to Subpart O of 40 CFR Part 141 - Regulated Contaminants is hereby incorporated by reference.

(7) **Electronic Delivery.**

- (a) Community water systems may provide Consumer Confidence Reports electronically provided that:
1. The manner of the electronic delivery is a direct communication link, without use of an intermediary service;
 2. There is an explanatory notice that accompanies the direct communication link;
 3. The entire content of the Consumer Confidence Report is accessible;
 4. The community water system shall provide the Consumer Confidence Report through another method should the community water system become aware of a customer's inability to receive the Consumer Confidence Report by the chosen electronic delivery method.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.41

Authority: O.C.G.A. Sec. [12-5-170](#)*et seq.*

History. Original Rule entitled "Public Hearings on Proposed Variances, Exemptions, and/or Schedules" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: F. May 12, 1989; eff. June 1, 1989.

Amended: New Rule entitled "Consumer Confidence Reports" adopted. F. Sept. 24, 1999; eff. Oct. 14, 1999.

Amended: F. June 8, 2001; eff. June 28, 2001.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: New title "Consumer Confidence Reports. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: New title "Consumer Confidence Reports." F. Feb. 29, 2016; eff. Mar. 20, 2016.

Rule 391-3-5-.42. Source Water Assessment.

- (1) **Purpose.** The following Rule for Source Water Assessment serves to help protect the source waters of public water systems of the State.
- (2) **Requirement to Develop a Source Water Assessment Plan.** By May 2003, each public water system of the State shall develop a Source Water Assessment Plan (SWAP) for every well and surface water intake used by the water system. SWAPs will be developed in accordance with the Division's *Source Water Assessment and Protection Implementation Plan for Public Drinking Water Sources*. Large surface water systems, which supply water (directly or through wholesale) to a population of 50,000 or more, will be delegated the responsibility of developing and implementing a Source Water Assessment Plan. Surface water systems which supply water (directly or through wholesale) to a population less than 50,000 will have the assessment done by the

Division. The Division encourages both large and small surface water systems to create partnerships with each other and the Division in order to conduct assessment of common regional watersheds.

(3) **Components of a Source Water Assessment Plan.** A SWAP shall consist of four parts:

- (a) The delineation of the area in proximity to the water well(s) or surface water intake(s) shall consist of:
 - 1. At a minimum, a zone equivalent to the outer management zone of a wellhead protection area for water wells.
 - 2. At a minimum, the upstream surface drinking water intake catchment area portions of the watershed as defined in the SWAP Implementation Plan.
- (b) The water system shall inventory the potential pollution sources of natural and manmade origin within the area delineated in (a) above. The inventory will include the potential pollution sources as defined in the SWAP Implementation Plan.
- (c) The water system shall carry out an assessment of the potential pollution sources' impact within the areas described by (a) above, on the raw water that may reach the water well(s) or surface water intake(s). Assessments for surface water intakes are to follow the guidance published in the SWAP Implementation Plan.
- (d) The water system shall prepare a comprehensive SWAP report describing items (a), (b) and (c) above and submit the report to the Division for review and approval. The water system will make this report available to the public.
 - (1) **Use of Wellhead Protection Plans.** Public groundwater systems may use their prepared Wellhead Protection Plans and Vulnerability Assessments to satisfy the Source Water Assessment requirements.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.42

Authority: Authority O.C.G.A. Sec. [12-5-170](#) *et seq.*

History. Original Rule entitled "Final Action on Variance/Exemption Request" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by R. [391-3-5-.47](#).

Repealed: F. May 12, 1989; eff. June 1, 1989.

Amended: New Rule entitled "Source Water Assessment" adopted. F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: New title "Source Water Assessment. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Rule 391-3-5-.43. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.43

Authority: Ga. L. 1977, p. 351, *et seq.*

History. Original Rule was filed on July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: Rule renumbered as [391-3-5-.34](#). F. May 12, 1989; eff. June 1, 1989.

Rule 391-3-5-.44. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.44

Authority: Ga. L. 1977, p. 351, *et seq.*

History. Original Rule was filed on July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: Rule renumbered as [391-3-5-.35](#). F. May 12, 1989; eff. June 1, 1989.

Rule 391-3-5-.45. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.45

Authority: Ga. L. 1977, p. 351, *et seq.*

History. Original Rule was filed on July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: Rule renumbered as [391-3-5-.36](#). F. May 12, 1989; eff. June 1, 1989.

Rule 391-3-5-.46. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.46

Authority: Ga. L. 1977, p. 351, *et seq.*

History. Original rule entitled "State Primacy Maintenance" was filed on July 5, 1977; effective July 26, 1977, as specified by Rule [391-3-5-.47](#).

Repealed: Rule renumbered as [391-3-5-.37](#). F. May 12, 1989; eff. June 1, 1989.

Rule 391-3-5-.47. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.47

Authority: Ga. L. 1977, p. 351, *et seq.*

History. Original Rule entitled "Effective Date" was filed on July 5, 1977; effective July 26, 1977, as specified by this Rule.

Repealed: Rule renumbered as [391-3-5-.38](#). F. May 12, 1989; eff. June 1, 1989.

Rule 391-3-5-.48. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.48

Authority: Ga. L. 1977, p. 351, *et seq.* (Ga. Code Ann. Ch. 17-1301 *et seq.*); Ga. L. 1972, p. 1015, *et seq.*, as amended (Ga. Code Ann. Sec. 40-3501 *et seq.*); Ga. L. 1980, Act #721 Approved March 5, 1980.

History. Original Rule entitled "Public Water System Classification" was filed on June 24, 1980; effective July 14, 1980.

Repealed: Rule renumbered as [391-3-5-.39](#). F. May 12, 1989; eff. June 1, 1989.

Rule 391-3-5-.49. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.49

Authority: Ga. L. 1977, p. 351, *et seq.*

History. Original Rule entitled "Monitoring of Consecutive Public Water System" was filed on July 15, 1983; effective August 4, 1983;

Repealed: Rule renumbered as [391-3-5-.31](#). F. May 12, 1989; eff. June 1, 1989.

Rule 391-3-5-.50. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.50

Authority: Ga. L. 1977, p. 351, *et seq.*

History. Original Rule entitled "Trihalomethanes" was filed on July 15, 1983; effective August 4, 1983;

Repealed: Rule renumbered as 391-5-.24. F. May 12, 1989; eff. June 1, 1989.

Rule 391-3-5-.51. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.51

Authority: Ga. L. 1977, p. 351, *et seq.*

History. Original rule entitled "Sodium and Corrosivity" was filed on July 15, 1983; effective August 4, 1983;

Repealed: F. May 12, 1989; eff. June 1, 1989.

Rule 391-3-5-.52. Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR).

- (1) **Purpose.** The purpose of the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) is to reduce illness linked with the contaminant *Cryptosporidium* and other disease-causing microorganisms in drinking water. The rule supplements existing regulations by targeting additional *Cryptosporidium* treatment requirements to higher risk systems. This rule also contains provisions to reduce risks from uncovered finished water reservoirs and to ensure that systems maintain microbial protection when they take steps to decrease the formation of disinfection byproducts that result from chemical water treatment.
- (2) **Applicability.** This regulation applies to all public water systems that use surface water or ground water under the direct influence (GWUDI) of surface water.
- (3) **Enhanced Treatment for *Cryptosporidium*.**
 - (a) General requirements. The requirements of 40 CFR Part 141 Subpart W are national primary drinking water regulations. The regulations in this subpart establish or extend treatment technique requirements in lieu of maximum contaminant levels for *Cryptosporidium*. These requirements are in addition to requirements for filtration and disinfection in Subparts H, P, and T of 40 CFR Part 141.

- (b) Applicability. The requirements of 40 CFR Part 141 Subpart W apply to all public water systems supplied by a surface water source and public water systems supplied by a ground water source under the direct influence of surface water.
1. Wholesale systems, as defined in [40 CFR § 141.2](#), must comply with the requirements of 40 CFR Part 141 Subpart W based on the population of the largest system in the combined distribution system.
 2. The requirements of 40 CFR Part 141 Subpart W for filtered systems apply to systems required by National Primary Drinking Water Regulations to provide filtration treatment, whether or not the system is currently operating a filtration system.
 3. The requirements of 40 CFR Part 141 Subpart W for unfiltered systems apply only to unfiltered systems that timely met and continue to meet the filtration avoidance criteria in Subparts H, P, and T of 40 CFR Part 141, as applicable.
- (c) Requirements. Systems subject to 40 CFR Part 141 Subpart W must comply with the following requirements:
1. Systems must conduct an initial and a second round of source water monitoring for each plant that treats a surface water or GWUDI source. This monitoring may include sampling for *Cryptosporidium*, *E. coli*, and turbidity as described in [40 CFR § 141.701](#) through [141.706](#), to determine what level, if any, of additional *Cryptosporidium* treatment they must provide.
 2. Systems that plan to make a significant change to their disinfection practice must develop disinfection profiles and calculate disinfection benchmarks, as described in [40 CFR §§ 141.708](#) through [141.709](#).
 3. Filtered systems must determine their *Cryptosporidium* treatment bin classification as described in [40 CFR § 141.710](#) and provide additional treatment for *Cryptosporidium*, if required, as described in [40 CFR § 141.711](#). All unfiltered systems must provide treatment for *Cryptosporidium* as described in [40 CFR § 141.712](#). Filtered and unfiltered systems must implement *Cryptosporidium* treatment according to the schedule in [40 CFR § 141.713](#).
 4. Systems with uncovered finished water storage facilities must comply with the requirements to cover the facility or treat the discharge from the facility as described in [40 CFR § 141.714](#).

5. Systems required to provide additional treatment for *Cryptosporidium* must implement microbial toolbox options that are designed and operated as described in [40 CFR § 141.715](#) through [141.720](#).
 6. Systems must comply with the applicable recordkeeping and reporting requirements described in [40 CFR § 141.721](#) through [141.722](#).
 7. Systems must address significant deficiencies identified in sanitary surveys performed by EPA or Division as described in [40 CFR § 141.723](#).
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- (4) **Source Water Monitoring.** [40 CFR, Subpart W § 141.701\(a\) through \(h\)](#), in its entirety, is hereby incorporated by reference. Systems are required to conduct source water monitoring for *Cryptosporidium*, *E. coli*, and turbidity in accordance with the monitoring schedule specified in this section.
 - (5) **Sampling Schedules.** [40 CFR, Subpart W § 141.702\(a\) through \(c\)](#), in its entirety, is hereby incorporated by reference. Systems required to conduct source water monitoring under [40 CFR § 141.701](#) must submit a sampling schedule that specifies the calendar dates when the system will collect each required sample.
 - (6) **Sampling Locations.** [40 CFR, Subpart W § 141.703\(a\) through \(f\)](#), in its entirety, is hereby incorporated by reference. Systems required to conduct source water monitoring under [40 CFR § 141.701](#) must collect samples for each plant that treats a surface water or GWUDI source. Where multiple plants draw water from the same influent, such as the same pipe or intake, the Division may approve one set of monitoring results to be used to satisfy the requirements of [40 CFR § 141.701](#) for all plants. Systems must collect source water samples prior to chemical treatment, such as coagulants, oxidants and disinfectants, unless the Division determines that collecting a sample prior to chemical treatment is not feasible for the system and that the chemical treatment is unlikely to have a significant adverse effect on the analysis of the sample.
 - (7) **Analytical Methods.** [40 CFR, Subpart W § 141.704\(a\) through \(c\)](#), in its entirety, is hereby incorporated by reference.
 - (8) **Approved Laboratories.** [40 CFR, Subpart W § 141.705\(a\) through \(c\)](#), in its entirety, is hereby incorporated by reference.
 - (9) **Reporting Source Water Monitoring Results.** [40 CFR, Subpart W § 141.706\(a\) through \(e\)](#), in its entirety, is hereby incorporated by reference.
 - (10) **Grandfathering Previously Collected Data.** [40 CFR, Subpart W § 141.707\(a\) through \(h\)](#), in its entirety, is hereby incorporated by reference. Systems may comply with the initial source water monitoring requirements of [40 CFR § 141.701\(a\)](#) by grandfathering sample results collected before the system is required to begin monitoring (i.e.,

previously collected data). To be grandfathered, the sample results and analysis must meet the criteria in this section and the Division must approve.

- (11) **Requirements when Making a Significant Change in Disinfection Practice.** [40 CFR, Subpart W § 141.708\(a\) through \(b\)](#), in its entirety, is hereby incorporated by reference. Following the completion of initial source water monitoring under [40 CFR § 141.701\(a\)](#), a system that plans to make a significant change to its disinfection practice, as defined in this section, must calculate disinfection benchmarks for *Giardia lamblia* and viruses as described in [40 CFR § 141.709](#). Prior to changing the disinfection practice, the system must notify the Division and must include in this notice the information outlined in this section. Significant changes to disinfection practice are defined as follows:
- (a) Changes to the point of disinfection;
 - (b) Changes to the disinfectant(s) used in the treatment plant;
 - (c) Changes to the disinfection process; or
 - (d) Any other modification identified by the State as a significant change to disinfection practice.
- (12) **Developing the Disinfection Profile and Benchmark.** 40 CFR, Subpart W § 141.709(a) through (e), in its entirety, is hereby incorporated by reference. Systems required to develop disinfection profiles under [40 CFR § 141.708](#) must follow the requirements of this section. Systems must monitor at least weekly for a period of 12 consecutive months to determine the total log inactivation for *Giardia lamblia* and viruses. The disinfection benchmark is the lowest monthly mean value (for systems with one year of profiling data) or the mean of the lowest monthly mean values (for systems with more than one year of profiling data) of *Giardia lamblia* and virus log inactivation in each year of profiling data.
- (13) **Bin Classification for Filtered Systems.** [40 CFR, Subpart W § 141.710\(a\) through \(f\)](#), in its entirety, is hereby incorporated by reference. Following completion of the initial round of source water monitoring required under [40 CFR § 141.701\(a\)](#), filtered systems must calculate an initial *Cryptosporidium* bin concentration for each plant for which monitoring was required. Calculation of the bin concentration must use the *Cryptosporidium* results reported under [40 CFR § 141.701\(a\)](#) and must follow the procedures outlined in this section.
- (a) Filtered systems must determine their initial bin classification from the table in [40 CFR 141.710\(c\)](#) and using the *Cryptosporidium* bin concentration calculated under paragraphs (a)-(b) of this section ([40 CFR, Subpart W § 141.710](#)).
 - (b) Following completion of the second round of source water monitoring required under [40 CFR § 141.701\(b\)](#), filtered systems must recalculate their *Cryptosporidium* bin concentration using the *Cryptosporidium* results reported under [40 CFR § 141.701\(b\)](#) and following the procedures in paragraphs (b)(1)

through (4) of [40 CFR § 141.710](#). Systems must then redetermine their bin classification using this bin concentration and the table in paragraph (c) of [40 CFR § 141.710](#).

- (14) **Filtered System Additional *Cryptosporidium* Treatment Requirements.** 40 CFR, Subpart W § 141.711(a) through (d), in its entirety, is hereby incorporated by reference. Filtered systems must provide the level of additional treatment for *Cryptosporidium* specified in paragraph (a) of [40 CFR § 141.711](#) based on their bin classification as determined under [40 CFR § 141.710](#) and according to the schedule in [40 CFR § 141.713](#).

- (a) Filtered systems must use one or more of the treatment and management options listed in [40 CFR § 141.715](#), termed the microbial toolbox, to comply with the additional *Cryptosporidium* treatment required in paragraph (a) of [40 CFR § 141.711](#).
- (b) Systems classified in Bin 3 and Bin 4 must achieve at least 1-log of the additional *Cryptosporidium* treatment required under paragraph (a) of [40 CFR § 141.711](#) using either one or a combination of the following: bag filters, bank filtration, cartridge filters, chlorine dioxide, membranes, ozone, or UV, as described in [40 CFR §§ 141.716 through 141.720](#).
- (c) Failure by a system in any month to achieve treatment credit by meeting criteria in §§ 141.716 through 141.720 for microbial toolbox options that is at least equal to the level of treatment required in paragraph (a) of [40 CFR § 141.711](#) is a violation of the treatment technique requirement.

- (15) **Unfiltered System *Cryptosporidium* Treatment Requirements.** All systems that are using surface water sources or groundwater sources that are determined to be under the direct influence of surface water supplies are required to provide filtration and disinfection treatments, in addition to that other treatments that are required by the Division, in order to comply with the drinking water standards, regulations and operating permit conditions, required by the Rules for Safe Drinking Water, Chapter 391-3-5. In order to provide regulatory information on the *Cryptosporidium* treatment requirements for unfiltered water systems, [40 CFR, Subpart W § 141.712\(a\) through \(d\)](#) is hereby incorporated by reference.

- (16) **Schedule for Compliance with *Cryptosporidium* Treatment Requirements.**

- (a) Following initial bin classification under [40 CFR § 141.710\(c\)](#), filtered systems must provide the level of treatment for *Cryptosporidium* required under [40 CFR § 141.711](#) according to the schedule in paragraph (16)(c).
- (b) Following initial determination of the mean *Cryptosporidium* level under [40 CFR § 141.712\(a\)\(1\)](#), unfiltered systems must provide the level of treatment for

Cryptosporidium required under [40 CFR § 141.712](#) according to the schedule in paragraph (16)(c).

- (c) *Cryptosporidium* treatment compliance dates.

CRYPTOSPORIDIUM TREATMENT COMPLIANCE DATES TABLE	
Systems that serve ...	Must comply with <i>Cryptosporidium</i> treatment requirements no later than ... ⁽¹⁾
At least 100,000 people.	April 1, 2012
From 50,000 to 99,999 people.	October 1, 2012
From 10,000 to 49,999 people.	October 1, 2013
Fewer than 10,000 people.	October 1, 2014
Note: ⁽¹⁾ States may allow up to an additional two years for complying with the treatment requirement for systems making capital improvements.	

- (d) If the bin classification for a filtered system changes following the second round of source water monitoring, as determined under [40 CFR § 141.710\(d\)](#), the system must provide the level of treatment for *Cryptosporidium* required under [40 CFR § 141.711](#) on a schedule the Division approves.
- (e) If the mean *Cryptosporidium* level for an unfiltered system changes following the second round of monitoring, as determined under [40 CFR § 141.712\(a\)\(2\)](#), and if the system must provide a different level of *Cryptosporidium* treatment under [40 CFR § 141.712](#) due to this change, the system must meet this treatment requirement on a schedule the Division approves.
- (17) **Requirements for Uncovered Finished Water Storage Facilities.** All finished water storage facilities must be provided with a permanent cover, in accordance with Rule [391-3-5-.11](#). In order to provide regulatory information on the requirements for uncovered finished water storage facilities, [40 CFR, Subpart W § 141.714\(a\) through \(d\)](#) is hereby incorporated by reference.
- (18) **Microbial Toolbox Options for Meeting *Cryptosporidium* Treatment Requirements.** [40 CFR, Subpart W § 141.715\(a\) through \(b\)](#) is hereby incorporated by reference.
- (a) Source toolbox components. [40 CFR, Subpart W § 141.716\(a\) through \(b\)](#) is hereby incorporated by reference.
- (b) Pre-filtration treatment toolbox components. [40 CFR, Subpart W § 141.717\(a\) through \(c\)](#) is hereby incorporated by reference.

- (c) Treatment performance toolbox components. [40 CFR, Subpart W § 141.718\(a\) through \(c\)](#) is hereby incorporated by reference.
 - (d) Additional filtration toolbox components. [40 CFR, Subpart W § 141.719\(a\) through \(d\)](#) is hereby incorporated by reference.
 - (e) Inactivation toolbox components. [40 CFR, Subpart W § 141.720\(a\) through \(d\)](#) is hereby incorporated by reference.
- (19) **Reporting Requirements.** [40 CFR, Subpart W § 141.721\(a\) through \(f\)](#) is hereby incorporated by reference.
- (20) **Recordkeeping Requirements.** [40 CFR, Subpart W § 141.722\(a\) through \(c\)](#) is hereby incorporated by reference.
- (21) **Requirements to Respond to Significant Deficiencies Identified in Sanitary Surveys Performed by EPA or Division.** [40 CFR, Subpart W § 141.723\(a\) through \(d\)](#) is hereby incorporated by reference. Systems must respond in writing to significant deficiencies identified in sanitary survey reports no later than forty-five (45) days after receipt of the report, indicating how and on what schedule the system will address significant deficiencies noted in the survey. Systems must correct significant deficiencies identified in sanitary survey reports according to the approved schedule, or if there is no approved schedule, according to the schedule submitted by the system if such deficiencies are within the control of the system.
- (22) **Division Recordkeeping.** The records kept by the Division shall be in accordance with [40 CFR § 142.14](#).
- (23) **Division Reporting.** The reporting by the Division shall be performed as required by [40 CFR § 142.15](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.52

Authority: O.C.G.A. § [12-5-170](#)*et seq.*

History. Original Rule entitled "Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR)" adopted. F. May 27, 2009; eff. June 16, 2009.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Feb. 29, 2016; eff. Mar. 20, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.53. Stage 2 Disinfection Byproducts Rule (Stage 2 DBPR).

Purpose. The Stage 2 Disinfection Byproducts Rule (DBPR) (40 CFR, Subpart V § 141) builds on existing regulations by requiring water systems to meet disinfection byproduct (DBP) maximum contaminant levels (MCLs) at each monitoring site in the distribution system to better protect public health. The Stage 2 DBPR includes a provision requiring all community water systems (CWS) and only non-transient non-community water systems (NTNCWS) serving more

than 10,000 people to conduct an initial distribution system evaluation (IDSE) (40 CFR, Subpart U § 141). NTNCWS serving less than 10,000 are exempted from IDSE requirements, but will need to comply with the Stage 2 DBPR compliance monitoring requirements. The goal of the IDSE is to characterize the distribution system and identify monitoring sites where customers may be exposed to high levels of total trihalomethanes (TTHM) and haloacetic acids (HAA5).

(1) Initial Distribution System Evaluations.

- (a) General requirements: The requirements of 40 CFR Part 141 Subpart U constitute national primary drinking water regulations. The regulations in 40 CFR Part 141 Subpart U establish monitoring and other requirements for identifying 40 CFR Part 141 Subpart V compliance monitoring locations for determining compliance with maximum contaminant levels for total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5). A system must use an Initial Distribution System Evaluation (IDSE) to determine locations with representative high TTHM and HAA5 concentrations throughout its distribution system. IDSEs are used in conjunction with, but separate from, compliance monitoring per 40 CFR Part 141 Subpart L, to identify and select compliance monitoring locations per 40 CFR Part 141 Subpart V.
- (b) Applicability: Public water systems are subject to these requirements if the water system is a community water system that uses a primary or residual disinfectant other than ultraviolet light or delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light; or if the water system is a non-transient non-community water system that serves at least 10,000 people and uses a primary or residual disinfectant other than ultraviolet light or delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light.
- (c) Schedule: [40 CFR Subpart U § 141.600\(c\)](#), in its entirety, is hereby incorporated by reference. Systems required to comply with Initial Distribution System Evaluations - Subpart U, must comply with the schedule specified in the table [40 CFR § 141.600\(c\)\(1\)](#). A wholesale system or a consecutive system must comply with the specified schedule at the same time as the system with the earliest compliance date in the combined distribution system.
- (d) [40 CFR Subpart U § 141.600\(d\) through \(f\)](#), in its entirety, is hereby incorporated by reference.
- (e) Standard Monitoring: 40 CFR Subpart U [§ 141.601](#) is hereby incorporated by reference.
 - 1. Standard monitoring plan: [40 CFR Subpart U § 141.601\(a\) through \(c\)](#), in its entirety, is hereby incorporated by reference.
 - 2. System specific studies: [40 CFR Subpart U § 141.602\(a\) through \(b\)](#), in its entirety, is hereby incorporated by reference.

3. 40/30 Certification: [40 CFR Subpart U § 141.603\(a\) through \(b\)](#), in its entirety, is hereby incorporated by reference.
 4. Very small system waivers: 40 CFR Subpart U § 141.604(a) through (b), in its entirety, is hereby incorporated by reference.
- (f) 40 CFR Part 141 Subpart V Compliance Monitoring Location Recommendations: [40 CFR Subpart U § 141.605\(a\) through \(e\)](#), in its entirety, is hereby incorporated by reference. Water system's IDSE report must include the recommendations and justification for where and during what month(s) TTHM and HAA5 monitoring for Subpart V of part 141 should be conducted. Water system must base its recommendations on the criteria in paragraphs (b) through (e) of this section.

(2) Stage 2 Disinfection Byproducts Requirements.

- (a) General Requirements: The requirements of 40 CFR Part 141 Subpart V constitute national primary drinking water regulations. The regulations establish monitoring and other requirements for achieving compliance with maximum contaminant levels based on locational running annual averages (LRAA) for total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5), and for achieving compliance with maximum residual disinfectant residuals for chlorine and chloramine for certain consecutive systems.
- (b) Applicability: Public water systems are subject to these requirements if the system is a community water system or a non-transient non-community water system that uses a primary or residual disinfectant other than ultraviolet light or delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light.
- (c) Schedule: 40 CFR Subpart V § 141.620(c), in its entirety, is hereby incorporated by reference. Systems required to comply with Stage 2 Disinfection Byproducts Requirements - Subpart V, must comply with the schedule specified in the table [40 CFR § 141.620\(c\)](#). A wholesale system or a consecutive system must comply with the specified schedule at the same time as the system with the earliest compliance date in the combined distribution system.
 1. Systems serving 100,000 or more people: April 1, 2012
 2. Systems serving 50,000-99,999 people: October 1, 2012
 3. Systems serving 10,000-49,999 people: October 1, 2013
 4. Systems serving fewer than 10,000 people: October 1, 2013 if no *Cryptosporidium* monitoring is required under [40 CFR § 141.701\(a\)\(4\)](#) OR

October 1, 2014 if *Cryptosporidium* monitoring is required under [40 CFR § 141.701\(a\)\(4\) or \(a\)\(6\)](#).

(d) Monitoring frequency must be in accordance with [40 CFR Subpart V § 141.621\(a\)\(2\)](#).

1. If a water system is required to conduct quarterly monitoring, it must begin monitoring in the first full calendar quarter that includes the compliance date in the table in paragraph [40 CFR § 141.620\(c\)](#).
2. If a water system is required to conduct monitoring at a frequency that is less than quarterly, it must begin monitoring in the calendar month recommended in the IDSE report prepared under [40 CFR § 141.601](#) or [40 CFR § 141.602](#) or the calendar month identified in the Subpart V monitoring plan developed under [40 CFR § 141.622](#) no later than twelve (12) months after the compliance date in paragraph [40 CFR § 141.620\(c\)](#).
3. If a water system is required to conduct quarterly monitoring, it must make compliance calculations at the end of the fourth calendar quarter that follows the compliance date and at the end of each subsequent quarter (or earlier if the LRAA calculated based on fewer than four quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters). If a water system is required to conduct monitoring at a frequency that is less than quarterly, it must make compliance calculations beginning with the first compliance sample taken after the compliance date.
4. For the purpose of the schedule in paragraph [40 CFR § 141.620\(c\)](#), the Division may determine that the combined distribution system does not include certain consecutive systems based on factors such as receiving water from a wholesale system only on an emergency basis or receiving only a small percentage and small volume of water from a wholesale system. The Division may also determine that the combined distribution system does not include certain wholesale systems based on factors such as delivering water to a consecutive system only on an emergency basis or delivering only a small percentage and small volume of water to a consecutive system.

(e) Monitoring and Compliance.

1. Systems required to monitor quarterly. To comply with Subpart V MCLs in [40 CFR § 141.64\(b\)\(2\)](#), water systems must calculate LRAAs for TTHM and HAA5 using monitoring results collected under this Subpart and determine that each LRAA does not exceed the MCL. If a water system fails to complete four consecutive quarters of monitoring, it must calculate compliance with the MCL based on the average of the available data from the most recent four quarters. If a water system takes more than one sample

per quarter at a monitoring location, it must average all samples taken in the quarter at that location to determine the quarterly average to be used in the LRAA calculation.

2. Systems required to monitor yearly or less frequently. To determine compliance with Subpart V MCLs in [40 CFR § 141.64\(b\)\(2\)](#), water systems must determine that each sample taken is less than the MCL. If any sample exceeds the MCL, the water system must comply with the requirements of [40 CFR § 141.625](#). If no sample exceeds the MCL, the sample result for each monitoring location is considered the LRAA for that monitoring location.
- (f) Violations: A water system is in violation of the monitoring requirements for each quarter that a monitoring result would be used in calculating an LRAA if it fails to monitor.
- (g) Routine Monitoring: If a water system submitted an IDSE report, it must begin monitoring at the locations and months it has recommended in its IDSE report submitted under [40 CFR § 141.605](#) following the schedule in [40 CFR § 141.620\(c\)](#), unless the Division requires other locations or additional locations after its review. If a water system submitted a 40/30 certification under [40 CFR § 141.603](#) or it qualified for a very small system waiver under [40 CFR § 141.604](#) or it is a non-transient non-community water system serving less than 10,000, it must monitor at the location(s) and dates identified in its monitoring plan in [40 CFR § 141.132\(f\)](#), updated as required by [40 CFR § 141.622](#).
- (h) Water systems must monitor at no fewer than the number of locations identified in this paragraph:

Source Water Type	Population Served	Monitoring Frequency ⁽¹⁾	Distribution System Monitoring Locations Total per Monitoring Period ⁽²⁾
Subpart H	Fewer than 500	per year	2
	500-3,300	per quarter	2
	3,301-9,999	per quarter	2
	10,000-49,999	per quarter	4
	50,000-249,999	per quarter	8
	250,000-999,999	per quarter	12

	1,00,000-4,999,999	per quarter per quarter	16
	5,000, 000 or more		20
Ground Water	Fewer than 500	per year	2
	500-9,999	per year	2
	10,000-99,999	per quarter	4
	100,000-499,999	per quarter	6
	500,000 or more	per quarter	8

NOTES:

- (1) All systems must monitor during the highest month of DBP concentrations.
 - (2) Systems on quarterly monitoring must take dual sample sets every 90 days at each monitoring location, except for Subpart H systems serving 500-3,300 persons. Systems on annual monitoring and Subpart H systems serving 500-3,300 persons are required to take individual TTHM and HAA5 samples (instead of a dual sample set) at the locations with the highest TTHM and HAA5 concentrations, respectively. Only one location with a dual sample set per monitoring period is needed if highest TTHM and HAA5 concentrations occur at the same location (and month, if monitored annually).
 - (i) If a water system is an undisinfected system that begins using a disinfectant other than UV light after the dates in 40 CFR Part 141 Subpart U for complying with the Initial Distribution System Evaluation requirements, it must consult with the Division to identify compliance monitoring locations for 40 CFR Part 141 Subpart V. The water system must then develop a monitoring plan under [40 CFR § 141.622](#) that includes those monitoring locations.
 - (j) Analytical Methods: The water system must use an approved method listed in [40 CFR § 141.131](#), as stated in Rule [391-3-5-.24\(4\)\(g\)](#) for TTHM and HAA5 analyses. Analyses must be conducted by laboratories that have received certification by EPA or the Division.
- (3) **Monitoring Plans for Stage 2 Disinfection Byproducts Requirements.**

- (a) Water systems must develop and implement a monitoring plan to be kept on file for Division and public review. The monitoring plan must contain the following elements and be complete no later than the date it conducts its initial monitoring under 40 CFR Part 141 Subpart V.
 - 1. Monitoring locations;
 - 2. Monitoring dates;
 - 3. Compliance calculation procedures; and
 - 4. Monitoring plans for any other systems in the combined distribution system.
- (b) If a water system was not required to submit an IDSE report under either [40 CFR § 141.601](#) or [§ 141.602](#), and it does not have sufficient 40 CFR Part 141 Subpart L (Stage 1 DBPR) monitoring locations to identify the required number of 40 CFR Part 141 Subpart V (Stage 2 DBPR) compliance monitoring locations indicated in [40 CFR § 141.605\(b\)](#), it must identify additional locations by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of compliance monitoring locations have been identified. It must also provide the rationale for identifying the locations as having high levels of TTHM or HAA5. If it has more Subpart L monitoring locations than required for Subpart V compliance monitoring in [40 CFR § 141.605\(b\)](#), it must identify which locations it will use for Subpart V compliance monitoring by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of Subpart V compliance monitoring locations have been identified.
- (c) A Subpart H water system serving over 3,300 people must submit a copy of its monitoring plan to the Division prior to the date it conducts its initial monitoring under this Subpart, unless its IDSE report submitted under Subpart U of this part contains all the information required by this section.
- (d) A water system may revise its monitoring plan to reflect changes in treatment, distribution system operations and layout (including new service areas), or other factors that may affect TTHM or HAA5 formation, or for Division-approved reasons, after consultation with the Division regarding the need for changes and the appropriateness of changes. If a water system changes monitoring locations, it must replace existing compliance monitoring locations with the lowest LRAA with new locations that reflect the current distribution system locations with expected high TTHM or HAA5 levels. The Division may also require modifications in water system's monitoring plan. A Subpart H system serving over 3,300 people must submit a copy of its modified monitoring plan to the Division prior to the date it is required to comply with the revised monitoring plan.

(4) **Reduced Monitoring.**

- (a) The water system may reduce monitoring to the level specified in table [40 CFR § 141.623\(a\)](#) any time the LRAA is less than or equal to (\leq) 0.040 mg/L for TTHM and less than or equal to (\leq) 0.030 mg/L for HAA5 at all monitoring locations. It may only use data collected under the provisions of this Subpart or Subpart L of this part to qualify for reduced monitoring. In addition, the source water annual average TOC level, before any treatment, must be less than or equal to (\leq) 4.0 mg/L at each treatment plant treating surface water or ground water under the direct influence of surface water, based on monitoring conducted under either [40 CFR § 141.132\(b\)\(1\)\(iii\)](#) or § [141.132\(d\)](#).
 - (b) The water system may remain on reduced monitoring as long as the TTHM LRAA less than or equal to (\leq) 0.040 mg/L and the HAA5 LRAA less than or equal to (\leq) 0.030 mg/L at each monitoring location (for systems with quarterly reduced monitoring) or each TTHM sample less than or equal to (\leq) 0.060 mg/L and each HAA5 sample less than or equal to (\leq) 0.045 mg/L (for systems with annual or less frequent monitoring). In addition, the source water annual average TOC level, before any treatment, must be less than or equal to (\leq) 4.0 mg/L at each treatment plant treating surface water or ground water under the direct influence of surface water, based on monitoring conducted under either [40 CFR § 141.132\(b\)\(1\)\(iii\)](#) or § [141.132\(d\)](#).
 - (c) If the LRAA based on quarterly monitoring at any monitoring location exceeds either 0.040 mg/L for TTHM or 0.030 mg/L for HAA5 or if the annual (or less frequent) sample at any location exceeds either 0.060 mg/L for TTHM or 0.045 mg/L for HAA5, or if the source water annual average TOC level, before any treatment, is greater than () 4.0 mg/L at any treatment plant treating surface water or ground water under the direct influence of surface water, the water system must resume routine monitoring under [40 CFR § 141.621](#) or begin increased monitoring if [40 CFR § 141.625](#) applies.
 - (d) The Division may return the water system to routine monitoring at its discretion.
- (5) **Additional Requirements for Consecutive Systems.** A consecutive system that does not add a disinfectant but delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light must comply with analytical and monitoring requirements for chlorine and chloramines in [40 CFR § 141.131\(c\)](#) and § [141.132\(c\)\(1\)](#) and the compliance requirements in [40 CFR § 141.133\(c\)\(1\)](#) beginning April 1, 2009, unless required earlier by the Division, and report monitoring results under [40 CFR § 141.134\(c\)](#).
- (6) **Conditions Requiring Increased Monitoring.**
- (a) A water system that is required to monitor at a particular location annually or less frequently than annually under [40 CFR § 141.621](#) or § [141.623](#) must increase monitoring to dual sample sets once per quarter (taken every 90 days) at all

locations if a TTHM sample is >0.080 mg/L or a HAA5 sample is >0.060 mg/L at any location.

- (b) A water system is in violation of the MCL when the LRAA exceeds the Subpart V MCLs in [40 CFR § 141.64\(b\)\(2\)](#), calculated based on four consecutive quarters of monitoring (or the LRAA calculated based on fewer than four quarters of data if the MCL would be exceeded regardless of the monitoring results of subsequent quarters). The water system is in violation of the monitoring requirements for each quarter that a monitoring result would be used in calculating an LRAA if it fails to monitor.
- (c) A water system may return to routine monitoring once it has conducted increased monitoring for at least four consecutive quarters and the LRAA for every monitoring location is ≤ 0.060 mg/L for TTHM and ≤ 0.045 mg/L for HAA5.

(7) Operational Evaluation Levels.

- (a) The water system has exceeded the operational evaluation level at any monitoring location where the sum of the two previous quarters' TTHM results plus twice the current quarter's TTHM result, divided by 4 to determine an average, exceeds 0.080 mg/L, or where the sum of the two previous quarters' HAA5 results plus twice the current quarter's HAA5 result, divided by 4 to determine an average, exceeds 0.060 mg/L.
 - 1. If a water system exceeds the operational evaluation level, it must conduct an operational evaluation and submit a written report of the evaluation to the Division no later than 90 days after being notified of the analytical result that causes it to exceed the operational evaluation level. The written report must be made available to the public upon request.
 - 2. The operational evaluation must include an examination of system treatment and distribution operational practices, including storage tank operations, excess storage capacity, distribution system flushing, changes in sources or source water quality, and treatment changes or problems that may contribute to TTHM and HAA5 formation and what steps could be considered to minimize future exceedences.
 - (i) The water system may request and the Division may allow limiting the scope of the water system's evaluation if it is able to identify the cause of the operational evaluation level exceedance.
 - (ii) The water system's request to limit the scope of the evaluation does not extend the schedule in paragraph (7)(a)1. for submitting the written report. The Division must approve this limited scope of evaluation in writing and the water system must keep that approval with the completed report.

- (8) **Requirements for Remaining on Reduced TTHM and HAA5 Monitoring Based on Subpart L Results.** [40 CFR Subpart V § 141.627](#) is hereby incorporated by reference.
- (9) **Requirements for Remaining on Increased TTHM and HAA5 Monitoring Based on Subpart L Results.** [40 CFR Subpart V § 141.628](#) is hereby incorporated by reference.
- (10) **Reporting and Recordkeeping Requirements.** [40 CFR Subpart V § 141.629](#) is hereby incorporated by reference.
- (11) **Division Recordkeeping.** The records kept by the Division shall be in accordance with [40 CFR § 142.14](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.53

Authority: O.C.G.A. § [12-5-170](#) *et seq.*

History. Original Rule entitled "Stage 2 Disinfection Byproducts Rule (Stage 2 DBPR)" adopted. F. May 27, 2009; eff. June 16, 2009.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

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Rule 391-3-5-.54. Ground Water Rule.

Purpose. The United States Environmental Protection Agency established the Ground Water Rule, which the Division has adopted, to provide increased protection against microbial pathogens in public water systems that use ground water as the source of drinking water.

- (1) **General Requirements and Applicability.** [40 CFR Part 141, Subpart S § 141.400](#) is hereby incorporated by reference.
 - (a) This Rule applies to the following:
 - 1. Systems relying totally on ground water; purchased water systems or consecutive systems receiving ground water;
 - 2. Mixed surface and ground water systems where ground water is added directly to the distribution system or to the treated surface water prior to entry into the distribution system.
 - (b) Hydrogeologic Sensitivity Assessments.
 - 1. Hydrogeologically sensitive settings include Karst (carbonate rock, i.e. limestone and dolostone), fractured bedrock and gravel.
 - 2. Drinking water produced by water systems from aquifers consisting of the above geologic materials require hydrogeologic sensitivity assessments prepared by the Division.

3. The information that the Division requires to prepare a hydrogeologic sensitivity assessment may be requested by the Division from the water source's owner and/or found in one or all of three regulatory reports approved by the EPA:
 - (i) A water source's Well Head Protection Plan,
 - (ii) The Source Water Assessment, and/or
 - (iii) The Individual Source Vulnerability Assessment.
 4. A water source Well Head Protection Plan consists of the information outlined in Rule [391-3-5-.40\(3\) through \(7\)](#).
 5. A water source, Source Water Assessment consists of the information outlined in Rules [391-3-5-.06\(4\)](#) and [391-3-5-.42\(3\) and \(4\)](#).
 6. A water source Individual Source Vulnerability Assessment consists of the information outlined in Rule [391-3-5-.22\(g\) through \(i\)](#).
 7. The water source rating developed for Individual Source Vulnerability Assessments is to be used to determine if a source is at high, medium, or low risk to microbiological contamination.
- (c) Ground water systems must comply with the requirements of this Rule beginning December 1, 2009.
- (2) **Sanitary Surveys for Ground Water Systems.** 40 CFR Part 141, Subpart S § 141.401 is hereby incorporated by reference.
- (a) Ground water systems must provide the Division, at the Division's request, any existing information that will enable the Division to conduct a sanitary survey.
 - (b) A sanitary survey conducted by the Division includes an onsite review of the water source(s), facilities, equipment, operation, maintenance, and monitoring compliance of a public water system to evaluate the adequacy of the system, its sources and operations and the distribution of safe drinking water.
 - (c) The sanitary survey includes an evaluation of the applicable components listed below:
 1. Source,
 2. Treatment,
 3. Distribution system,

4. Finished water storage,
5. Pumps, pump facilities, and controls,
6. Monitoring, reporting, and data verification,
7. System management and operation, and
8. Operator compliance with Division requirements.

(3) **Ground Water Source Microbial Monitoring and Analytical Methods.** [40 CFR Part 141, Subpart S § 141.402](#) is hereby incorporated by reference with the exceptions that the Division only allows E. Coli as a fecal indicator for compliance under this rule and the Division does not allow triggered source water samples collected under paragraph (3)(a) to also serve as repeat samples collected under Rule [391-3-5-.55\(8\)\(a\)](#).

(a) Triggered source water monitoring.

1. *General requirements.* A ground water system must conduct triggered source water monitoring in accordance with [40 CFR § 141.402\(a\)](#) if the conditions identified in paragraphs (3)(a)1.(i) and either (3)(a)1.(ii) or (3)(a)1.(iii) exist.
 - (i) The system does not provide at least 4-log treatment of viruses (using inactivation, removal, or a Division-approved combination of 4-log virus inactivation and removal) before or at the first customer for each ground water source; and either
 - (ii) The system is notified that a sample collected under Rule [391-3-5-.23\(1\)](#) is total coliform-positive and the sample is not invalidated under Rule [391-3-5-.23\(3\)](#) until March 31, 2016, or
 - (iii) The system is notified that a sample collected under Rule [391-3-5-.55\(4\) through \(7\)](#) is total coliform-positive and the sample is not invalidated under Rule [391-3-5-.55\(3\)\(c\)](#) beginning April 1, 2016.
2. *Sampling requirements.* A ground water system must collect, within 24 hours of notification of the total coliform-positive sample, at least one ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected under Rule [391-3-5-.23\(1\)](#) until March 31, 2016, or collected under Rule [391-3-5-.55\(4\) through \(7\)](#) beginning April 1, 2016, except as provided in paragraph (3)(a)2.(ii).
 - (i) The Division may extend the 24-hour time limit on a case-by-case basis if the system cannot collect the ground water source water

sample within 24 hours due to circumstances beyond its control. In the case of an extension, the Division must specify how much time the system has to collect the sample.

- (ii) If approved by the Division, systems with more than one ground water source may meet the requirements of paragraph (3)(a)2. by sampling a representative ground water source or sources. If directed by the Division, systems must submit for Division approval a triggered source water monitoring plan that identifies one or more ground water sources that are representative of each monitoring site in the system's sample siting plan under Rule [391-3-5-.23\(1\)](#) until March 31, 2016, or under Rule [391-3-5-.55\(3\)](#) beginning April 1, 2016, and that the system intends to use for representative sampling under this paragraph.
3. *Additional requirements.* If the Division does not require corrective action under paragraph (4)(a)2 for an *E. coli* positive source water sample collected under paragraph (3)(a)2. that is not invalidated under paragraph (3)(d), the system must collect five additional source water samples from the same source within 24 hours of being notified of the *E. coli*-positive sample.
4. *Consecutive and wholesale systems.*
- (i) In addition to the other requirements of paragraph (3)(a), a consecutive ground water system that has a total coliform-positive sample collected under Rule [391-3-5-.23\(1\)](#) until March 31, 2016, or under Rule [391-3-5-.55\(4\) through \(7\)](#) beginning April 1, 2016, must notify the wholesale system(s) within 24 hours of being notified of the total coliform-positive sample.
 - (ii) In addition to the other requirements of paragraph (3)(a), a wholesale ground water system must comply with paragraphs (3)(a)4.(ii)(I) and (3)(a)4.(ii)(II).
 - (I) A wholesale ground water system that receives notice from a consecutive system it serves that a sample collected under Rule [391-3-5-.23\(1\)](#) until March 31, 2016, or collected under Rule [391-3-5-.55\(4\) through \(7\)](#) beginning April 1, 2016, is total coliform-positive must, within 24 hours of being notified, collect a sample from its ground water source(s) under paragraph (3)(a)(2) and analyze it for *E. Coli* under paragraph (3)(c).

- (II) If the sample collected under paragraph (3)(a)4.(ii)(I) is *E. Coli*-positive, the wholesale ground water system must notify all consecutive systems served by that ground water source of the *E. Coli* source water positive within 24 hours of being notified of the ground water source sample monitoring result and must meet the requirements of paragraph (3)(a)3.

5. *Exceptions to the triggered source water monitoring requirements.* A ground water system is not required to comply with the source water monitoring requirements of paragraph (3)(a) if either of the following conditions exists:

- (i) The Division determines, and documents in writing, that the total coliform-positive sample collected under Rule [391-3-5-.23\(1\)](#) until March 31, 2016, or under Rule [391-3-5-.55\(4\) through \(7\)](#) beginning April 1, 2016, is caused by a distribution system deficiency; or
- (ii) The total coliform-positive sample collected under Rule [391-3-5-.23\(1\)](#) until March 31, 2016, or under Rule [391-3-5-.55\(4\) through \(7\)](#) beginning April 1, 2016, is collected at a location that meets Division criteria for distribution system conditions that will cause total coliform-positive samples.

(b) *Assessment Source Water Monitoring.* If directed by the Division, ground water systems must conduct assessment source water monitoring that meets Division-determined requirements for such monitoring. A ground water system conducting assessment source water monitoring may use a triggered source water sample collected under [40 CFR § 141.402\(a\)\(2\)](#) to meet the requirements of this paragraph. Division-determined assessment source water monitoring requirements may include:

1. Collection of a total of 12 ground water source samples that represent each month the system provides ground water to the public,
2. Collection of samples from each well unless the system obtains written Division approval to conduct monitoring at one or more wells within the ground water system that are representative of multiple wells used by that system and that draw water from the same hydrogeological setting,
3. Collection of a standard sample volume of at least 100 mL for *E. coli* analysis,

4. Analysis of all ground water source samples using one of the analytical methods listed in [40 CFR § 141.402\(c\)\(2\)](#) for the presence of *E. coli*,
5. Collection of ground water source samples at a location prior to any treatment of the ground water source unless the Division approves a sampling location after treatment, and
6. Collection of ground water source samples at the well itself unless the system's configuration does not allow for sampling at the well itself and the Division approves an alternate sampling location that is representative of the water quality of that well.

(c) Analytical Methods.

1. A ground water system subject to the source water monitoring requirements of paragraph (3)(a) must collect a standard sample volume of at least 100 mL for *E. coli* analysis.
2. A ground water system must analyze all ground water source samples collected under paragraph (3)(a) using one of the analytical methods listed in the following table in [40 CFR § 141.402\(c\)\(2\)](#) or one of the alternative methods listed in Appendix A to Subpart C of 40 CFR Part 141 (Alternative Testing Methods Approved for Analyses Under the Safe Drinking Water Act) for the presence of *E. coli*.

(d) Invalidation of a Fecal Indicator-Positive Ground Water Source Sample.

1. A ground water system may obtain Division invalidation of an *E. coli* - positive ground water source sample collected under paragraph (3)(a) only under the conditions specified in paragraphs (3)(d)1.(i) and (ii).
 - (i) The system provides the Division with written notice from the laboratory that improper sample analysis occurred; or
 - (ii) The Division determines and documents in writing that there is substantial evidence that an *E. coli*-positive ground water source sample is not related to source water quality.
2. If the Division invalidates an *E. coli*-positive ground water source sample, the ground water system must collect another source water sample under paragraph (3)(a) within 24 hours of being notified by the Division of its invalidation decision and have it analyzed using the analytical methods in paragraph (3)(c). The Division may extend the 24-hour time limit on a case-by-case basis if the system cannot collect the source water sample within 24 hours due to circumstances beyond its control. In the case of an extension,

the Division must specify how much time the system has to collect the sample.

(e) Sampling Location.

1. Any ground water source sample required under [40 CFR § 141.402\(a\)](#) must be collected at a location prior to any treatment of the ground water source unless the Division approves a sampling location after treatment.
2. If the system's configuration does not allow for sampling at the well itself, the system may collect a sample at a Division-approved location to meet the requirements of paragraph (3)(a) if the sample is representative of the water quality of that well.

(f) New Sources. If directed by the Division, a ground water system that places a new ground water source into service after November 30, 2009, must conduct assessment source water monitoring under paragraph (3)(b). If directed by the Division, the system must begin monitoring before the ground water source is used to provide water to the public.

(g) Public Notification. A ground water system with a ground water source sample collected under [40 CFR § 141.402\(a\) or \(b\)](#) that is *E. Coli*-positive and that is not invalidated under [40 CFR § 141.402\(d\)](#), including consecutive systems served by the ground water source, must conduct public notification under [40 CFR § 141.202](#).

(h) Monitoring Violations. Failure to meet the requirements of paragraphs (3)(a) through (3)(f) is a monitoring violation and requires the ground water system to provide public notification under [40 CFR § 141.204](#).

(4) **Treatment Technique Requirements for Ground Water Systems.** [40 CFR Part 141, Subpart S § 141.403](#) is hereby incorporated by reference.

- (a) The treatment technique requirements of this paragraph must be met by ground water systems with significant deficiencies or source water fecal contamination:
1. When a significant deficiency is identified or when a groundwater source sample collected under [40 CFR § 141.402\(a\)\(3\)](#) is fecal positive.
 2. When directed by the Division, if a ground water system with a ground water source sample collected under [40 CFR § 141.402\(a\)\(2\)](#), [§ 141.402\(a\)\(4\)](#), or [§ 141.402\(b\)](#) is fecal positive.
 3. When a significant deficiency is identified at a 40 CFR Part 141 Subpart H public water system that uses both ground water and surface water or

ground water under the direct influence of surface water, the system must comply with paragraph (4) except in cases where the Division determines that the significant deficiency is in a portion of the distribution system that is served solely by surface water or ground water under the direct influence of surface water.

4. Unless directed by the Division to implement a specific corrective action, the ground water system must consult with the Division regarding the appropriate corrective action within thirty (30) days of receiving written notice from the Division of a significant deficiency, written notice from a laboratory that a ground water source sample collected under [40 CFR § 141.402\(a\)\(3\)](#) was found to be fecal positive, or direction from the Division that a fecal positive collected under [40 CFR § 141.402\(a\)\(2\)](#), [§ 141.402\(a\)\(4\)](#), or [§ 141.402\(b\)](#) requires corrective action. For purposes of this section, significant deficiencies include, but are not limited to, defects in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system that the Division determines to be causing, or have the potential for causing, the introduction of contamination into the water delivered to consumers.
5. Within 120 days (or earlier if directed by the Division) of receiving written notification from the Division of a significant deficiency, written notice from a laboratory that a ground water source sample collected under [40 CFR § 141.402\(a\)\(3\)](#) was found to be fecal positive, or direction from the Division that a fecal positive collected under [40 CFR § 141.402\(a\)\(2\)](#), [§ 141.402\(a\)\(4\)](#), or [§ 141.402\(b\)](#) requires corrective action, the ground water system must either:
 - (i) Have completed corrective action in accordance with a Division approved corrective action plan.
 - (ii) Be in compliance with a Division approved corrective action plan and schedule subject to the following conditions.
 - (I) The Division must approve any modifications to the corrective action plan and schedule.
 - (II) The system must comply with any interim measures specified by the Division for the protection of the public health pending Division approval of the corrective action plan and schedule or pending completion of the corrective action.

6. Ground water systems that meet the conditions of paragraphs (4)(a)1. or (4)(a)2. must implement one or more of the following corrective action alternatives:
 - (i) Correct all significant deficiencies;
 - (ii) Provide an alternate source of water;
 - (iii) Eliminate the source of contamination; or
 - (iv) Provide treatment that reliably achieves at least 4-log treatment of viruses (using inactivation, removal, or a Division-approved combination of both) before or at the first customer for the ground water source.
7. Special Notice to the public of significant deficiencies or source water fecal contamination.
 - (i) In addition to the applicable public notification requirements of 40 CFR § 141.4202, a community ground water system that receives notice from the Division of a significant deficiency or notification of a fecal positive ground water source sample that is not invalidated by the Division under [40 CFR § 141.402\(d\)](#) must inform the public served by the water system under [40 CFR § 141.153\(h\)\(6\)](#) of the fecal positive source sample or of any significant deficiency that has not been corrected. The system must continue to inform the public annually until the significant deficiency is corrected or the fecal contamination in the groundwater source is determined by the Division to be corrected under paragraph (4)(a)5.
 - (ii) In addition to the applicable public notification requirements of 40 CFR § 141.4202, a non-community ground water system that receives notice from the Division of a significant deficiency must inform the public served by the water system in a manner approved by the Division of any significant deficiency that has not been corrected within twelve (12) months of being notified, or earlier if directed by the Division. The system must continue to inform the public annually until the significant deficiency is corrected. The information must include:
 - (I) The nature of the significant deficiency and the date the significant deficiency was identified by the Division;

- (II) The Division approved plan and schedule for correction of the significant deficiency, including interim measures, progress to date, and any interim measures completed; and
 - (III) For systems with a large portion of non-English speaking consumers, as determined by the Division, information in the appropriate language regarding the importance of the notice or a telephone number or address where consumers may contact the system to obtain a translated copy of the notice or assistance in the appropriate language.
- (iii) If directed by the Division, a non-community water system with significant deficiencies that have been corrected must inform its customers of the significant deficiencies, how the deficiencies were corrected, and the dates of correction.

(b) Compliance Monitoring.

1. A ground water system that is not required to meet the source water monitoring requirements in this Rule because it provides at least 4-log treatment of viruses for any ground water source must notify the Division in writing that it is providing at least 4-log treatment of viruses and begin compliance monitoring in accordance with paragraph (4)(b) by December 1, 2009.
2. A ground water system that places a ground water source in service after November 30, 2009, and provides at least 4-log treatment of viruses before or at the first customer is not required to meet the source water monitoring requirements in this Rule. Such system must notify the Division in accordance with [40 CFR § 141.403\(b\)\(2\)\(i\), \(b\)\(2\)\(ii\) and \(b\)\(2\)\(iii\)](#) and conduct compliance monitoring as required under [40 CFR § 141.403\(b\)\(3\)](#) within thirty days of placing the source in service.
3. If the system subsequently discontinues 4-log treatment of viruses before or at the first customer for a ground water source, the system must conduct ground water source monitoring as required under [40 CFR § 141.402](#).
4. A ground water system serving greater than 3,300 people that is required to conduct compliance monitoring must continuously monitor the residual disinfectant concentration using analytical methods specified in [40 CFR § 141.74\(a\)\(2\)](#) at a location approved by the Division and must record the lowest residual disinfectant concentration each day that water from the ground water source is served to the public. The ground water system must

maintain the Division-determined residual disinfectant concentration every day the ground water system serves water from the ground water source to the public. If there is a failure in the continuous monitoring equipment, the ground water system must conduct grab sampling every four hours until the continuous monitoring equipment is returned to service. The system must resume continuous residual disinfectant monitoring within 14 days.

5. A ground water system serving 3,300 or fewer people that is required to conduct compliance monitoring must monitor the residual disinfectant concentration using analytical methods specified in [40 CFR § 141.74\(a\)\(2\)](#) at a location approved by the Division and record the residual disinfectant concentration each day that water from the ground water source is served to the public. The ground water system must maintain the Division-determined residual disinfectant concentration every day the ground water system serves water from the ground water source to the public. The ground water system must take a daily grab sample during the hour of peak flow or at another time specified by the Division. If any daily grab sample measurement falls below the Division-determined residual disinfectant concentration, the ground water system must take follow-up samples every four hours until the residual disinfectant concentration is restored to the Division-determined level. Alternatively, a ground water system that serves 3,300 or fewer people may monitor continuously and meet the requirements of [40 CFR § 141.403\(b\)\(3\)\(i\)\(A\)](#).
6. Membrane Filtration. A ground water system that uses membrane filtration to meet the requirements of this section must monitor the membrane filtration process in accordance with all Division-specified monitoring requirements and must operate the membrane filtration in accordance with all Division-specified compliance requirements. A ground water system that uses membrane filtration is in compliance with the requirement to achieve at least 4-log removal of viruses when:
 - (i) The membrane has an absolute molecular weight cut-off (MWCO), or an alternate parameter that describes the exclusion characteristics of the membrane, that can reliably achieve at least 4-log removal of viruses;
 - (ii) The membrane process is operated in accordance with Division-specified compliance requirements; and
 - (iii) The integrity of the membrane is intact.
7. Alternative treatment. A ground water system that uses a Division-approved alternative treatment to meet the requirements of this subpart by providing at least 4-log treatment of viruses (using inactivation, removal, or a

Division-approved combination of 4-log virus inactivation and removal) before or at the first customer must:

- (i) Monitor the alternative treatment in accordance with all Division-specified monitoring requirements; and
 - (ii) Operate the alternative treatment in accordance with all compliance requirements that the Division determines to be necessary to achieve at least 4-log treatment of viruses.
8. A ground water system may discontinue 4-log treatment of viruses if the Division determines and documents in writing that 4-log treatment of viruses is no longer necessary for that groundwater source. A system that discontinues 4-log treatment of viruses is subject to the source water monitoring and analytical methods requirements of [40 CFR Part 141 Subpart S, § 141.402](#).
9. Failure to meet the monitoring requirements of paragraph (4)(b) is a monitoring violation and requires the ground water system to provide public notification under [40 CFR Part 141 Subpart Q, § 141.204](#).
10. A ground water system conducting compliance monitoring under [40 CFR § 141.403\(b\)](#) must notify the Division any time the system fails to meet any Division-specified requirements including, but not limited to, minimum residual disinfectant concentration, membrane operating criteria or membrane integrity, and alternative treatment operating criteria, if operation in accordance with the criteria or requirements is not restored within four hours. The ground water system must notify the Division as soon as possible, but in no case later than the end of the next business day.

(5) **Treatment Technique Violations for Ground Water Systems.** [40 CFR, Subpart S, § 141.404](#) is hereby incorporated by reference.

- (a) A ground water system with a significant deficiency is in violation of the treatment technique requirement if, within 120 days (or earlier if directed by the Division) of receiving written notice from the Division of the significant deficiency, the system:
 - 1. Does not complete corrective action in accordance with any applicable Division plan review processes including interim actions and measures specified by the Division, or
 - 2. Is not in compliance with a Division approved corrective action plan and schedule.

- (b) Unless the Division invalidates a fecal positive ground water source sample under [40 CFR § 141.402\(d\)](#), a ground water system is in violation of the treatment technique requirement if, within 120 days (or earlier if directed by the Division) of meeting the conditions of [40 CFR § 141.403\(a\)\(1\)](#) or [§ 141.403\(a\)\(2\)](#), the system:
 - 1. Does not complete corrective action in accordance with any applicable Division plan review processes including interim actions and measures specified by the Division, or
 - 2. Is not in compliance with a Division approved corrective action plan and schedule.
 - (c) A ground water system subject to the requirements of [40 CFR § 141.403\(b\)\(3\)](#) that fails to maintain at least 4-log treatment of viruses (using inactivation, removal, or a Division-approved combination of both) is in violation of the treatment technique requirement if the failure is not corrected within four hours of determining the system is not maintaining at least 4-log treatment of viruses before or at the first customer.
 - (d) Ground water systems must give public notification under [40 CFR § 141.203](#) for the treatment technique violations specified in paragraphs (5)(a), (5)(b) and (5)(c).
- (6) **Reporting and Recordkeeping for Ground Water Systems.** 40 CFR Part 141, Subpart S, § 141.405 is hereby incorporated by reference.
- (a) In addition to the requirements of [40 CFR § 141.31](#), a groundwater system regulated under 40 CFR Part 141 Subpart S must provide the following information to the Division:
 - 1. A ground water system conducting compliance monitoring under [40 CFR § 141.403\(b\)](#) must notify the Division any time the systems fails to meet any Division-specified requirements including, but not limited to, minimum residual disinfectant concentration, membrane operating criteria or integrity, and alternative treatment operating criteria, if operation in accordance with the criteria or requirements is not restored within four (4) hours. The ground water system must notify the Division as soon as possible, but in no case later than the end of the next business day.
 - 2. After completing any corrective action under [40 CFR § 141.403\(a\)](#), a ground water system must notify the Division within thirty (30) days of completion of the corrective action.
 - 3. If a ground water system that is subject to the requirements of [40 CFR § 141.402\(a\)](#) does not conduct source water monitoring under [40 CFR § 141.402\(a\)\(5\)\(ii\)](#), the system must provide documentation to the Division

within thirty (30) days of the total coliform positive sample that it met the Division criteria.

- (b) In addition to the requirements of [40 CFR § 141.33](#), a groundwater system regulated under 40 CFR Part 141 Subpart S must maintain the following information in its records:
1. Documentation of corrective actions. Documentation shall be kept for a period of not less than ten years.
 2. Documentation of notice to the public as required under [40 CFR § 141.403\(a\)\(7\)](#). Documentation shall be kept for a period not less than three years.
 3. Records of decisions under [40 CFR § 141.402\(a\)\(5\)\(ii\)](#) and records of invalidation of fecal indicator-positive ground water samples under [40 CFR § 141.402\(d\)](#). Documentation shall be kept for a period of not less than five years.
 4. For consecutive systems, documentation of notification to the wholesale system(s) of total coliform-positive samples that are not invalidated under Rule [391-3-5-.23\(3\)](#) until March 31, 2016, or under Rule [391-3-5-.55\(3\)](#) beginning April 1, 2016. Documentation shall be kept for a period of not less than five years.
 5. For systems, including wholesale systems, that are required to perform compliance monitoring under [40 CFR § 141.403\(b\)](#):
 - (i) Records of the Division-specified minimum disinfectant residual. Documentation shall be kept for a period of not less than ten years.
 - (ii) Records of lowest daily residual disinfectant concentration and records of the date and duration of any failure to maintain the Division-prescribed minimum residual disinfectant concentration for a period of more than four hours. Documentation shall be kept for a period of not less than five years.
 - (iii) Records of Division-specified compliance requirements for membrane filtration and of parameters specified by the Division for Division-approved alternative treatment and records of the date and duration of any failure to meet the membrane operating, membrane integrity, or alternative treatment operating requirements for more than four hours. Documentation shall be kept for a period of not less than five years.

- (7) **Division Recordkeeping.** The records kept by the Division shall be in accordance with [40 CFR § 142.14](#).
- (8) **Division Reporting.** The reporting by the Division shall be performed as required by [40 CFR § 142.15](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.54

Authority: O.C.G.A. § [12-5-170](#) *et seq.*

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Amended: F. Feb. 29, 2016; eff. Mar. 20, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Rule 391-3-5-.55. Revised Total Coliform Rule.

(1) **General.**

- (a) *General.* The provisions of this Rule include both maximum contaminant level and treatment technique requirements.
- (b) *Applicability.* The provisions of this Rule apply to all public water systems.
- (c) *Compliance date.* Systems must comply with the provisions of this Rule beginning April 1, 2016, unless otherwise specified in this Rule.
- (d) *Violations of national primary drinking water regulations.* Failure to comply with the applicable requirements of this Rule, including requirements established by the Division pursuant to these provisions, is a violation of the national primary drinking water regulations.

(2) **Analytical Methods and Laboratory Certification**

- (a) *Analytical Methodology.*
 - 1. The standard sample volume required for analysis, regardless of analytical method used, is 100 ml.
 - 2. Systems need only determine the presence or absence of total coliforms and *E. coli*; a determination of density is not required.
 - 3. The time from sample collection to initiation of test medium incubation may not exceed 30 hours. Systems are encouraged but not required to hold samples below 10 deg. C during transit.
 - 4. If water having residual chlorine (measured as free, combined, or total chlorine) is to be analyzed, sufficient sodium thiosulfate (Na₂S₂O₃) must be

added to the sample bottle before sterilization to neutralize any residual chlorine in the water sample. Dechlorination procedures are addressed in Section 9060A.2 of *Standard Methods for the Examination of Water and Wastewater* (20th and 21st editions).

5. Systems must conduct total coliform and *E. coli* analyses in accordance with one of the analytical methods in [40 CFR § 141.852\(a\)\(5\)](#) or one of the alternative methods listed in Appendix A to Subpart C of 40 CFR Part 141.
- (b) *Laboratory certification.* Systems must have all compliance samples required under this Rule analyzed by a laboratory certified by the Division or by EPA to analyze drinking water samples. The laboratory used by the system must be certified for each method (and associated contaminant(s)) used for compliance monitoring analyses under this Rule.
- (c) *Incorporation by reference.* The standards required in paragraph (2) of this Rule are incorporated by reference under [40 CFR § 141.852\(c\)](#).

(3) **General Monitoring Requirements for all Public Water Systems**

(a) Sample Site Plans.

1. Systems must develop a written sample siting plan that identifies sampling sites and a sample collection schedule that are representative of water throughout the distribution system not later than March 31, 2016. These plans are subject to Division review and revision. Systems must collect total coliform samples according to the written sample siting plan. Monitoring required by paragraphs (4) through (8) of this Rule may take place at a customer's premise, dedicated sampling station, or other designated compliance sampling location. Routine and repeat sample sites and any sampling points necessary to meet the requirements of Rule [391-3-5-.54](#) must be reflected in the sampling plan.
2. Systems must collect samples at regular time intervals throughout the month, except that systems that use only groundwater and serve 4,900 or fewer people may collect all required samples on a single day if they are taken from different sites.
3. Systems must take at least the minimum number of required samples even if the system has had an *E. coli* MCL violation or has exceeded the coliform treatment technique triggers in paragraph (9)(a).
4. A system may conduct more compliance monitoring than is required by this Rule to investigate potential problems in the distribution system and use monitoring as a tool to assist in uncovering problems. A system may take

more than the minimum number of required routine samples and must include the results in calculating whether the coliform treatment technique trigger in paragraphs (9)(a)1.(i) and (ii) has been exceeded only if the samples are taken in accordance with the existing sample siting plan and are representative of water throughout the distribution system.

5. Systems must identify repeat monitoring locations in the sample siting plan. Unless the provisions of paragraph (3)(a)5.(i) are met, the system must collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken, and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five service connections downstream of the original sampling site. If a total coliform-positive sample is at the end of the distribution system, or one service connection away from the end of the distribution system, the system must still take all required repeat samples. However, the Division may allow an alternative sampling location in lieu of the requirement to collect at least one repeat sample upstream or downstream of the original sampling site. Systems required to conduct triggered source water monitoring under [391-3-5-.54\(3\)\(a\)](#) must take ground water source sample(s) in addition to repeat samples required under this Rule.
 - (i) Systems may propose repeat monitoring locations to the Division that the system believes to be representative of a pathway for contamination of the distribution system. A system may elect to specify either alternative fixed locations or criteria for selecting repeat sampling sites on a situational basis in a standard operating procedure (SOP) in its sample siting plan. The system must design its SOP to focus the repeat samples at locations that best verify and determine the extent of potential contamination of the distribution system area based on specific situations. The Division may modify the SOP or require alternative monitoring locations as needed.
6. The Division may review, revise, and approve, as appropriate, repeat sampling proposed by systems under paragraph (3)(a)5.(i). The system must demonstrate that the sample siting plan remains representative of the water quality in the distribution system. The Division may determine that monitoring at the entry point to the distribution system (especially for undisinfected ground water systems) is effective to differentiate between potential source water and distribution system problems.
 - (b) *Special purpose samples.* Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement, or repair, must not be used to determine whether the coliform treatment technique trigger has been exceeded. Repeat samples taken pursuant to

paragraph (8) are not considered special purpose samples, and must be used to determine whether the coliform treatment technique trigger has been exceeded.

(c) *Invalidation of total coliform samples.* A total coliform-positive sample invalidated under this paragraph does not count toward meeting the minimum monitoring requirements of this Rule.

1. The Division may invalidate a total coliform-positive sample only if any of the following conditions are met:

- (i) The laboratory establishes that improper sample analysis caused the total coliform-positive result.
- (ii) The Division, on the basis of the results of repeat samples collected as required under paragraph (8)(a), determines that the total coliform-positive sample resulted from a domestic or other non-distribution system plumbing problem. The Division cannot invalidate a sample on the basis of repeat sample results unless all repeat sample(s) collected at the same tap as the original total coliform-positive sample are also total coliform-positive, and all repeat samples collected at a location other than the original tap are total coliform-negative (e.g., the Division cannot invalidate a total coliform-positive sample on the basis of repeat samples if all the repeat samples are total coliform-negative, or if the system has only one service connection).
- (iii) The Division has substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition that does not reflect water quality in the distribution system. In this case, the system must still collect all repeat samples required under paragraph (8)(a), and use them to determine whether a coliform treatment technique trigger in paragraph (9) has been exceeded. To invalidate a total coliform-positive sample under this paragraph, the decision and supporting rationale must be documented in writing, and approved and signed by the supervisor of the Division official who recommended the decision. The Division must make this document available to EPA and the public. The written documentation must state the specific cause of the total coliform-positive sample, and what action the system has taken, or will take, to correct this problem. The Division may not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform-negative.

2. A laboratory must invalidate a total coliform sample (unless total coliforms are detected) if the sample produces a turbid culture in the absence of gas production using an analytical method where gas formation is examined

(e.g., the Multiple-Tube Fermentation Technique), produces a turbid culture in the absence of an acid reaction in the Presence-Absence (P-A) Coliform Test, or exhibits confluent growth or produces colonies too numerous to count with an analytical method using a membrane filter (e.g., Membrane Filter Technique). If a laboratory invalidates a sample because of such interference, the system must collect another sample from the same location as the original sample within 24 hours of being notified of the interference problem, and have it analyzed for the presence of total coliforms. The system must continue to re-sample within 24 hours and have the samples analyzed until it obtains a valid result. The Division may waive the 24-hour time limit on a case-by-case basis. Alternatively, the Division may implement criteria for waiving the 24-hour sampling time limit to use in lieu of case-by-case extensions.

(4) Routine Monitoring Requirements for Non-Community Water Systems Serving 1,000 or Fewer People Using Only Ground Water

(a) General.

1. The provisions of this paragraph (4) apply to non-community water systems using only ground water (except ground water under the direct influence of surface water, as defined in Rule [391-3-5-.02\(64\)](#)) and serving 1,000 or fewer people.
2. Following any total coliform-positive sample taken under the provisions of paragraph (4), systems must comply with the repeat monitoring requirements and *E. coli* analytical requirements in paragraph (8).
3. Once all monitoring required by paragraphs (4) and (8) for a calendar month has been completed, systems must determine whether any coliform treatment technique triggers specified in paragraph (9) have been exceeded. If any trigger has been exceeded, systems must complete assessments as required by paragraph (9).
4. For the purpose of determining eligibility for remaining on or qualifying for quarterly monitoring under the provisions of paragraphs (4)(d)4. and (4)(e)2., respectively, for transient non-community water systems, the Division may elect to not count monitoring violations under paragraph (10)(c)1. if the missed sample is collected no later than the end of the monitoring period following the monitoring period in which the sample was missed. The system must collect the make-up sample in a different week than the routine sample for that monitoring period and should collect the sample as soon as possible during the monitoring period. This authority does not affect the provisions of paragraphs (10)(c)1. and (11)(a)4.

(b) *Monitoring frequency for total coliforms.* Systems must monitor each calendar quarter that the system provides water to the public, except for seasonal systems or as provided under paragraphs (4)(c) through (4)(e) and (4)(g). Seasonal systems must meet the monitoring requirements of paragraph (4)(f).

(c) *Transition to Rule 391-3-5-.55.*

1. Systems, excluding seasonal systems, must continue to monitor according to the total coliform monitoring schedules under Rule [391-3-5-.23](#) that were in effect on March 31, 2016, unless any of the conditions for increased monitoring in paragraph (4)(d) are triggered on or after April 1, 2016, or unless otherwise directed by the Division. Seasonal Systems must comply with paragraph (4)(f) as of April 1, 2016.
2. Beginning April 1, 2016, the Division must perform a special monitoring evaluation during each sanitary survey to review the status of the system, including the distribution system, to determine whether the system is on an appropriate monitoring schedule. After the Division has performed the special monitoring evaluation during each sanitary survey, the Division may modify the system's monitoring schedule, as necessary, or it may allow the system to stay on its existing monitoring schedule, consistent with the provisions of paragraph (4). The Division may not allow systems to begin less frequent monitoring under the special monitoring evaluation unless the system has already met the applicable criteria for less frequent monitoring in paragraph (4).

(d) *Increased monitoring requirements for systems on quarterly monitoring.* A system on quarterly monitoring that experiences any of the events identified in paragraphs (4)(d)1. through (4)(d)4. must begin monthly monitoring the month following the event. The system must continue monthly monitoring until the requirements in paragraph (4)(e) for quarterly monitoring are met. A system on monthly monitoring for reasons other than those identified in paragraphs (4)(d)1. through (4)(d)4. is not considered to be on increased monitoring for the purposes of paragraph (4)(e).

1. The system triggers a Level 2 assessment or two Level 1 assessments under the provisions of paragraph (9) in a rolling 12-month period.
2. The system has an *E. coli* MCL violation.
3. The system has a coliform treatment technique violation.
4. The system has two monitoring violations under Rule 391-3-5-.55 or one monitoring violation under Rule 391-3-5-.55 and one Level 1 assessment under the provisions of paragraph (9) in a rolling 12-month period.

(e) *Requirements for returning to quarterly monitoring.* The Division may reduce the monitoring frequency for a system on monthly monitoring triggered under paragraph (4)(d) to quarterly monitoring if the system meets the following criteria:

1. Within the last 12 months, the system must have a completed sanitary survey or a site visit by the Division or a voluntary Level 2 assessment by a party approved by the Division, be free of sanitary defects, and have a protected water source; and
2. The system must have a clean compliance history for a minimum of 12 months.

(f) *Seasonal systems.*

1. Beginning April 1, 2016, all seasonal systems must demonstrate completion of a Division-approved start-up procedure, which includes a requirement for startup sampling prior to serving water to the public.
2. A seasonal system must monitor every month that it is in operation.
3. The Division may exempt any seasonal system from some or all of the requirements for seasonal systems if the entire distribution system remains pressurized during the entire period that the system is not operating.

(g) *Additional routine monitoring the month following a total coliform-positive sample.* Systems collecting samples on a quarterly frequency must conduct additional routine monitoring the month following one or more total coliform-positive samples (with or without a Level 1 treatment technique trigger). Systems must collect at least three routine samples during the next month, except that the Division may waive this requirement if the conditions of paragraph (4)(g)1., 2., or 3. are met. Systems may either collect samples at regular time intervals throughout the month or may collect all required routine samples on a single day if samples are taken from different sites. Systems must use the results of additional routine samples in coliform treatment technique trigger calculations under paragraph (9)(a).

1. The Division may waive the requirement to collect three routine samples the next month in which the system provides water to the public if the Division, or an agent approved by the Division, performs a site visit before the end of the next month in which the system provides water to the public. Although a sanitary survey need not be performed, the site visit must be sufficiently detailed to allow the Division to determine whether additional monitoring and/or any corrective action is needed. The Division cannot approve an employee of the system to perform this site visit, even if the employee is an agent approved by the Division to perform sanitary surveys.

2. The Division may waive the requirement to collect three routine samples the next month in which the system provides water to the public if the Division has determined why the sample was total coliform-positive and has established that the system has corrected the problem or will correct the problem before the end of the next month in which the system serves water to the public. In this case, the Division must document this decision to waive the following month's additional monitoring requirement in writing, have it approved and signed by the supervisor of the Division official who recommends such a decision, and make this document available to the EPA and public. The written documentation must describe the specific cause of the total coliform-positive sample and what action the system has taken and/or will take to correct this problem.
3. The Division may not waive the requirement to collect three additional routine samples the next month in which the system provides water to the public solely on the grounds that all repeat samples are total coliform-negative. If the Division determines that the system has corrected the contamination problem before the system takes the set of repeat samples required in paragraph (8), and all repeat samples were total coliform-negative, the Division may waive the requirement for additional routine monitoring the next month.

(5) Routine Monitoring Requirements for Community Water Systems Serving 1,000 or Fewer People Using Only Ground Water.

(a) General.

1. The provisions of paragraph (5) apply to community water systems using only ground water (except ground water under the direct influence of surface water, as defined in [391-3-5-.02\(64\)](#)) and serving 1,000 or fewer people.
2. Following any total coliform-positive sample taken under the provisions of paragraph (5), systems must comply with the repeat monitoring requirements and *E. coli* analytical requirements in paragraph (8).
3. Once all monitoring required by paragraphs (5) and (8) for a calendar month has been completed, systems must determine whether any coliform treatment technique triggers specified in paragraph (9) have been exceeded. If any trigger has been exceeded, systems must complete assessments as required by paragraph (9).

(b) Monitoring frequency for total coliforms. The monitoring frequency for total coliforms is one sample/month, except as provided below:

1. All systems must continue to monitor according to the total coliform monitoring schedules under Rule [391-3-5-.23](#) that were in effect on March 31, 2016, unless otherwise directed by the Division.
2. Beginning April 1, 2016, the Division must perform a special monitoring evaluation during each sanitary survey to review the status of the system, including the distribution system, to determine whether the system is on an appropriate monitoring schedule. After the Division has performed the special monitoring evaluation during each sanitary survey, the Division may modify the system's monitoring schedule, as necessary, or it may allow the system to stay on its existing monitoring schedule, consistent with the provisions of paragraph (5).

(6) Routine Monitoring Requirements for 40 CFR Part 141 Subpart H Public Water Systems Serving 1,000 or Fewer People.

(a) General.

1. The provisions of paragraph (6) apply to 40 CFR Part 141 Subpart H public water systems serving 1,000 or fewer people.
2. Following any total coliform-positive sample taken under the provisions of paragraph (6), systems must comply with the repeat monitoring requirements and *E. coli* analytical requirements in paragraph (8).
3. Once all monitoring required by paragraphs (6) and (8) for a calendar month has been completed, systems must determine whether any coliform treatment technique triggers specified in paragraph (9) have been exceeded. If any trigger has been exceeded, systems must complete assessments as required by paragraph (9).
4. Seasonal systems.
 - (i) Beginning April 1, 2016, all seasonal systems must demonstrate completion of a Division-approved start-up procedure, which may include a requirement for start-up sampling prior to serving water to the public.
 - (ii) The Division may exempt any seasonal system from some or all of the requirements for seasonal systems if the entire distribution system remains pressurized during the entire period that the system is not operating.

- (b) *Routine monitoring frequency for total coliforms.* 40 CFR Part 141 Subpart H systems (including consecutive systems) must monitor monthly. Systems may not reduce monitoring.

(7) Routine Monitoring Requirements for Public Water Systems Serving More than 1,000 People.

(a) *General.*

1. The provisions of paragraph (7) apply to public water systems serving more than 1,000 persons.
 2. Following any total coliform-positive sample taken under the provisions of paragraph (7), systems must comply with the repeat monitoring requirements and *E. coli* analytical requirements in paragraph (8).
 3. Once all monitoring required by paragraphs (7) and (8) for a calendar month has been completed, systems must determine whether any coliform treatment technique triggers specified in paragraph (9) have been exceeded. If any trigger has been exceeded, systems must complete assessments as required by paragraph (9).
 4. Seasonal systems.
 - (i) Beginning April 1, 2016, all seasonal systems must demonstrate completion of a Division-approved start-up procedure, which may include a requirement for start-up sampling prior to serving water to the public.
 - (ii) The Division may exempt any seasonal system from some or all of the requirements for seasonal systems if the entire distribution system remains pressurized during the entire period that the system is not operating.
- (b) *Monitoring frequency for total coliforms.* The monitoring frequency for total coliforms is based on the population served by the system, as follows:

Total Coliform Monitoring Frequency for Public Water Systems Serving More Than 1,000 People

Population Served	Minimum number of samples per month
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4

4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270
970,001 to 1,230,000	300
1,230,001 to 1,520,000	330
1,520,001 to 1,850,000	360
1,850,001 to 2,270,000	390
2,270,001 to 3,020,000	420
3,020,001 to 3,960,000	450
3,960,001 or more	480

(8) Repeat Monitoring and *E. Coli* Requirements.

(a) *Repeat Monitoring.*

1. If a sample taken under paragraphs (4) through (7) of this Rule is total coliform-positive, the system must collect a set of repeat samples within 24 hours of being notified of the positive result. The system must collect no fewer than three repeat samples for each total coliform-positive sample found. The Division may extend the 24-hour limit on a case-by-case basis if the system has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control. Alternatively, the Division may implement criteria for the system to use in lieu of case-by-case extensions. In the case of an extension, the Division must specify how much time the system has to collect the repeat samples. The Division cannot waive the requirement for a system to collect repeat samples in paragraphs (8)(a)1. through (8)(a)3.
2. The system must collect all repeat samples on the same day, except that the Division may allow a system with a single service connection to collect the required set of repeat samples over a three-day period or to collect a larger volume repeat sample(s) in one or more sample containers of any size, as long as the total volume collected is at least 300 ml.
3. The system must collect an additional set of repeat samples in the manner specified in paragraphs (8)(a)1. through (8)(a)3. if one or more repeat samples in the current set of repeat samples is total coliform-positive. The system must collect the additional set of repeat samples within 24 hours of being notified of the positive result, unless the Division extends the limit as provided in paragraph (8)(a)1. The system must continue to collect additional sets of repeat samples until either total coliforms are not detected in one complete set of repeat samples or the system determines that a coliform treatment technique trigger specified in paragraph (9)(a) has been exceeded as a result of a repeat sample being total coliform-positive and notifies the Division. If a trigger identified in paragraph (9) is exceeded as a result of a routine sample being total coliform-positive, systems are required to conduct only one round of repeat monitoring for each total coliform-positive routine sample.
4. After a system collects a routine sample and before it learns the results of the analysis of that sample, if it collects another routine sample(s) from within five adjacent service connections of the initial sample, and the initial sample, after analysis, is found to contain total coliforms, then the system may count the subsequent sample(s) as a repeat sample instead of as a routine sample.
5. Results of all routine and repeat samples taken under paragraphs (4) through (8) of this Rule not invalidated by the Division must be used to determine

whether a coliform treatment technique trigger specified in paragraph (9) has been exceeded.

(b) *Escherichia coli* (*E. coli*) testing.

1. If any routine or repeat sample is total coliform-positive, the system must analyze that total coliform-positive culture medium to determine if *E. coli* are present. If *E. coli* are present, the system must notify the Division by the end of the day when the system is notified of the test result, unless the system is notified of the result after the Division office is closed and the Division does not have either an after-hours phone line or an alternative notification procedure, in which case the system must notify the Division before the end of the next business day.
2. The Division has the discretion to allow a system, on a case-by-case basis, to forgo *E. coli* testing on a total coliform-positive sample if that system assumes that the total coliform-positive sample is *E. coli*-positive. Accordingly, the system must notify the Division as specified in paragraph (8)(b)1. and the provisions of Rule [391-3-5-.18\(4\)\(c\)](#) apply.

(9) **Coliform Treatment Technique Triggers and Assessment Requirements for Protection Against Potential Fecal Contamination.**

(a) *Treatment technique triggers.* Systems must conduct assessments in accordance with paragraph (9)(b) after exceeding treatment technique triggers in paragraphs (9)(a)1. and (9)(a)2.

1. Level 1 treatment technique triggers.
 - (i) For systems taking 40 or more samples per month, the system exceeds 5.0% total coliform-positive samples for the month.
 - (ii) For systems taking fewer than 40 samples per month, the system has two or more total coliform-positive samples in the same month.
 - (iii) The system fails to take every required repeat sample after any single total coliform-positive sample.
2. Level 2 treatment technique triggers.
 - (i) An *E. coli* MCL violation, as specified in paragraph (10)(a).
 - (ii) A second Level 1 trigger as defined in paragraph (9)(a)1., within a rolling 12-month period, unless the Division has determined a likely reason that the samples that caused the first Level 1 treatment

technique trigger were total coliform-positive and has established that the system has corrected the problem.

(b) *Requirements for assessments.*

1. Systems must ensure that Level 1 and 2 assessments are conducted in order to identify the possible presence of sanitary defects and defects in distribution system coliform monitoring practices. Level 2 assessments must be conducted by parties approved by the Division.
2. When conducting assessments, systems must ensure that the assessor evaluates minimum elements that include review and identification of inadequacies in sample sites; sampling protocol; sample processing; atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., small ground water systems); and existing water quality monitoring data. The system must conduct the assessment consistent with any Division directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system.
3. Level 1 assessments. A system must conduct a Level 1 assessment consistent with Division requirements if the system exceeds one of the treatment technique triggers in paragraph (9)(a)1.
 - (i) The system must complete a Level 1 assessment as soon as practical after any trigger in paragraph (9)(a)1. In the completed assessment form, the system must describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed. The assessment form may also note that no sanitary defects were identified. The system must submit the completed Level 1 assessment form to the Division within 30 days after the system learns that it has exceeded a trigger.
 - (ii) If the Division reviews the completed Level 1 assessment and determines that the assessment is not sufficient (including any proposed timetable for any corrective actions not already completed), the Division must consult with the system. If the Division requires revisions after consultation, the system must submit a revised assessment form to the Division on an agreed-upon schedule not to exceed 30 days from the date of the consultation.

- (iii) Upon completion and submission of the assessment form by the system, the Division must determine if the system has identified a likely cause for the Level 1 trigger and, if so, establish that the system has corrected the problem, or has included a schedule acceptable to the Division for correcting the problem.
- 4. Level 2 assessments. A system must ensure that a Level 2 assessment consistent with Division requirements is conducted if the system exceeds one of the treatment technique triggers in paragraph (9)(a)2. The system must comply with any expedited actions or additional actions required by the Division in the case of an *E. coli* MCL violation.
 - (i) The system must ensure that a Level 2 assessment is completed by the Division or by a party approved by the Division as soon as practical after any trigger in paragraph (9)(a)2. The system must submit a completed Level 2 assessment form to the Division within 30 days after the system learns that it has exceeded a trigger. The assessment form must describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed. The assessment form may also note that no sanitary defects were identified.
 - (ii) The system may conduct Level 2 assessments if the system has staff or management with the certification or qualifications specified by the Division unless otherwise directed by the Division.
 - (iii) If the Division reviews the completed Level 2 assessment and determines that the assessment is not sufficient (including any proposed timetable for any corrective actions not already completed), the Division must consult with the system. If the Division requires revisions after consultation, the system must submit a revised assessment form to the Division on an agreed-upon schedule not to exceed 30 days.
 - (iv) Upon completion and submission of the assessment form by the system, the Division must determine if the system has identified a likely cause for the Level 2 trigger and determine whether the system has corrected the problem, or has included a schedule acceptable to the Division for correcting the problem.
- (c) *Corrective action.* Systems must correct sanitary defects found through either Level 1 or 2 assessments conducted under paragraph (9)(b). For corrections not completed by the time of submission of the assessment form, the system must complete the corrective action(s) in compliance with a timetable approved by the

Division in consultation with the system. The system must notify the Division when each scheduled corrective action is completed.

- (d) *Consultation.* At any time during the assessment or corrective action phase, either the water system or the Division may request a consultation with the other party to determine the appropriate actions to be taken. The system may consult with the Division on all relevant information that may impact on its ability to comply with a requirement of this Rule, including the method of accomplishment, an appropriate timeframe, and other relevant information.

(10) **Violations.**

- (a) *E. coli MCL Violation.* A system is in violation of the MCL for *E. coli* when any of the following conditions occur:

1. The system has an *E. coli*-positive repeat sample following a total coliform-positive routine sample.
2. The system has a total coliform-positive repeat sample following an *E. coli*-positive routine sample.
3. The system fails to take all required repeat samples following an *E. coli*-positive routine sample.
4. The system fails to test for *E. coli* when any repeat sample tests positive for total coliform.

- (b) *Treatment technique violation.*

1. A treatment technique violation occurs when a system exceeds a treatment technique trigger specified in paragraph (9)(a) and then fails to conduct the required assessment or corrective actions within the timeframe specified in paragraphs (9)(b) and (9)(c).
2. A treatment technique violation occurs when a seasonal system fails to complete a Division-approved start-up procedure prior to serving water to the public.

- (c) *Monitoring violations.*

1. Failure to take every required routine or additional routine sample in a compliance period is a monitoring violation.
2. Failure to analyze for *E. coli* following a total coliform-positive routine sample is a monitoring violation.

- (d) *Reporting violations.*

1. Failure to submit a monitoring report or completed assessment form after a system properly conducts monitoring or assessment in a timely manner is a reporting violation.
2. Failure to notify the Division following an *E. coli*-positive sample as required by paragraph (8)(b)1. in a timely manner is a reporting violation.
3. Failure to submit certification of completion of Division-approved start-up procedure by a seasonal system is a reporting violation.

(11) Reporting and Recordkeeping.

(a) Reporting.

1. *E. coli*.
 - (i) A system must notify the Division by the end of the day when the system learns of an *E. coli* MCL violation, unless the system learns of the violation after the Division office is closed and the Division does not have either an after-hours phone line or an alternative notification procedure, in which case the system must notify the Division before the end of the next business day, and notify the public in accordance with Rule [391-3-5-.32](#).
 - (ii) A system must notify the Division by the end of the day when the system is notified of an *E. coli*-positive routine sample, unless the system is notified of the result after the Division office is closed and the Division does not have either an after-hours phone line or an alternative notification procedure, in which case the system must notify the Division before the end of the next business day.
2. A system that has violated the treatment technique for coliforms in paragraph (9) must report the violation to the Division no later than the end of the next business day after it learns of the violation, and notify the public in accordance with Rule [391-3-5-.32](#).
3. A system required to conduct an assessment under the provisions of paragraph (9) must submit the assessment report within 30 days. The system must notify the Division in accordance with paragraph (9)(c) when each scheduled corrective action is completed for corrections not completed by the time of submission of the assessment form.
4. A system that has failed to comply with a coliform monitoring requirement must report the monitoring violation to the Division within 10 days after

the system discovers the violation, and notify the public in accordance with Rule [391-3-5-.32](#).

5. A seasonal system must certify, prior to serving water to the public, that it has complied with the Division-approved start-up procedure.

(b) *Recordkeeping.*

1. The system must maintain any assessment form, regardless of who conducts the assessment, and documentation of corrective actions completed as a result of those assessments, or other available summary documentation of the sanitary defects and corrective actions taken under paragraph (9) for Division review. This record must be maintained by the system for a period not less than five years after completion of the assessment or corrective action.
2. The system must maintain a record of any repeat sample taken that meets Division criteria for an extension of the 24-hour period for collecting repeat samples as provided for under paragraph (8)(a)1.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.55

Authority: O.C.G.A. § [12-5-170](#)*et seq.*

History. Original Rule entitled "Revised Total Coliform Rule" adopted. F. Feb. 29, 2016; eff. Mar. 20, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Subject 391-3-6. WATER QUALITY CONTROL.

Rule 391-3-6-.01. Organization and Administration.

- (1) **Purpose.** The purpose of Rule 391-3-6-.01 is to establish the organizational and administrative procedures to be followed in the administration and enforcement of the Georgia Water Quality Control Act, as amended, and to carry out the purposes and requirements of said Act and of the Federal Water Pollution Control Act Amendments of 1972, as amended
- (2) **Definitions.** All terms used in this Paragraph shall be interpreted in accordance with the definitions as set forth in the Georgia Water Quality Control Act, as amended, unless otherwise defined in this Paragraph or in any other Paragraph of these rules:
 - (a) "Act" means the Georgia Water Quality Control Act, as amended;
 - (b) "Board" means the Board of Natural Resources of the State of Georgia;

- (c) "Department" means the Department of Natural Resources of the State of Georgia;
 - (d) "Director" means the Director of the Division of Environmental Protection of the Department of Natural Resources, State of Georgia;
 - (e) "Division" means the Division of Environmental Protection of the Department of Natural Resources, State of Georgia;
 - (f) "E.P.A." means the United States Environmental Protection Agency;
 - (g) "Federal Act" means the Federal Water Pollution Control Act Amendments of 1972, as amended;
 - (h) "Final Stabilization" means paved areas or areas covered by permanent structures or for unpaved areas and areas not covered by permanent structures, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the region. For infrastructure construction projects on land used for agricultural or silvicultural purposes, final stabilization may be accomplished by stabilizing the disturbed land for its agricultural or silvicultural use.
 - (i) "National Pollutant Discharge Elimination System" (NPDES) means the national system for the issuance of permits under Section 402 of the Federal Water Pollution Control Act Amendments of 1972;
 - (j) "Regional Administrator" means the Regional Administrator for the EPA region which includes the State of Georgia.
 - (k) "Primary Permittee" means the owner or the operator of a tract of land for a project covered by the State General Permit.
 - (l) "State General Permit" means the National Pollution Discharge Elimination System general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, [33 U.S.C. Section 1251](#), *et seq.*, and subsection (f) of Code Section [12-5-30](#).
- (3) **Organization.** The Division of Environmental Protection of the Department of Natural Resources is responsible for enforcing those environmental protection laws of the State of Georgia as specified in the Executive Reorganization Act of 1972, as amended. Requests for information and submission of materials should be made to the Division office.

(4) Administrative Hearings.

(a) Hearings may be held in accordance with the Act in connection with the following matters:

1. To determine whether or not an alleged pollution is contrary to the public interest;
2. In connection with the securing, within the time specified by order or permit of the Director, of such operating results as are reasonable and practicable of attainment toward the control, abatement or prevention of pollution of the waters of the State and preservation of the necessary quality for the reasonable use thereof;
3. In connection with notice to the holder of a permit of intent to revoke, suspend, or modify the permit;
4. In connection with the refusal of any person to cooperate with the efforts of the Division to reduce pollution, and upon the issuance of an order by the Director, to bring about the reduction or elimination of pollution within a reasonable time;
5. Any person who is aggrieved or adversely affected by an order or action of the Director and who petitions the Director for a hearing within thirty (30) days of the issuance of such order or notice of such action. Such person shall be granted a hearing before a hearing officer appointed by the Board of Natural Resources. The initial hearing and any administrative review thereof shall be conducted in accordance with Section 17(a) of the Executive Reorganization Act of 1972, as amended.
6. Any person against whom an emergency order is directed, provided such person petitions the Director for a hearing within the thirty (30) days of the issuance of such order. Such person shall be afforded a hearing as soon as possible.
7. In connection with public hearings required pursuant to Section 402(b)(3) of the Federal Act and Federal Regulations, 40 C.F.R. 124.36.
8. In connection with public hearings or public participation required pursuant to Section 101(e) of the Federal Act.

(b) Insofar as applicable to the administrative procedures required pursuant to the Georgia Water Quality Act, as amended, Sections 14, 15, 16, 17, and 18 of the Georgia Administrative Procedure Act, as amended, and Section 17(a) of the Executive Reorganization Act of 1972, as amended, shall apply.

(5) **Public Participation Notice:**

- (a) Notice of all hearings provided for above shall be issued in accordance with Section 14 of the Georgia Administrative Procedure Act, as amended, and Federal Regulations, 40 C.F.R. 124.37.
 - (b) Interested persons shall have the right to participate in the enforcement of the Georgia Water Quality Control Act and rules promulgated thereunder pursuant to the applicable provisions of the Georgia Water Quality Control Act, § O.C.G.A. [12-5-20](#), *et seq.*; § O.C.G.A. [50-13-1](#), *et seq.*; the Georgia Civil Practices Act, § O.C.G.A. [9-11-1](#), *et seq.*; or any other applicable provision of Georgia law.
- (6) Notice to File Plan of Correction or Improvement.
- (a) In order to carry out a comprehensive plan to prevent and control pollution, the Division, as required by Section 5 of the Act and Section 303 of the Federal Act, may conduct studies and perform evaluations to determine waste load allocations in order to specify the degree of treatment and/or technology necessary to achieve the established effluent limitations; the maintenance of existing wastewater treatment technology, supplementary treatment or other specific measures necessary to attain and maintain applicable water quality standards, and protect the downstream users; or such other measures to prevent further pollution or reduce existing pollution. Upon the establishment of the necessary corrective action, the discharger will be required to file a plan and schedule of improvement with the Division. The Director may issue a notice to any person to submit within a specified time a plan of improvement and schedule for compliance with the specified requirements.
 - (b) The Director is authorized to approve plans, specifications, and related material, and to issue permits on behalf of the Division to persons who apply for such permits in accordance with Section 10 of the Act and such rules as are adopted and promulgated pursuant to same.
- (7) **Director of the Environmental Protection Division; Conflicts of Interest.** The Director of the Environmental Protection Division shall fully meet and qualify as to the conflict of interest requirements provided for in the Federal Water Pollution Control act, as amended, [33 U.S.C. § 1314\(i\)](#). (D), and the rules and regulations thereunder, particularly Federal Regulations, [40 C.F.R. 123.25\(c\)](#).
- (8) Effective Date. This Rule shall become effective twenty days after filing with the Secretary of State's office.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.01

Authority: Ga. L. 1964, p. 416, as amended; Ga. L. 1972, p. 1015, as amended.

History. Original Rule entitled "Organization and Administration" was filed on June 10, 1974; effective June 30, 1974.

Repealed: ER. 391-3-6-0.32-.01, of the same title, adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Amended: Permanent Rule of same title adopted. F. Jul. 10, 1996; eff. July 30, 1996.

Amended: F. May 22, 1998; eff. June 11, 1998.

Amended: F. Nov. 5, 2003; eff. Nov. 25, 2003.

Rule 391-3-6-.02. Preparation and Submission of Engineering Reports, Plans Specifications, and Environmental Information Documents.

- (1) **Purpose.** The purpose of Rule 391-3-6-.02 is to establish procedures to:
 - (a) Be followed by persons submitting to the Division engineering reports, plans and specifications, and related materials for the construction of any system for the disposal or treatment of pollutants;
 - (b) Provide for environmental assessment and public participation for all proposed publicly owned wastewater treatment facility construction, including construction, upgrading, or expansion of new or existing facilities.
- (2) **Definitions.** All terms used in this Paragraph shall be interpreted in accordance with the definitions as set forth in the Act, unless otherwise defined in this Paragraph or in any other Paragraph of these Rules:
 - (a) "Professional Engineer." As used in this chapter, the term means the same as the definition contained in O.C.G.A. Section [43-15-2\(10\)](#).
 - (b) "Owner." Any person owning or operating any system for the disposal or treatment of pollutants.
 - (c) "Sewerage System" means any system for the treatment or disposal of pollutants, including treatment works, pipe lines or conduits, pumping stations and force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting pollutants to the point of ultimate disposal.
 - (d) "Wastewater Treatment Facilities" means any device or system (including recycling and reclamation) used in the treatment of sewage or other waterborne waste or pollutants.
 - (e) "Environmental Information Document" means an assessment of environmental impact of any proposed construction, upgrading or expansion of a wastewater treatment facility. This evaluation may include, but is not limited to, the impact of the proposed construction, upgrading or expansion on air quality, flood plains, wetlands, noise pollution, water quality, cultural resources, and endangered or threatened species.
 - (f) "Public Participation" means providing information to the public potentially affected by the proposed project and providing for public input prior to construction.

(3) General Provisions.

- (a) Any person who desires to erect, modify, or alter a sewerage system shall obtain approval of any plans, specification and related materials for such system from the Division prior to commencement of construction. The review of certain types of sewer system extensions may be delegated to local governments that have demonstrated the capability for such reviews. This delegation shall be by written agreement.
- (b) Engineering material submitted to the Division shall be prepared by or under the direct supervision or review and bear the seal of a Professional Engineer competent in the design of sewerage systems and wastewater treatment facilities. At no time shall this requirement be in conflict with O.C.G.A. Section 43-15 governing the practice of professional engineering and surveying.
- (c) During the early stages of planning for the construction of a sewerage system, and prior to the formal submission of an application and accompanying materials for any permit required pursuant to the Act, or materials for any permit required pursuant to the Act, or materials submitted for Division approval pursuant to these rules, a conference between the project owner or his representative and representatives of the Division shall be held at the request of either the Director or the project owner, in order to reach a clear understanding of the proposal to be formally submitted to the Division at a later time. Such conference shall be granted within sixty (60) days after a written request to the Division by the project owner or his representative. If a conference is not granted within such period, then such permit application or other materials shall be filed and acted upon by the Division after the expiration of such period.
- (d) Sufficient copies of completed reports, plans and specifications, and related materials shall be submitted to the Division to cover necessary distribution when approved. Such material, accompanied by a letter to transmittal, shall be submitted by the project owner or his representative well in advance of any critical date involved, in order that time will be available for review, discussion, and revision when necessary. The submittal of such material shall be complete, accurate, distinct, legible, and relevant in respect to the project to which it applies. Permit applications shall be processed as provided in Paragraph [391-3-6-.06](#).
- (e) Plans for a sewerage system submitted to the Division will be considered for approval by the Division only when designated so as to minimize the passage of rainwater from roofs, streets or other areas and all groundwater, other than unavoidable infiltration, through such sewerage system.
- (f) All proposed lift stations must be approved by the Division.
- (g) All projects for the construction, upgrading or expansion of publicly owned wastewater treatment facilities within the State shall be required to prepare an

Environmental Information Document (EID). The Division will perform a review of the EID in accordance with procedures developed by the Director.

1. The party or parties responsible for the project will consult with Federal and State agencies as appropriate for information required in preparing the EID.
2. For municipal facilities, the party or parties responsible for the project will conduct at least one public meeting during the planning process. The public will be allowed to submit written comments at any point during the facilities planning process.

- (4) **Engineering Reports.** Engineering reports submitted to the Division shall contain a comprehensive description of the proposed project and shall include the following:
- (a) Pertinent information regarding the existing sewerage system, if applicable;
 - (b) Characteristics of existing pollutants and existing or proposed treatment of such pollutants;
 - (c) Demonstration of the need for the proposed sewerage system;
 - (d) Evaluation of alternatives to define the most cost effective method for meeting established effluent limitations, water quality goals, and treatment requirements;
 - (e) Results to be expected from treatment process;
 - (f) Sufficient maps, charts, tables, calculations, basis of design data and graphs to make the report readily understandable;
 - (g) An operation and maintenance program description;
 - (h) Such other pertinent engineering information as the Division may require.
- (5) **Plans and Specification.** Plans and specifications submitted to the Division for a sewerage system shall include the following:
- (a) A map showing the area to be served by the sewerage system;
 - (b) Profiles of proposed sewers;
 - (c) Construction details of manholes and other special sewer structures;
 - (d) General and detailed plans for the treatment facility;
 - (e) Specifications for the construction of the sewerage system;
 - (f) Such other plans and specifications as the Division may require.

(6) **General Map Plans.** General map plans submitted to the Division for a sewerage system shall include the following:

- (a) A map plan that shows the entire area to be served, drawn to a scale of from 100 to 300 feet per inch. The map plan may be divided into sections, provided the sheets are bound together and indexed to show the area covered by each sheet.
- (b) All existing and proposed streets in the area to be served; surface elevations at all street intersections; the location of all existing sewers, separate or combined; the location of the treatment facility; the location of the existing and proposed sewer outlets or overflows; the elevation of the highest known stream water level at the outlets and the treatment facility; and clear identification of any areas from which sewage is to be pumped.
- (c) Clear designation on the plan by suitable symbols of all sewer appurtenances, including, but not limited to, manholes, siphons and pumps.
- (d) Such other information as the Division may require.

(7) **Sewer Plans and Profiles.** Sewer plans and profiles submitted to the Division for a sewerage system shall include the following:

- (a) Sewers and force mains, drawn at a scale that shows the profile for all manholes, siphons, railroad crossings, street or stream crossings, elevations of stream beds, normal stream water levels, and sizes and grades of sewers show surface elevations and sewer invert elevations.
- (b) Detailed drawings of all sewer appurtenances, including, but not limited to, manholes, inspection chambers, siphons, lift stations, and any special structures to accompany the sewer plans, Detailed drawings shall be to a scale suitable to clearly show the design details.

(8) **Treatment Facilities Plans.** Plans for treatment facilities submitted to the Division shall include the following:

- (a) A general plan the that clearly identifies the exact location of the facilities, areas reserved for future expansion, access roads to the various units, and the point at which the access roads connect with existing road or street systems. It shall also show sufficient detail of the units, pipelines or any other features so as to make the proposed treatment process clearly and easily understood. The elevation of all units and water surfaces shall be shown.
- (b) Detailed plans which show longitudinal and transverse sections sufficient to explain the construction of each treatment unit.
- (c) Flow measuring devices at appropriate points in the plan. Sampling and recording devices may be required by the Division when deemed necessary.

- (d) Such other information as the Division may require.
- (9) **Approval of Plans and Specifications.** Approval of the plans and specifications by the Division does not include or imply approval of the structural, electrical, or mechanical integrity of the sewerage system, treatment facilities, units or equipment.
- (10) **Deviation from Approval Plans and Specifications.** No deviations from approved plans and specifications shall be made during construction unless documentation showing proposed changes has been submitted to and approved by the Division.
- (11) **Effective Date.** This Rule shall become effective twenty days after filing with the Secretary of State's Office.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.02

Authority: O.C.G.A. Sec. [12-5-20](#)*et seq.*

History. Original Rule entitled "Preparation and Submission of Engineering Reports and Plans and Specifications" adopted. F. June 10, 1974; eff. June 30, 1974.

Amended: F. May 30, 1985; eff. June 19, 1985.

Amended: Rule retitled "Preparation and Submission of Engineering Reports, Plans Specifications, and Environmental Information Documents" adopted. F. Apr. 3, 1990; eff. Apr. 23, 1990.

Amended: F. Feb. 15, 1991; eff. Mar. 7, 1991.

Amended: F. Apr. 8, 1993; eff. Apr. 28, 1993.

Amended: ER. 391-3-6-0.32-.02 adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. July 10, 1996; eff. July 30, 1996.

Rule 391-3-6-.03. Designated Uses and Water Quality Standards.

- (1) **Purpose.** The establishment of water quality standards.
- (2) **Water Quality Enhancement:**
 - (a) The purposes and intent of the State in establishing Water Quality Standards are to provide enhancement of water quality and prevention of pollution; to protect the public health or welfare in accordance with the public interest for drinking water supplies, conservation of fish, wildlife and other beneficial aquatic life, and agricultural, industrial, recreational, and other reasonable and necessary uses and to maintain and improve the biological integrity of the waters of the State.
 - (b) The following paragraphs describe the three tiers of the State's waters.
 - (i) Tier 1 - Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.
 - (ii) Tier 2 - Where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the

water, that quality shall be maintained and protected unless the division finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the division's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the division shall assure water quality adequate to protect existing uses fully. Further, the division shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control.

1. The division may identify waters for Tier 2 protections on a parameter-by-parameter basis or on a water body-by-water body basis in accordance with [40 CFR 131.12\(a\)\(2\)\(i\)](#).
 2. Before allowing any lowering of high quality water the division shall find, after an analysis of alternatives, that such a lowering is necessary to accommodate important economic or social development in the area in which the waters are located. The analysis of alternatives shall evaluate a range of practicable alternatives that would prevent or lessen the degradation associated with the proposed activity. When the analysis of alternatives identifies one or more practicable alternatives, the division shall only find that a lowering is necessary if one such alternative is selected for implementation.
- (iii) Tier 3 - Outstanding National Resource Waters (ONRW). This designation will be considered for an outstanding national resource waters, such as waters of National or State parks and wildlife refuges and waters of exceptional aesthetic, historic, recreational, or ecological significance. For waters designated as ONRW, existing water quality shall be maintained and protected. The following waters below are designated as ONRWs:

Conasauga River within the Cohutta Wilderness Area of the Chattahoochee National Forest (headwaters to Forest Service Road 17).

1. No new point source discharges or increases in the discharge of pollutants above permitted level from existing point source discharges to ONRW shall be allowed.

2. Existing point source discharges to ONRW shall be allowed, provided they are treated or controlled in accordance with applicable laws and regulations.
 3. New point source discharges or expansions of existing point source discharges to waters upstream of, or tributary to, ONRW shall be regulated in accordance with applicable laws and regulations, including compliance with water quality criteria for the designated use applicable to the particular water. However, no new point source discharge or expansion of an existing point source discharge to waters upstream of, or tributary to, ONRW shall be allowed if such discharge would not maintain and protect water quality within the ONRW.
 4. Activities that result in short-term, temporary, and limited changes to water quality may be allowed if authorized by the Division and the water quality is returned or restored to conditions equal to or better than those existing prior to the activities.
- (c) In applying these policies and requirements, the Division will recognize and protect the interest of the Federal Government in interstate and intrastate (including coastal and estuarine) waters. Toward this end the Division will consult and cooperate with the Environmental Protection Agency on all matters affecting the Federal interest.
- (d) In those cases where potential water quality impairment associated with a thermal discharge is involved, the division's actions shall be consistent with Section 316 of the Federal Clean Water Act.
- (e) Variance. Variances are a temporary modification to the designated use and associated criteria. Variances may be written for a specific geographic area, pollutant, or source. The State may issue variances that can provide relief to a permittee while they upgrade their facility to meet the standard. Variances are based on a use attainability demonstration, which requires a scientific assessment of factors affecting the attainment of a standard. Variances target achievement of the highest attainable water quality standard, must be reviewed every three years, and do not allow for a reduction in treatment efforts. Before a variance to a water quality standard is applied to a permitted discharger or to a waterbody, it must be demonstrated that one of the following factors has been satisfied:
- (i) Naturally occurring pollutant concentrations prevent the attainment of the use; or

- (ii) Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating Georgia's water conservation requirements to enable uses to be met; or
 - (iii) Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place, or
 - (iv) Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use; or
 - (v) Physical conditions related to the natural features of the water body such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses; or
 - (vi) Controls more stringent than those required by sections 301(b) and 306 of the Clean Water Act would result in substantial and widespread economic and social impact.
- (f) **Removal of a Designated Use.** The State may remove a designated use which is not an existing use, as defined in [40 CFR 131.3](#), or establish sub-categories of a use if the State can demonstrate that attaining the designated use is not feasible. This is done through a use attainability analysis. The use attainability analysis is a scientific assessment of factors affecting the attainment of a use and may include physical, chemical, biological and/or economic factors. A detailed analysis is required demonstrating that certain conditions are met indicating that the designated use cannot be met and should be removed. The use attainability analysis should be conducted in accordance with the US EPA Technical Support Manual: *Waterbody Surveys and Assessments for Conducting Use Attainability Analyses* and /or any State guidance documents. The factors that can be used are as follows:
- (i) Naturally occurring pollutant concentrations prevent the attainment of the use; or
 - (ii) Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating Georgia's water conservation requirements to enable uses to be met; or

- (iii) Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place, or
 - (iv) Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use; or
 - (v) Physical conditions related to the natural features of the water body such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses; or
 - (vi) Controls more stringent than those required by sections 301(b) and 306 of the Clean Water Act would result in substantial and widespread economic and social impact.
- (g) Schedules of Compliance. The division may allow the use of schedules of compliance for water quality based effluent limits in NPDES permits in accordance with [40 CFR 131.15](#). Such schedules of compliance shall be implemented in accordance with [391-3-6-.06\(10\)](#).
- (3) **Definitions.** All terms used in this paragraph shall be interpreted in accordance with definitions as set forth in the Act and as otherwise herein defined:
- (a) "Acute criteria" corresponds to EPA's definition for Criteria Maximum Concentration which is defined in [40 CFR 131.36](#) as the highest concentration of a pollutant to which aquatic life can be exposed for a short period of time (1-hour average) without deleterious effects.
 - (b) "Biological integrity" is functionally defined as the condition of the aquatic community inhabiting least impaired waterbodies of a specified habitat measured by community structure and function.
 - (c) "Chronic criteria" corresponds to EPA's definition for Criteria Continuous Concentration which is defined in [40 CFR 131.36](#) as the highest concentration of a pollutant to which aquatic life can be exposed for an extended period of time (4 days) without deleterious effects.
 - (d) "Coastal waters" are those littoral recreational waters on the ocean side of the Georgia coast.
 - (e) "Estuarine waters" are areas where salt, fresh and brackish waters mix. Those areas on the coast of Georgia have a salinity of 0.5 parts per thousand and greater.

This includes all of the creeks, rivers, and sounds of the coastal area of Georgia and portions of the Savannah, Ogeechee, Altamaha, Satilla, and St. Marys Rivers where those rivers flow into coastal sounds. Mixing areas are generally maintained by seawater transported through the sounds by tide and wind which is mixed with fresh water supplied by land runoff, subsurface water and river flow. Mixing areas have moving boundaries based upon but not limited to river stage, rainfall, moon phase and water use. (For the purposes of this rule salinity shall be analyzed by in situ measurement using a properly calibrated multi-parametric probe connected by hard line to a deck display or by measuring electrical conductivity according to one of the methods specified in Title 40, Code of Federal Regulations, Part 136 and applying the guidance for conversion to salinity in the same volume. Collection of salinity samples must consider river flow, precipitation, tidal influences and other variables of the estuarine environment and must conform to the National Coastal Assessment-Quality Assurance Project Plan 2001-2004 (EPA/620/R-01/002). Measurements at each sampling location must be made in a distribution in the water column according to the Quality Assurance Project Plan, with the minimum observations at each station including surface, mid-depth and near-bottom readings. In situ salinity analysis must comply with the Quality Assurance Project Plan and the manufacturer's guidance for the specific instrument used).

- (f) "Existing instream water uses" include water uses actually attained in the waterbody on or after November 28, 1975.
- (g) "Intake temperature" is the natural or background temperature of a particular waterbody unaffected by any man-made discharge or thermal input.
- (h) "Critical conditions" are the collection of conditions for a particular waterbody used to develop Total Maximum Daily Loads (TMDLs), determine NPDES permit limits, or assess the protection of water quality standards. The Division considers appropriate critical conditions to represent the event that would occur once in ten years on the average or less often, unless otherwise stated.
- (i) "Natural conditions" are the collection of conditions for a particular waterbody used to develop numeric criteria for water quality standards which are based on natural conditions. This is commonly the case for temperature, pH, and natural dissolved oxygen standards. For this purpose the Division defines "natural conditions" as those that would remain after removal of all point sources and water intakes, would remain after removal of man made or induced nonpoint sources of pollution, but may include irretrievable effects of man's activities, unless otherwise stated. Natural conditions shall be developed by an examination of historic data, comparisons to reference watersheds, application of mathematical models, or any other procedure deemed appropriate by the Director.

- (j) "Naturally variable parameters." It is recognized that certain parameters including dissolved oxygen, pH, bacteria, turbidity and water temperature, vary through a given period of time (such as daily or seasonally) due to natural conditions. Assessment of State waters may allow for a 10% excursion frequency for these parameters.
 - (k) "Practicable alternatives" are alternatives that are technologically possible, able to be put into practice, and economically viable.
 - (l) "Primary contact recreation" is full immersion contact with water where there is significant risk of ingestion that includes, but is not limited to, swimming, diving, whitewater boating (Class III and above), water skiing, and surfing.
 - (m) "Reasonable and necessary uses" means drinking water supplies, conservation, protection, and propagation of fish, shellfish, wildlife and other beneficial aquatic life, agricultural, industrial, recreational, and other legitimate uses.
 - (n) "Secondary contact recreation" is incidental contact with the water not involving a significant risk of water ingestion such as canoeing, fishing, kayaking, motor boating, rowing, tubing, splashing, wading, and occasional swimming.
 - (o) "Shellfish" refers to clams, oysters, scallops, mussels, and other bivalve mollusks.
 - (p) "Significant Figures." The number of "significant figures" represented in numeric criteria are the number of figures or digits that have meaning as estimated from the accuracy and precision with which the quantity was measured and the data were rounded off. Technical guidance on significant figures, including rules for rounding off following mathematical operations, is provided in the publication entitled *Standard Methods for the Examination of Water and Wastewater*, in "Part 1050 Expression of Results, B. Significant Figures" (American Public Health Association (APHA), American Water Works Association (AWWA), and Water Environment Federation (WEF); 18th, 19th, 20th, or subsequent Editions).
 - (q) "Water" or "waters of the State" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
- (4) **Designated Uses.** Designated uses for which the criteria of this Paragraph are applicable are as follows:
- (a) Drinking Water Supplies
 - (b) Recreation

- (c) Fishing, Propagation of Fish, Shellfish, Game and Other Aquatic Life
 - (d) Wild River
 - (e) Scenic River
 - (f) Coastal Fishing
- (5) **General Criteria for All Waters.** The following criteria are deemed to be necessary and applicable to all waters of the State:
- (a) All waters shall be free from materials associated with municipal or domestic sewage, industrial waste or any other waste which will settle to form sludge deposits that become putrescent, unsightly or otherwise objectionable.
 - (b) All waters shall be free from oil, scum and floating debris associated with municipal or domestic sewage, industrial waste or other discharges in amounts sufficient to be unsightly or to interfere with the designated use of the water body.
 - (c) All waters shall be free from material related to municipal, industrial or other discharges which produce turbidity, color, odor or other objectionable conditions which interfere with the designated use of the water body.
 - (d) Turbidity. The following standard is in addition to the narrative turbidity standard in Paragraph 391-3-6-.03(5)(c) above: All waters shall be free from turbidity which results in a substantial visual contrast in a water body due to a man-made activity. The upstream appearance of a body of water shall be as observed at a point immediately upstream of a turbidity-causing man-made activity. That upstream appearance shall be compared to a point which is located sufficiently downstream from the activity so as to provide an appropriate mixing zone. For land disturbing activities, proper design, installation, and maintenance of best management practices and compliance with issued permits shall constitute compliance with Paragraph 391-3-6-.03(5)(d).
 - (e) All waters shall be free from toxic, corrosive, acidic and caustic substances discharged from municipalities, industries or other sources, such as nonpoint sources, in amounts, concentrations or combinations which are harmful to humans, animals or aquatic life.
 - (i) Instream concentrations of the following chemical constituents which are considered to be other toxic pollutants of concern in the State of Georgia shall not exceed the criteria indicated below under 7-day, 10-year minimum flow (7Q10) or higher stream flow conditions except within established mixing zones:

1. 2,4-Dichlorophenoxyacetic acid (2,4-D)	70 µg/L
2. Methoxychlor	0.03 µg/L*

3. 2,4,5-Trichlorophenoxy propionic acid (TP Silvex) 50 µg/L

- (ii) Instream concentrations of the following chemical constituents listed by the U.S. Environmental Protection Agency as toxic priority pollutants pursuant to Section 307(a)(1) of the Federal Clean Water Act (as amended) shall not exceed the acute criteria indicated below under 1-day, 10-year minimum flow (1Q10) or higher stream flow conditions and shall not exceed the chronic criteria indicated below under 7-day, 10-year minimum flow (7Q10) or higher stream flow conditions except within established mixing zones or in accordance with site specific effluent limitations developed in accordance with procedures presented in [391-3-6-.06](#). Unless otherwise specified, the criteria below are listed in their total recoverable form. Because most of the numeric criteria for the metals below are listed as the dissolved form, total recoverable concentrations of metals that are measured instream will need to be translated to the dissolved form in order to compare the instream data with the numeric criteria. This translation will be performed using guidance found in "Guidance Document of Dynamic Modeling and Translators August 1993" found in Appendix J of EPA's Water Quality Standards Handbook: Second Edition, EPA-823-B-94-005a or by using other appropriate guidance from EPA.

	Acute	Chronic
1. Arsenic		
(a) Freshwater	340 µg/L ¹	150 µg/L ¹
(b) Coastal and Estuarine Waters	69 µg/L ¹	36 µg/L ¹
2. Cadmium		
(a) Freshwater	0.94 µg/L _{1,3}	0.43 µg/L ^{1,3}
(b) Coastal and Estuarine Waters	33 µg/L ¹	7.9 µg/L ¹
3. Chromium III		
(a) Freshwater	320 µg/L _{1,3}	42 µg/L ^{1,3}
(b) Coastal and Estuarine Waters	-	-
4. Chromium VI		
(a) Freshwater	16 µg/L ¹	11 µg/L ¹
(b) Coastal and Estuarine Waters	1,100 µg/L ₁	50 µg/L ¹
5. Copper ⁵		
(a) Freshwater	7.0 µg/L _{1,2*,3}	5.0 µg/L _{1,2*,3}
(b) Coastal and Estuarine Waters	4.8 µg/L ^{1,2}	3.1 µg/L ^{1,2}

6. Lead		
(a) Freshwater	30 µg/L ^{1,3}	1.2 µg/L _{1,2*,3}
(b) Coastal and Estuarine Waters	210 µg/L ¹	8.1 µg/L ¹
7. Mercury		
(a) Freshwater	1.4 µg/L	0.012 µg/L ₂
(b) Coastal and Estuarine Waters	1.8 µg/L	0.025 µg/L ₂
8. Nickel		
(a) Freshwater	260 µg/L _{1,3}	29 µg/L ^{1,3}
(b) Coastal and Estuarine Waters	74 µg/L ¹	8.2 µg/L ¹
9. Selenium		
(a) Freshwater	-	5.0 µg/L
(b) Coastal and Estuarine Waters	290 µg/L ¹	71 µg/L ¹
10. Silver	- ⁴	- ⁴
11. Zinc		
(a) Freshwater	65 µg/L ^{1,3}	65 µg/L ^{1,3}
(b) Coastal and Estuarine Waters	90 µg/L ¹	81 µg/L ¹
12. Lindane [Hexachlorocyclohexane (γ-BHC-Gamma)]		
(a) Freshwater	0.95 µg/L	

¹ The in-stream criterion is expressed in terms of the dissolved fraction in the water column. Conversion factors used to calculate dissolved criteria are found in the EPA document - National Recommended Water Quality Criteria - EPA 2006.

² The in-stream criterion is lower than the EPD laboratory detection limits (A "*" indicates that the criterion may be higher than or lower than EPD laboratory detection limits depending upon the hardness of the water).

³ The freshwater aquatic life criteria for these metals are expressed as a function of total hardness (mg/L) in a water body and a water effect ratio (WER). Values in the table above assume a hardness of 50 mg/L CaCO₃ and a WER of 1. For other hardness values, the following equations from the EPA document - National Recommended Water Quality Criteria - EPA

2006 should be used. For site-specific criteria with WER values other than 1, see 391-3-6-.03(18)(b).

⁴ This pollutant is addressed in [391-3-6-.06](#).

⁵ For applicable site-specific criteria, see 391-3-6-.03(18)(a).

Cadmium

acute criteria = $WER * (e^{(0.9789[\ln(\text{hardness})] - 3.866)})(1.136672 - [(\ln \text{hardness})(0.041838)]) \mu\text{g/L}$

chronic criteria = $WER * (e^{(0.7977[\ln(\text{hardness})] - 3.909)})(1.101672 - [(\ln \text{hardness})(0.041838)]) \mu\text{g/L}$

Chromium III

acute criteria = $WER * (e^{(0.8190[\ln(\text{hardness})] + 3.7256)})(0.316) \mu\text{g/L}$

chronic criteria = $WER * (e^{(0.8190[\ln(\text{hardness})] + 0.6848)})(0.860) \mu\text{g/L}$

Copper

acute criteria = $WER * (e^{(0.9422[\ln(\text{hardness})] - 1.700)})(0.96) \mu\text{g/L}$

chronic criteria = $WER * (e^{(0.8545[\ln(\text{hardness})] - 1.702)})(0.96) \mu\text{g/L}$

Lead

acute criteria = $WER * (e^{(1.273[\ln(\text{hardness})] - 1.460)})(1.46203 - [(\ln \text{hardness})(0.145712)]) \mu\text{g/L}$

chronic criteria = $WER * (e^{(1.273[\ln(\text{hardness})] - 4.705)})(1.46203 - [(\ln \text{hardness})(0.145712)]) \mu\text{g/L}$

Nickel

acute criteria = $WER * (e^{(0.8460[\ln(\text{hardness})] + 2.255)})(0.998) \mu\text{g/L}$

chronic criteria = $WER * (e^{(0.8460[\ln(\text{hardness})] + 0.0584)})(0.997) \mu\text{g/L}$

Zinc

$$\text{acute criteria} = \text{WER} * (e^{(0.8473[\ln(\text{hardness})] + 0.884)})(0.978) \mu\text{g/L}$$

$$\text{chronic criteria} = \text{WER} * (e^{(0.8473[\ln(\text{hardness})] + 0.884)})(0.986) \mu\text{g/L}$$

- (iii) Instream concentrations of the following chemical constituents listed by the U.S. Environmental Protection Agency as toxic priority pollutants pursuant to Section 307(a)(1) of the Federal Clean Water Act (as amended) shall not exceed criteria indicated below under 7-day, 10-year minimum flow (7Q10) or higher stream flow conditions except within established mixing zones or in accordance with site specific effluent limitations developed in accordance with procedures presented in [391-3-6-.06](#).

1. Acrolein (CAS RN ¹ 107-02-8)	
(a) Freshwater	3.0 $\mu\text{g/L}^*$
2. Carbaryl (CAS RN ¹ 63-25-2)	
(a) Freshwater	2.1 $\mu\text{g/L}^*$
(b) Coastal and Estuarine Waters	1.6 $\mu\text{g/L}^*$
3. Chlordane (CAS RN ¹ 57749)	
(a) Freshwater	0.0043 $\mu\text{g/L}^*$
(b) Coastal and Estuarine Waters	0.004 $\mu\text{g/L}^*$
4. Cyanide (CAS RN ¹ 57125)	
(a) Freshwater	5.2 $\mu\text{g/L}^*$
(b) Coastal and Estuarine Waters	1.0 $\mu\text{g/L}^*$
5. Dieldrin (CAS RN ¹ 60571)	
(a) Freshwater	0.056 $\mu\text{g/L}^*$
(b) Coastal and Estuarine Waters	0.0019 $\mu\text{g/L}^*$
6. 4,4'-DDT (CAS RN ¹ 50293)	0.001 $\mu\text{g/L}^*$
7. a-Endosulfan (CAS RN ¹ 959988)	
(a) Freshwater	0.056 $\mu\text{g/L}^*$
(b) Coastal and Estuarine Waters	0.0087 $\mu\text{g/L}^*$
8. b-Endosulfan (CAS RN ¹ 33213659)	
(a) Freshwater	0.056 $\mu\text{g/L}^*$
(b) Coastal and Estuarine Waters	0.0087 $\mu\text{g/L}^*$
9. Endrin (CAS RN ¹ 72208)	
(a) Freshwater	0.036 $\mu\text{g/L}^*$
(b) Coastal and Estuarine Waters	0.0023 $\mu\text{g/L}^*$
10. Heptachlor (CAS RN ¹ 76448)	
(a) Freshwater	0.0038 $\mu\text{g/L}^*$

(b) Coastal and Estuarine Waters	0.0036 µg/L*
11. Heptachlor Epoxide (CAS RN ¹ 1024573)	
(a) Freshwater	0.0038 µg/L*
(b) Coastal and Estuarine Waters	0.0036 µg/L*
12. Pentachlorophenol (CAS RN ¹ 87865)	
(a) Freshwater ²	15 µg/L ^{2,*}
(b) Coastal and Estuarine Waters	7.9 µg/L*
13. PCBs	
(a) Freshwater	0.014 µg/L*
(b) Coastal and Estuarine Waters	0.03 µg/L*
14. Phenol (CAS RN ¹ 108952)	300 µg/L
15. Toxaphene (CAS RN ¹ 8001352)	0.0002 µg/L*

¹ "CAS RN" or the Chemical Abstract Service (CAS) Registry Number is a unique numerical identifier assigned to each chemical and some chemical mixtures.

² The instream freshwater criterion for pentachlorophenol is a function of pH, determined by the formula ($e^{(1.005(\text{pH}) - 5.134)}$). At a pH equal to 7.8 standard units the criterion is 15 µg/L.

* The in-stream criterion is lower than the EPD laboratory detection limits.

- (iv) Instream concentrations of the following chemical constituents listed by the U. S. Environmental Protection Agency as toxic priority pollutants pursuant to Section 307(a)(1) of the Federal Clean Water Act (as amended) shall not exceed criteria indicated below under annual average or higher stream flow conditions:

1. Acenaphthene (CAS RN ¹ 83329)	990 µg/L
2. Acenaphthylene (CAS RN ¹ 208968)	**
3. Acrolein (CAS RN ¹ 107028)	9.3 µg/L
4. Acrylonitrile (CAS RN ¹ 107131)	0.25 µg/L
5. Aldrin (CAS RN ¹ 309002)	0.000050 µg/L
6. Anthracene (CAS RN ¹ 120127)	40000 µg/L
7. Antimony	640 µg/L
8. Arsenic (Total)	
(a) Drinking Water Supplies	10 µg/L
(b) All Other Designated Uses	50 µg/L

9. Benzidine (CAS RN ¹ 92875)	0.0002 µg/L
10. Benzo(a)Anthracene (CAS RN ¹ 56553)	0.018 µg/L
11. Benzo(a)Pyrene (CAS RN ¹ 50328)	0.018 µg/L
12. 3,4-Benzofluoranthene (CAS RN ¹ 205992)	0.018 µg/L
13. Benzene (CAS RN ¹ 71432)	51 µg/L
14. Benzo(ghi)Perylene (CAS RN ¹ 191242)	**
15. Benzo(k)Fluoranthene (CAS RN ¹ 207089)	0.018 µg/L
16. Beryllium	**
17. a-BHC-Alpha (CAS RN ¹ 319846)	0.0049 µg/L
18. b-BHC-Beta (CAS RN ¹ 319857)	0.017 µg/L
19. Bis(2-Chloroethyl)Ether (CAS RN ¹ 111444)	0.53 µg/L
20. Bis(2-Chloroisopropyl)Ether (CAS RN ¹ 108601)	65000 µg/L
21. Bis(2-Ethylhexyl)Phthalate (CAS RN ¹ 117817)	2.2 µg/L
22. Bromoform (Tribromomethane) (CAS RN ¹ 75252)	140 µg/L
23. Butylbenzyl Phthalate (CAS RN ¹ 85687)	1900 µg/L
24. Carbon Tetrachloride (CAS RN ¹ 56235)	1.6 µg/L
25. Chlorobenzene (CAS RN ¹ 108907)	1600 µg/L
26. Chlorodibromomethane (CAS RN ¹ 124481)	13 µg/L
27. 2-Chloroethylvinyl Ether (CAS RN ¹ 110758)	**
28. Chlordane (CAS RN ¹ 57749)	0.00081 µg/L
29. Chloroform (Trichloromethane) (CAS RN ¹ 67663)	470 µg/L
30. 2-Chloronaphthalene (CAS RN ¹ 91587)	1600 µg/L
31. 2-Chlorophenol (CAS RN ¹ 95578)	150 µg/L
32. Chrysene (CAS RN ¹ 218019)	0.018 µg/L
33. Dibenzo(a,h)Anthracene (CAS RN ¹ 53703)	0.018 µg/L
34. Dichlorobromomethane (CAS RN ¹ 75274)	17 µg/L
35. 1,2-Dichloroethane (CAS RN ¹ 107062)	37 µg/L
36. 1,1-Dichloroethylene (CAS RN ¹ 75354)	7100 µg/L
37. 1,2 - Dichloropropane (CAS RN ¹ 78875)	15 µg/L
38. 1,3-Dichloropropylene (CAS RN ¹ 542756)	21 µg/L
39. 2,4-Dichlorophenol (CAS RN ¹ 120832)	290 µg/L
40. 1,2-Dichlorobenzene (CAS RN ¹ 95501)	1300 µg/L
41. 1,3-Dichlorobenzene (CAS RN ¹ 541731)	960 µg/L
42. 1,4-Dichlorobenzene (CAS RN ¹ 106467)	190 µg/L
43. 3,3'-Dichlorobenzidine (CAS RN ¹ 91941)	0.028 µg/L
44. 4,4'-DDT (CAS RN ¹ 50293)	0.00022 µg/L

45. 4,4'-DDD (CAS RN ¹ 72548)	0.00031 µg/L
46. 4,4'-DDE (CAS RN ¹ 72559)	0.00022 µg/L
47. Dieldrin (CAS RN ¹ 60571)	0.000054 µg/L
48. Diethyl Phthalate (CAS RN ¹ 84662)	44000 µg/L
49. Dimethyl Phthalate(CAS RN ¹ 131113)	1100000 µg/L
50. 2,4-Dimethylphenol (CAS RN ¹ 105679)	850 µg/L
51. 2,4-Dinitrophenol (CAS RN ¹ 51285)	5300 µg/L
52. Di-n-Butyl Phthalate (CAS RN ¹ 84742)	4500 µg/L
53. 2,4-Dinitrotoluene (CAS RN ¹ 121142)	3.4 µg/L
54. 1,2-Diphenylhydrazine (CAS RN ¹ 122667)	0.20 µg/L
55. Endrin (CAS RN ¹ 72208)	0.060 µg/L
56. Endrin Aldehyde (CAS RN ¹ 7421934)	0.30 µg/L
57. alpha - Endosulfan (CAS RN ¹ 959988)	89 µg/L
58. beta - Endosulfan (CAS RN ¹ 33213659)	89 µg/L
59. Endosulfan Sulfate (CAS RN ¹ 1031078)	89 µg/L
60. Ethylbenzene (CAS RN ¹ 100414)	2100 µg/L
61. Fluoranthene (CAS RN ¹ 206440)	140 µg/L
62. Fluorene (CAS RN ¹ 86737)	5300 µg/L
63. Heptachlor (CAS RN ¹ 76448)	0.000079 µg/L
64. Heptachlor Epoxide (CAS RN ¹ 1024573)	0.000039 µg/L
65. Hexachlorobenzene (CAS RN ¹ 118741)	0.00029 µg/L
66. Hexachlorobutadiene (CAS RN ¹ 87683)	18 µg/L
67. Hexachlorocyclopentadiene (CAS RN ¹ 77474)	1100 µg/L
68. Hexachloroethane (CAS RN ¹ 67721)	3.3 µg/L
69. Indeno(1,2,3-cd)Pyrene (CAS RN ¹ 193395)	0.018 µg/L
70. Isophorone (CAS RN ¹ 78591)	960 µg/L
Lindane [Hexachlorocyclohexane (g-BHC-Gamma)]	
71. (CAS RN ¹ 58899)	1.8 µg/L
72. Methyl Bromide (Bromomethane) (CAS RN ¹ 74839)	1500 µg/L
73. Methyl Chloride (Chloromethane) (CAS RN ¹ 74873)	**
74. Methylene Chloride (CAS RN ¹ 75092)	590 µg/L
75. 2-Methyl-4,6-Dinitrophenol (CAS RN ¹ 534521)	280 µg/L
76. 3-Methyl-4-Chlorophenol (CAS RN ¹ 59507)	**
77. Nitrobenzene (CAS RN ¹ 98953)	690 µg/L
78. N-Nitrosodimethylamine (CAS RN ¹ 62759)	3.0 µg/L

79. N-Nitrosodi-n-Propylamine (CAS RN ¹ 621647)	0.51 µg/L
80. N-Nitrosodiphenylamine (CAS RN ¹ 86306)	6.0 µg/L
81. PCBs	0.000064 µg/L
82. Pentachlorophenol (CAS RN ¹ 87865)	3.0 µg/L
83. Phenanthrene (CAS RN ¹ 85018)	**
84. Phenol (CAS RN ¹ 108952)	857000 µg/L
85. Pyrene (CAS RN ¹ 129000)	4000 µg/L
86. 1,1,2,2-Tetrachloroethane (CAS RN ¹ 79345)	4.0 µg/L
87. Tetrachloroethylene (CAS RN ¹ 127184)	3.3 µg/L
88. Thallium	0.47 µg/L
89. Toluene (CAS RN ¹ 108883)	5980 µg/L
90. Toxaphene (CAS RN ¹ 8001352)	0.00028 µg/L
91. 1,2-Trans-Dichloroethylene (CAS RN ¹ 156605)	10000 µg/L
92. 1,1,2-Trichloroethane (CAS RN ¹ 79005)	16 µg/L
93. Trichloroethylene (CAS RN ¹ 79016)	30 µg/L
94. 2,4,6-Trichlorophenol (CAS RN ¹ 88062)	2.4 µg/L
95. 1,2,4-Trichlorobenzene (CAS RN ¹ 120821)	70 µg/L
96. Vinyl Chloride (CAS RN ¹ 75014)	2.4 µg/L

¹ "CAS RN" or the Chemical Abstract Service (CAS) Registry Number is a unique numerical identifier assigned to each chemical and some chemical mixtures.

** These pollutants are addressed in [391-3-6-.06](#).

- (v) Site specific criteria for the following chemical constituents will be developed on an as needed basis through toxic pollutant monitoring efforts at new or existing discharges that are suspected to be a source of the pollutant at levels sufficient to interfere with designated uses:
 - 1. Asbestos
- (vi) Instream concentrations of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) must not exceed 0.0000000051 µg/L under long-term average stream flow conditions.
- (vii) Mercury: For the protection of human health, total mercury concentrations bioaccumulating in a waterbody, in a representative population of fish, shellfish and/or other seafood representing different trophic levels, shall not exceed a total mercury concentration in edible

tissues of 0.3 mg/kg wet weight. This standard is in accord with the USEPA *Water Quality Criterion for the Protection of Human Health: Methylmercury*, (January 2001, EPA-823-R-01-001), and because nearly 100% of the mercury in fish tissue is methylmercury, adoption of the standard as total mercury is an additional conservative measure. The representative fish tissue total mercury concentration for a waterbody is determined by calculating a Trophic-Weighted Residue Value, as described by the Georgia EPD Protocol (October 19, 2001).

- (f) Applicable State and Federal requirements and regulations for the discharge of radioactive substances shall be met at all times.
 - (g) The dissolved oxygen criteria as specified in individual designated uses shall be applicable at a depth of one meter below the water surface; in those instances where depth is less than two meters, the dissolved oxygen criterion shall be applied at a mid-depth. On a case specific basis, alternative depths may be specified.
- (6) **Specific Criteria for Specific Designated Uses.** In addition to the general criteria, the following criteria are deemed necessary and shall be required for the specific designated uses:
- (a) **Drinking Water Supplies:** Those waters approved as a source for public drinking water systems permitted or to be permitted by the Environmental Protection Division. Waters classified for drinking water supplies will also support the fishing use and any other use requiring water of a lower quality.
 - (i) **Bacteria:**
 1. For the months of May through October, when primary water contact recreation activities are expected to occur, culturable *E. coli* not to exceed a geometric mean of 126 counts per 100 mL based on at least four samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours. There shall be no greater than a ten percent excursion frequency of an *E. coli* statistical threshold value (STV) of 410 counts per 100 mL in the same 30-day interval.
 2. For the months of November through April, culturable *E. coli* not to exceed a geometric mean of 265 counts per 100 mL based on at least four samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours. There shall be no greater than a ten percent excursion frequency of an *E. coli* statistical threshold value (STV) of 861 counts per 100 mL in the same 30-day interval.

3. The State does not encourage swimming in these surface waters since a number of factors which are beyond the control of any State regulatory agency contribute to elevated levels of bacteria.
- (ii) Dissolved oxygen: A daily average of 6.0 mg/L and no less than 5.0 mg/L at all times for waters designated as trout streams by the Wildlife Resources Division. A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times for water supporting warm water species of fish.
 - (iii) pH: Within the range of 6.0 - 8.5.
 - (iv) No material or substance in such concentration that, after treatment by the public water treatment system, exceeds the maximum contaminant level established for that substance by the Environmental Protection Division pursuant to the Georgia Rules for Safe Drinking Water.
 - (v) Temperature: Not to exceed 90°F. At no time is the temperature of the receiving waters to be increased more than 5°F above intake temperature except that in estuarine waters the increase will not be more than 1.5°F. In streams designated as primary trout or smallmouth bass waters by the Wildlife Resources Division, there shall be no elevation of natural stream temperatures. In streams designated as secondary trout waters, there shall be no elevation exceeding 2°F of natural stream temperatures.
- (b) Recreation: Primary contact recreational activities that occur year round such as swimming, diving, whitewater boating (class III and above), water skiing, and surfing, or for any other use requiring water of a lower quality, such as recreational fishing. These criteria are not to be interpreted as encouraging water contact sports in proximity to sewage or industrial waste discharges regardless of treatment requirements:
 - (i) Bacteria:
 1. Coastal and estuarine waters: Culturable enterococci not to exceed a geometric mean of 35 counts per 100 mL based on at least four samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours. There shall be no greater than a ten percent excursion frequency of an enterococci statistical threshold value (STV) of 130 counts per 100 mL in the same 30-day interval.
 2. All other recreational waters: Culturable E. coli not to exceed a geometric mean of 126 counts per 100 mL based on at least four samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours. There shall be no greater than a ten

percent excursion frequency of an E. coli statistical threshold value (STV) of 410 counts per 100 mL in the same 30-day interval.

- (ii) Dissolved Oxygen: A daily average of 6.0 mg/L and no less than 5.0 mg/L at all times for waters designated as trout streams by the Wildlife Resources Division. A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times for waters supporting warm water species of fish.
 - (iii) pH: Within the range of 6.0 - 8.5.
 - (iv) Temperature: Not to exceed 90°F. At no time is the temperature of the receiving waters to be increased more than 5°F above intake temperature except that in estuarine waters the increase will not be more than 1.5°F. In streams designated as primary trout or smallmouth bass waters by the Wildlife Resources Division, there shall be no elevation of natural stream temperatures. In streams designated as secondary trout waters, there shall be no elevation exceeding 2°F natural stream temperatures.
- (c) Fishing: Propagation of Fish, Shellfish, Game and Other Aquatic Life; primary contact recreation in and on the water for the months of May - October, secondary contact recreation in and on the water for the months of November - April; or for any other use requiring water of a lower quality.

(i) Bacteria:

1. Estuarine waters:

For the months of May through October, when primary water contact recreation activities are expected to occur, culturable enterococci not to exceed a geometric mean of 35 counts per 100 mL based on at least four samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours. There shall be no greater than a ten percent excursion frequency of an enterococci statistical threshold value (STV) of 130 counts per 100 mL the same 30-day interval.

For the months of November through April, culturable enterococci not to exceed a geometric mean of 74 counts per 100 mL based on at least four samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours. There shall be no greater than a ten percent excursion frequency of an enterococci statistical threshold value (STV) of 273 counts per 100 mL in the same 30-day interval.

2. All other fishing waters:

For the months of May through October, when primary water contact recreation activities are expected to occur, culturable E. coli not to exceed a geometric mean of 126 counts per 100 mL based on at least four samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours. There shall be no greater than a ten percent excursion frequency of an E. coli statistical threshold value (STV) of 410 counts per 100 mL in the same 30-day interval.

For the months of November through April, culturable E. coli not to exceed a geometric mean of 265 counts per 100 mL based on at least four samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours. There shall be no greater than a ten percent excursion frequency of an E. coli statistical threshold value (STV) of 861 counts per 100 mL in the same 30-day interval.

3. The State does not encourage swimming in these surface waters since a number of factors which are beyond the control of any State regulatory agency contribute to elevated levels of bacteria.
 4. For waters designated as shellfish growing areas by the Georgia DNR Coastal Resources Division, the requirements will be consistent with those established by the State and Federal agencies responsible for the National Shellfish Sanitation Program. The requirements are found in National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, 2007 Revision (or most recent version), Interstate Shellfish Sanitation Conference, U.S. Food and Drug Administration.
- (ii) Dissolved Oxygen: A daily average of 6.0 mg/L and no less than 5.0 mg/L at all times for water designated as trout streams by the Wildlife Resources Division. A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times for waters supporting warm water species of fish.
 - (iii) pH: Within the range of 6.0 - 8.5.
 - (iv) Temperature: Not to exceed 90°F. At no time is the temperature of the receiving waters to be increased more than 5°F above intake temperature except that in estuarine waters the increase will not be more than 1.5°F. In streams designated as primary trout or smallmouth bass waters by the Wildlife Resources Division, there shall be no elevation of natural stream

temperatures. In streams designated as secondary trout waters, there shall be no elevation exceeding 2°F natural stream temperatures.

- (d) Wild River: For all waters designated in 391-3-6-.03(14) as "Wild River," there shall be no alteration of natural water quality from any source.
 - (e) Scenic River: For all waters designated in 391-3-6-.03(14) as "Scenic River," there shall be no alteration of natural water quality from any source.
 - (f) Coastal Fishing: For waters designated in 391-3-6-.03(14) as "Coastal Fishing," site specific criteria for dissolved oxygen will be assigned. All other criteria and uses for the fishing designated use will apply for coastal fishing.
 - (i) Dissolved Oxygen: A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times. If it is determined that the "natural condition" in the waterbody is less than the values stated above, then the criteria will revert to the "natural condition" and the water quality standard will allow for a 0.1 mg/L deficit from the "natural" dissolved oxygen value. Up to a 10% deficit will be allowed if it is demonstrated that resident aquatic species shall not be adversely affected.
- (7) **Natural Water Quality.** It is recognized that certain natural waters of the State may have a quality that will not be within the general or specific requirements contained herein. These circumstances do not constitute violations of water quality standards. This is especially the case for the criteria for dissolved oxygen, temperature, pH and bacteria. NPDES permits and best management practices will be the primary mechanisms for ensuring that discharges will not create a harmful situation.
- (8) **Treatment Requirements.** Notwithstanding the above criteria, the requirements of the State relating to secondary or equivalent treatment of all waste shall prevail. The adoption of these criteria shall in no way preempt the treatment requirements.
- (9) **Streamflows.** Specific criteria or standards set for the various parameters apply to all flows on regulated streams. On unregulated streams, they shall apply to all streamflows equal to or exceeding the 7-day, 10-year minimum flow (7Q10) and/or the 1-day, 10-year minimum flow (1Q10). All references to 7-day, 10-year minimum flow (7Q10) and 1-day, 10-year minimum flow (1Q10) also apply to all flows on regulated streams. All references to annual average stream flow also apply to long-term average stream flow conditions. Numeric criteria exceedences that occur under streamflows lower than 7Q10 or 1Q10, whichever applies, do not constitute violations of water quality standards as long as all current permit conditions are met.
- (10) **Mixing Zone.** Effluents released to streams or impounded waters shall be fully and homogeneously dispersed and mixed insofar as practical with the main flow or water body by appropriate methods at the discharge point. Use of a reasonable and limited

mixing zone may be permitted on receipt of satisfactory evidence that such a zone is necessary and that it will not create an objectionable or damaging pollution condition. Protection from acute toxicity shall be provided within any EPD designated mixing zone to ensure a zone of safe passage for aquatic organisms. The procedure is as described in paragraph [391-3-6-.06\(4\)\(d\)\(5\)\(vi\)](#), except that the numerical pass/fail criteria applies to the end-of-pipe without the benefit of dilution provided by the receiving stream.

- (11) **Toxic Pollutant Monitoring.** The Division will monitor waters of the State for the presence or impact of Section 307 (a)(1) Federal Clean Water Act toxic pollutants, and other priority pollutants. The monitoring shall consist of the collection and assessment of chemical and/or biological data as appropriate from the water column, from stream bed sediments, and/or from fish tissue. Specific stream segments and chemical constituents for monitoring shall be determined by the Director on the basis of the potential for water quality impacts from toxic pollutants from point or nonpoint waste sources. Singularly or in combination, these constituents may cause an adverse effect on fish propagation at levels lower than the criteria. Instream concentrations will be as described in 391-3-6-.03(5)(e). Additional toxic substances and priority pollutants will be monitored on a case specific basis using Section 304(a) Federal Clean Water Act guidelines or other scientifically appropriate documents.
- (12) **Bacteria Criteria.** The criteria for bacteria provide the regulatory framework to support the USEPA requirement that States protect all waters for recreational use. The bacterial indicators for primary and secondary contact recreational waters are E. coli and enterococci.
 - (a) Fecal coliform, E. coli and enterococci bacteria live in the intestinal tract of warm blooded animals including man. These organisms are excreted in extremely high numbers. Pathogenic bacteria also originate in the fecal material of diseased persons. Therefore, waters with high levels of bacteria represent potential problem areas for swimming. Scientific studies indicate there is a positive correlation between E. coli and enterococci counts and gastrointestinal illness. However, there is no positive scientific evidence correlating elevated fecal coliform counts with transmission of enteric diseases. In addition, these bacteria can originate from any warm blooded animal or from the soil.
 - (b) Monitoring programs have documented bacterial levels in excess of the criteria in many streams and rivers in urban areas, agricultural areas, and even in areas not extensively impacted by man such as national forest areas. This is not a unique situation to Georgia as similar levels of bacteria have been documented in streams across the nation.
- (13) **Acceptance of Data.** Sampling methods for water quality samples collected and reported by any person(s), (including volunteer groups), to the Division for its use in listing or delisting impaired waters pursuant to the State's responsibilities under Sections 303(d) and 305(b) of the Federal Act shall conform to the guidance in the *Water Protection Branch Quality Assurance Manual* (June, 1999), or most current version,

Georgia Department of Natural Resources, Environmental Protection Division, Watershed Protection Branch, Atlanta, GA 30354. Analytical standards for these samples must comply with the requirements of *Title 40, Code of Federal Regulations*, Part 136. Sample analyses shall be performed by an analyst certified in compliance with the *Georgia State Board of Examiners for Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts Act*, as amended, or by a laboratory facility accredited in compliance with the *Georgia Rules for Commercial Environmental Laboratory Accreditation* (O.C.G.A. [12-2-9](#)). A site-specific sampling and quality assurance plan is required if the data is to be considered and Division concurrence must be obtained prior to monitoring. Laboratories operated by Federal and State government agencies and laboratories at academic institutions with active or current contracts with the Division are exempt from these provisions. The Division may use water quality data for screening purposes if it was collected by any person(s), (including volunteer groups), without an approved sampling and quality assurance plan.

- (14) **Specific Designated Uses.** Beneficial water uses assigned by the State to all surface waters. These designations are scientifically determined to be the best utilization of the surface water from an environmental and economic standpoint. Streams and stream reaches not specifically listed are classified as Fishing. The specific designated uses are as follows:

<u>ALTAMAHA RIVER BASIN</u>		<u>DESIGNATED USE</u>
Altamaha River	Doctors Creek to Butler River	Recreation
Altamaha and Doboy Sounds	All littoral waters including the waters on the ocean side of Sapelo and Little St. Simons Islands	Recreation
Buttermilk Sound	Reimolds Pasture	Recreation
<u>CHATTAHOOCHEE RIVER BASIN</u>		<u>DESIGNATED USE</u>
Alexander Creek	Headwaters to confluence with Cedar Creek	Drinking Water
Bear Creek	Headwaters to confluence with Chattahoochee River	Drinking Water
Big Creek	Foe Killer Creek to Chattahoochee River	Drinking Water
Blue Creek	Headwaters to Yellowjacket Creek	Drinking Water
Camp Creek	Headwaters to confluence with Hazel Creek	Drinking Water
Cedar Creek	Headwaters to Alexander Creek	Drinking Water
Centralhatchee Creek	Little Taylor Creek to Chattahoochee River	Drinking Water

Chattahoochee River	Headwaters to confluence with Soque River	Recreation
Chattahoochee River	Soque River to White Creek	Recreation and Drinking Water
Chattahoochee River	White Creek to Mud Creek	Recreation
Chattahoochee River/Lake Lanier	Mud Creek to Buford Dam	Recreation and Drinking Water
Chattahoochee River	Buford Dam to Atlanta (Peachtree Creek)	Recreation and Drinking Water
Chattahoochee River	Snake Creek to Yellowdirt Creek	Recreation
Chattahoochee River	Pink Creek to Harris Creek	Drinking Water
Chattahoochee River/West Point Lake	New River to West Point Dam	Recreation and Drinking Water
Chattahoochee River	West Point Dam to Long Cane Creek	Drinking Water
Chattahoochee River	House Creek to North Highland Dam (including Lakes Harding, Goat Rock, Oliver, and North Highlands)	Recreation and Drinking Water
Chattahoochee River	Cowikee Creek to Lake Walter F. George Dam	Recreation
Chattahoochee River/Lake Seminole	Georgia Hwy. 91 to Jim Woodruff Dam	Recreation
Dog River	Mobley Creek to Chattahoochee River	Drinking Water
Flat Creek	Turkey Creek to confluence with Yellowjacket Creek	Drinking Water
Hazel Creek	Law Creek to Camp Creek	Drinking Water
Headwaters of Unnamed Tributary to Bethlehem Creek	Lake Franklin, F.D. Roosevelt State Park Beaches	Recreation
Hillabahatchee Creek	Tolieson Branch to Chattahoochee River	Drinking Water
Little Kolomoki Creek	Lake Kolomoki, Kolomoki Mounds State Park Beach	Recreation
Sandy Creek	Headwaters to Golden Creek	Drinking Water
Smith Creek	Unicoi Lake, Unicoi State Park Beach	Recreation
Snake Creek	Crews Creek to Chattahoochee River	Drinking Water
Soque River	Deep Creek to Sutton Mill Creek	Drinking Water
Sweetwater Creek	Olley Creek to Chattahoochee River	Drinking Water
Turner Creek	Headwaters to confluence with Tesnatee Creek	Drinking Water
Upatoi Creek	Heriot Creek to Armory Creek	Drinking Water

Yahoola Creek	Bryant Creek to confluence with Chestatee River	Drinking Water
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COOSA RIVER BASIN

DESIGNATED
USE

Beech Creek	Headwaters to Dry Creek (including Possum Trot Reservoir)	Drinking Water
Blackwell Creek	Headwaters to Cox Lake Dam	Drinking Water
Cartecay River	Clear Creek to confluence with Ellijay River	Drinking Water
Chestnut Cove Creek	Headwaters to and including Lake Tamarack	Drinking Water
Coahulla Creek	Bates Branch to Mill Creek	Drinking Water
Conasauga River	Waters Within the Cohutta Wilderness Area	Wild and Scenic
Conasauga River	Sugar Creek to Spring Creek	Drinking Water
Coosa River	At the Alabama State Line	Recreation
Coosawattee River/Carters Lake	Confluence with Mountaintown Creek to Carters Dam	Recreation and Drinking Water
Coosawattee River	Mineral Springs Branch to confluence with Conasauga River	Drinking Water
Dry Creek	Headwaters to confluence with Duck Creek	Drinking Water
Duck Creek	Confluence with Dry Creek to Dickson Creek	Drinking Water
Ellijay River	Briar Creek to confluence with Cartecay River	Drinking Water
Etowah River	Headwaters to Montgomery Creek	Drinking Water
Etowah River	Lily Creek to Mill Creek	Drinking Water
Etowah River	Long Swamp Creek to Canton Creek	Drinking Water
Etowah River/Lake Allatoona	Georgia Hwy. 20 to Allatoona Dam	Recreation and Drinking Water
Etowah River	Allatoona Dam to Ward Creek	Drinking Water
Etowah River	Dykes Creek to Silver Creek	Drinking Water
Euharlee Creek	Parham Springs Creek to Fish Creek	Drinking Water
Headwaters of Gold Mine Branch	Fort Mountain Lake, Fort Mountain State Park Beach	Recreation
Holly Creek	Dill Creek to Chicken Creek	Drinking Water
Jacks Creek	Waters Within the Cohutta Wilderness Area	Wild and Scenic

Long Swamp Creek	Lake Tamarack Dam to Cox Creek	Drinking Water
Mill Creek	Hurricane Creek to confluence with Conasauga River	Drinking Water
Oostanaula River	Confluence of Conasauga and Coosawattee Rivers to Oothkalooga Creek	Drinking Water
Oostanaula River	Confluence with Woodward Creek to Coosa River	Drinking Water
Pettit Creek	Headwaters to confluence with Disharoon Creek (including Lake Pettit)	Drinking Water
Raccoon Creek	Headwaters to confluence with Chattooga River	Drinking Water
Tributaries to Heath Creek	Rocky Mountain Public Fishing Lakes, Rocky Mountain Public Fishing Area	Recreation
Tributary of Dakwa Lake	Headwaters to confluence with Turniptown Creek (including Dakwa Lake)	Drinking Water
Woodward Creek	Headwaters to confluence with Oostanaula River	Drinking Water

<u>FLINT RIVER BASIN</u>		<u>DESIGNATED USE</u>
Elkins Creek	Headwaters to Powder Creek	Drinking Water
Flat Creek	Headwaters to confluence with Line Creek (including Lake Kedron and Lake Peachtree)	Drinking Water
Flint River	Swamp Creek to Horton Creek	Drinking Water
Flint River	Birch Creek to Red Oak Creek	Drinking Water
Flint River	Georgia Hwy. 27 to Georgia Power Dam at Lake Worth, Albany including Lakes Blackshear, Chehaw, and Worth	Recreation
Flint River	Bainbridge, U.S. Hwy. 84 Bridge to Jim Woodruff Dam, Lake Seminole	Recreation
Heads Creek	Headwaters to Shoal Creek (including Heads Creek Reservoir)	Drinking Water
Horton Creek	Headwaters to Flint River (including Horton Creek Reservoir)	Drinking Water
Keg Creek	Headwaters to Line Creek (including Hutchins Lake)	Drinking Water
Lazer Creek	Rocky Branch to Gin Creek	Drinking Water

Line Creek	Persimmon Creek to Flat Creek (including Lake McIntosh)	Drinking Water
Potato Creek	Fivemile Creek to Hoyle Branch	Drinking Water
Pound Creek	Headwaters to confluence with Cane Creek (including Lake Meriwether)	Drinking Water
Rush Creek	Headwaters to confluence with Lazer Creek (including Rush Creek Reservoir)	Drinking Water
Shoal Creek	Headwaters to Flint River (including Shoal Creek Reservoir)	Drinking Water
Still Branch	Headwaters to confluence with Flint River (including Still Branch Reservoir)	Drinking Water
White Oak Creek	Headwaters to Chandlers Creek	Drinking Water
Whitewater Creek	Tar Creek to Haddock Creek	Drinking Water

OCMULGEE RIVER
BASIN

DESIGNATED
USE

Alcovy River	Maple Creek to Cornish Creek (including John T. Briscoe Reservoir)	Drinking Water
Beaverdam Creek	Headwaters to confluence with Alcovy River	Drinking Water
Big Cotton Indian Creek	Coker Branch to Rocky Branch	Drinking Water
Big Haynes Creek	Georgia Highway 78 to confluence with Yellow River	Drinking Water
Big Sandy Creek	Chief McIntosh Lake, Indian Springs State Park Beaches	Recreation
Big Towaliga Creek	Headwaters to confluence with Edie Creek	Drinking Water
Brown Branch	Headwaters to Wolf Creek	Drinking Water
Cornish Creek	Headwaters to confluence with Alcovy River (including Lake Varner)	Drinking Water
Edie Creek	Headwaters to confluence with Big Towaliga Creek	Drinking Water
Indian Creek	Headwaters to confluence with Towaliga River	Drinking Water
Jackson Lake	From South River at Georgia Hwy. 36; from Yellow River at Georgia Hwy. 36; from Alcovy River at Newton Factory Road Bridge to Lloyd Shoals Dam	Recreation

Little Cotton Indian Creek	Confluence of Reeves and Rum Creeks to confluence with Big Cotton Indian Creek	Drinking Water
Headwaters of Little Ocmulgee River	Little Ocmulgee Lake, Little Ocmulgee State Park Beach	Recreation
Little Towaliga River	Confluence of Edie and Big Towaliga Creeks to confluence with Towaliga River	Drinking Water
Long Branch	Headwaters to confluence with Towaliga River	Drinking Water
Ocmulgee River	Jackson Lake Dam to Wise Creek	Drinking Water
Ocmulgee River	Pratts Creek to Walnut Creek	Drinking Water
Pates Creek	Headwaters to confluence with Little Cotton Indian Creek (including Blalock Reservoir)	Drinking Water
Rocky Creek	Headwaters to Towaliga River	Drinking Water
South River	Honey Creek (Henry County) to Lake Jackson at Georgia Hwy. 36	Recreation
Towaliga River	Thompson Creek to Georgia Hwy. 36	Drinking Water
Towaliga River	Georgia Hwy. 36 to High Falls Lake Dam	Recreation
Towaliga River	High Falls Lake, High Falls State Park Beaches	Recreation
Tobesofkee Creek	Reeves Creek to Rock Branch	Drinking Water
Tobesofkee Creek	Georgia Hwy. 74 to Lake Tobesofkee Dam	Recreation
Town Creek	Headwaters to Ocmulgee River	Drinking Water
Tributary to Dried Creek	Headwaters to confluence with Dried Indian Creek (including Covington Reservoir)	Drinking Water
Tussahaw Creek	Headwaters to Baker Branch	Drinking Water
Walnut Creek	Headwaters to Camp Creek (including Walnut Creek Reservoir)	Drinking Water
Yellow River	Georgia Hwy. 124 to Porterdale Water Intake	Drinking Water
<u>OCONEE RIVER BASIN</u>		<u>DESIGNATED USE</u>
Apalachee River	Shoal Creek to Freeman Creek	Drinking Water
Barber Creek	Headwaters to Parker Branch	Drinking Water

Bear Creek	Headwaters to confluence with Middle Oconee River (including Bear Creek Reservoir)	Drinking Water
Cedar Creek (Hall Co.)	Headwaters to confluence with North Oconee River	Drinking Water
Curry Creek	Headwaters to confluence with Little Curry Creek	Drinking Water
Fort Creek	Headwaters to confluence with Sikes Creek upstream of Lake Sinclair	Drinking Water
Hard Labor Creek	Headwaters to Lake Brantley Dam	Drinking Water
Hard Labor Creek	Lake Rutledge, Hard Labor Creek State Park Beaches	Recreation
Hard Labor Creek	Lake Rutledge Dam to Mile Branch	Drinking Water
Jacks Creek	Headwaters to Grubby Creek	Drinking Water
Lake Oconee	Lake Oconee to Lake Oconee Dam (Wallace Dam)	Recreation and Drinking Water
Lake Sinclair	Lake Oconee Dam downstream to Sinclair Dam	Recreation and Drinking Water
Little River	Big Indian Creek to Glady Creek	Drinking Water
Lowry Branch	Headwaters to confluence with Pearson Creek	Drinking Water
Marbury Creek	Fort Yargo Lake, Fort Yargo State Park Beaches	Recreation
Middle Oconee River	Beech Creek to McNutt Creek	Drinking Water
Mulberry River	Little Mulberry Creek to Barbers Creek	Drinking Water
North Oconee River	Cedar Creek to Gravelly Creek	Drinking Water
North Oconee River	Shankles Creek to Trail Creek	Drinking Water
Oconee River	Sinclair Dam to Fishing Creek	Drinking Water
Oconee River	Oochee Creek to Flat Creek	Recreation and Drinking Water
Oconee River	Flat Creek to Long Branch	Drinking Water
Parks Creek	Headwaters to confluence with North Oconee River	Drinking Water
Popes Branch	Headwaters to confluence with Pearson Creek	Drinking Water
<u>OGEECHEE RIVER BASIN</u>		<u>DESIGNATED USE</u>
Julienton River	Contentment Bluff Sandbar and Dallas Bluff Sandbar	Recreation

Little Ogeechee River	South end of White Bluff Road near Carmelite Monastery to open sea and littoral waters of Skidaway Island	Recreation
Ogeechee River	U.S. Hwy. 17 Bridge to open sea	Recreation
Ossabaw Sound	All littoral waters including the waters on the ocean side of Wassaw and Ossabaw Islands	Recreation
Rocky Comfort Creek	Headwaters to confluence with Whetstone Creek	Drinking Water
Sapelo Sound	All littoral waters including the waters on the ocean side of St. Catherines and Sapelo Islands	Recreation
Skidaway River	Skidaway Narrows in Chatham County	Recreation
St. Catherines Sound	All littoral waters including the waters on the ocean side of Ossabaw and St. Catherines Islands	Recreation
Wassaw Sound	All littoral waters including the waters on the ocean side of Little Tybee and Wassaw Islands	Recreation

<u>SATILLA RIVER BASIN</u>	<u>DESIGNATED USE</u>
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Big Creek	Lake Laura S. Walker, Laura Walker State Park Beach	Recreation
Satilla River	Alabaha River to Woodbine Boat Ramp at Hwy. 17	Recreation
South Brunswick River	Blythe Island Sandbar	Recreation
St. Andrews Sound	All littoral waters including the waters on the ocean side of Jekyll and Cumberland Islands	Recreation
St. Simons Sound	The littoral waters on the ocean side of Sea Island, and all littoral waters including the waters on the ocean side of St. Simons and Jekyll Islands	Recreation

<u>SAVANNAH RIVER BASIN</u>	<u>DESIGNATED USE</u>
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Abercorn Creek	Confluence with Little Abercorn Creek to Savannah River	Drinking Water
Beaverdam Creek	Confluence with Little Beaverdam Creek to Carters Creek	Drinking Water

Beaverdam Creek (Lake Boline)	Headwaters to confluence with Little Beaverdam Creek (including Lake Boline)	Drinking Water
Brier Creek	Walnut Branch to Fitz Creek	Drinking Water
Broad River	Comer Carlton Rd. (Athens Hwy) to Mill Branch	Recreation
Broad River	Wildcat Bridge Rd. to Scull Shoal Creek	Recreation
Chattooga River	Georgia-North Carolina State Line to confluence with West Fork Chattooga River	Wild and Scenic
Chattooga River	Confluence with West Fork Chattooga River to Tugalo Reservoir	Recreation and Wild and Scenic
Chattooga River/Tugalo Reservoir	Tugalo Reservoir to confluence with Tallulah River	Recreation
Cedar Creek	Headwaters to confluence with Little Toccoa Creek (including Toccoa Reservoir)	Drinking Water
Grove Creek	Headwaters to confluence with Hickory Level Creek	Drinking Water
Unnamed Tributary to Lick Creek	Lake Liberty, A.H. Stephens State Park Beach	Recreation
Little Beaverdam Creek	Headwaters to confluence with Beaverdam Creek	Drinking Water
Mountain Creek	Headwaters to Little Nails Creek	Drinking Water
North Fork Broad River	Confluence with Double Branch to confluence with Middle Fork Broad River	Drinking Water
Savannah River/Lake Russell and Clarks Hill Lake	GA Highway 368/SC Highway 184 to Clarks Hill Dam (Mile 238)	Recreation and Drinking Water
Savannah River	Clarks Hill Dam (Mile 238) to Horse Creek including Stevens Creek Reservoir and Augusta Canal	Drinking Water
Savannah River	US Hwy. 301 Bridge (Mile 129) to Seaboard Coastline RR Bridge (Mile 27.4)	Drinking Water
Savannah River	Seaboard Coastline RR Bridge (Mile 27.4) to Fort Pulaski (Mile 0)	Coastal Fishing

Savannah River	Fort Pulaski (Mile 0) to open sea and all littoral waters including those on the ocean side of Tybee Island	Recreation
Sherrills Creek	Headwaters to confluence with South Fork Little River (including Sherrills Reservoir)	Drinking Water
Sweetwater Creek	Headwaters to confluence with Brier Creek (including Usry Lake)	Drinking Water
Tallulah River	Headwaters, including Lakes Burton and Seed, to confluence with Flat Creek	Recreation
Tallulah River/ Lake Rabun	Confluence of Flat Creek, including Lake Rabun, to Rabun Dam	Recreation and Drinking Water
Tallulah River	Lake Rabun Dam to confluence with Chattooga River	Recreation
Town Creek (Tributary to Long Creek)	Headwaters to confluence with Brooks Creek	Drinking Water
Tributary to Crawford Creek	Headwaters to confluence with Crawford Creek (including Water Works Reservoir)	Drinking Water
Tugaloo River	Confluence of Tallulah and Chattooga Rivers to Yonah Lake Dam	Recreation and Drinking Water
Tugaloo River/Lake Hartwell	Confluence with Prather Creek (near GA SR 184) to Lake Hartwell Dam	Recreation and Drinking Water
West Fork Chattooga	Confluence of Overflow Creek and Clear Creek to confluence with Chattooga River (7.3 mi.)	Wild and Scenic

ST. MARYS RIVER BASIN

DESIGNATED USE

St. Marys River	All littoral waters including the waters on the ocean side of Cumberland Island	Recreation
St. Marys River	Deep Creek to Boone Creek	Recreation
St. Marys River	Prospect Landing Rd. to Little St. Marys River	Recreation

SUWANNEE RIVER BASIN

DESIGNATED USE

Alapaha River	Willacoochee River to Dampier Branch	Recreation
Alapaha River	Cherry Creek to State Line	Recreation
Little River	Reed Bingham State Park Lake, Reed Bingham State Park Lake Beach	Recreation

Withlacoochee River	Tiger Creek to State Line	Recreation
<u>TALLAPOOSA RIVER BASIN</u>		<u>DESIGNATED USE</u>
Astin Creek	Headwaters to Little Tallapoosa River including unnamed tributary to Cowans Lake	Drinking Water
Beach Creek	Headwaters to Bush Creek	Drinking Water
Bush Creek	Headwaters to Beach Creek	Drinking Water
Indian Creek	Confluence with Turkey Creek to Indian Branch	Drinking Water
Little Tallapoosa River	Headwaters of Lake Paradise to confluence with Astin Creek	Drinking Water
Little Tallapoosa River	Sharpe Creek to Buck Creek	Drinking Water
Tallapoosa River	Beach Creek to Mann Creek	Drinking Water
Turkey Creek	Jump In Creek to Indian Creek	Drinking Water
<u>TENNESSEE RIVER BASIN</u>		<u>DESIGNATED USE</u>
Black's Creek	Headwaters to confluence with Little Tennessee River	Drinking Water
Hiawassee River	Headwaters to Lake Chatuge	Recreation
Hiawassee River/ Lake Chatuge	Lake Chatuge to Georgia - North Carolina State Line	Recreation and Drinking Water
Lookout Creek	Confluence with Turner Branch to confluence with Sitton Gulch Creek	Drinking Water
Mud Creek	Headwaters to confluence with Little Tennessee River	Drinking Water
Nottely River	Headwaters to confluence with Fortenberry Creek	Recreation
Nottely River/Lake Nottely	Confluence with Fortenberry Creek to Lake Nottely Dam	Recreation and Drinking Water
Nottely River	Lake Nottely Dam to Georgia - North Carolina State Line	Recreation
South Chickamauga Creek	Confluence of Tiger Creek with East Chickamauga Creek to confluence with Little Chickamauga Creek	Drinking Water
Toccoa River/Lake Blue Ridge	Headwaters to Lake Blue Ridge Dam	Recreation

Toccoa River	Lake Blue Ridge Dam to Georgia - Tennessee State Line	Recreation and Drinking Water
Tributary to Crawfish Spring Lake	Headwaters to confluence with Coke Oven Branch (including Crawfish Spring Lake) to West Chickamauga Creek	Drinking Water
Wolf Creek	Lake Trahlyta, Vogel State Park Beach	Recreation

- (15) **Trout Streams.** Streams designated as Primary Trout Waters are waters supporting a self-sustaining population of Rainbow, Brown or Brook Trout. Streams designated as Secondary Trout Streams are those with no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. Trout streams are classified in accordance with the designations and criteria as follows:

(a) **Criteria.**

- (i) There shall be no elevation of natural stream temperatures for Primary Trout Waters; 2, °F or less elevation for Secondary Trout Waters.
- (ii) No person shall construct an impoundment on Primary Trout Waters, except on streams with drainage basins less than 50 acres upstream of the impoundment. Impoundments on streams with drainage basins less than 50 acres must be approved by the Division.
- (iii) No person shall construct an impoundment on Secondary Trout Waters without the approval of the Division.

(b) **Designations by County.**

BARTOW COUNTY

Primary:

None.

Secondary:

1. Boston Creek watershed upstream from Georgia Hwy. 20.
2. Connesena Creek watershed.
3. Dykes Creek watershed.
4. Pine Log Creek watershed.

5. Pyle Creek watershed.
6. Salacoa Creek watershed.
7. Spring Creek watershed.
8. Stamp Creek watershed upstream from Bartow County Road 269.
9. Toms Creek watershed upstream from Bartow County Road 82.
10. Two Run Creek watershed.
11. Ward Creek watershed.

CARROLL COUNTY

Primary:

None.

Secondary:

1. Brooks Creek watershed.
2. Mud Creek watershed.
3. Tallapoosa River.

CATOOSA COUNTY

Primary:

None.

Secondary:

1. Dry Creek watershed upstream from Catoosa County Road 257 (East Chickamauga Creek Watershed).
2. Hurricane Creek watershed upstream from Peters Branch.
3. Little Chickamauga Creek watershed upstream from Catoosa County Road 387.
4. Tiger Creek watershed upstream from Georgia Hwy. 2.

CHATTOOGA COUNTY

Primary:

None.

Secondary:

1. Allgood Branch watershed upstream from Southern Railroad.
2. Chappel Creek watershed.
3. Chelsea Creek watershed.
4. East Fork Little River watershed.
5. Hinton Creek watershed.
6. Kings Creek watershed.
7. Little Armuchee Creek watershed upstream from Chattooga County Road 326.
8. Middle Fork Little River watershed.
9. Mt. Hope Creek watershed.
10. Perennial Spring watershed.
11. Raccoon Creek watershed upstream from Georgia Hwy. 48.
12. Ruff Creek watershed.
13. Storey Mill Creek watershed.
14. Taliaferro Creek watershed.

CHEROKEE COUNTY

Primary:

None.

Secondary:

1. Bluff Creek watershed upstream from Cherokee County Road 114.
2. Boston Creek watershed.
3. Murphy Creek watershed.
4. Pine Log Creek watershed.
5. Salacoa Creek watershed.
6. Soap Creek watershed upstream from Cherokee County Road 116.
7. Stamp Creek watershed.
8. Wiley Creek watershed.

COBB COUNTY

Primary:

None.

Secondary:

1. Chattahoochee River upstream from I-285 West Bridge.

DADE COUNTY

Primary:

None.

Secondary:

1. Allison Creek watershed.
2. East Fork Little River watershed.
3. Lookout Creek watershed upstream from Dade County Road 197.
4. Rock Creek watershed.
5. West Fork Little River watershed.

DAWSON COUNTY

Primary:

1. Amicalola Creek watershed upstream from Dawson County Road 192 (Devil's Elbow Road).
2. Anderson Creek watershed.
3. Long Swamp Creek watershed.
4. Nimblewill Creek watershed.
5. Sweetwater Creek watershed.

Secondary:

1. Amicalola Creek watershed from Georgia Hwy. 53 upstream to Dawson County Road 192 (Devil's Elbow Road).
2. Shoal Creek watershed upstream from the mouth of Burt Creek.

ELBERT COUNTY

Primary:

None.

Secondary:

1. Savannah River for the ten-mile reach downstream from Hartwell Dam.

FANNIN COUNTY

Primary:

1. Conasauga River - Jacks River watershed.
2. Ellijay River watershed.
3. Etowah River watershed.
4. Fightingtown Creek watershed.

5. Owenby Creek watershed.
6. Persimmon Creek watershed.
7. South Fork Rapiar Mill Creek watershed.
8. Toccoa River watershed upstream to Blue Ridge Reservoir dam.
9. Toccoa River watershed upstream from the backwater of Blue Ridge Reservoir.
10. Tumbling Creek watershed.
11. Wilscot Creek watershed.

Secondary:

All streams or stream sections not classified as primary in the above list.

FLOYD COUNTY

Primary:

None.

Secondary:

1. Dykes Creek watershed.
2. Johns Creek watershed upstream from Floyd County Road 212.
3. Kings Creek watershed.
4. Lavender Creek watershed upstream from Floyd County Road 893.
5. Little Cedar Creek watershed.
6. Mt. Hope Creek watershed.
7. Silver Creek watershed upstream from Georgia Highway 1E.
8. Spring Creek watershed (flows into State of Alabama).
9. Spring Creek water shed (flows into Etowah River).
10. Toms Creek watershed.

FORSYTH COUNTY

Primary:

None.

Secondary:

1. Chattahoochee River.

FULTON COUNTY

Primary:

None.

Secondary:

1. Chattahoochee River upstream from I-285 West Bridge.

GILMER COUNTY

Primary:

1. Cartecay River watershed upstream from the mouth of Clear Creek.
2. Clear Creek watershed upstream from Gilmer County Road 92.
3. Conasauga River watershed - including Jacks River watershed.
4. Ellijay River watershed upstream from the mouth of Kells Creek.
5. Harris Creek watershed.
6. Johnson Creek watershed.
7. Mountaintown Creek watershed upstream from U.S. Highway 76.
8. Tails Creek watershed upstream from Georgia Hwy. 282.
9. Toccoa River watershed - including Fightingtown Creek watershed.

Secondary:

1. All streams or sections thereof except the Coosawattee River downstream from Ga. Hwy. 5 Bridge, and Talking Rock Creek (not including tributaries) and those classified as primary.
2. Ball Creek watershed.
3. Sevenmile Creek watershed.
4. Town Creek watershed.
5. Wildcat Creek watershed.

GORDON COUNTY

Primary:

None.

Secondary:

1. Johns Creek watershed.
2. Long Branch watershed.
3. Pine Log Creek watershed upstream from Georgia Hwy. 53.
4. Pin Hook Creek watershed upstream from Gordon County Road 275.
5. Rocky Creek watershed upstream from Gordon County Road 210.
6. Salacoa Creek watershed upstream from U.S. Hwy. 411.
7. Snake Creek watershed.

GWINNETT COUNTY

Primary:

None.

Secondary:

1. Chattahoochee River.

HABERSHAM COUNTY

Primary:

1. Chattahoochee River watershed upstream from Georgia Hwy. 255 Bridge.
2. Middle Fork Broad River watershed upstream from USFS Route 92-B.
3. Panther Creek watershed.
4. Soque River watershed upstream from King's Bridge (bridge on Georgia Hwy. 197 just below the mouth of Shoal Creek).

Secondary:

1. Chattahoochee River watershed upstream from Georgia Hwy. 115 to the Georgia Hwy. 255 Bridge.
2. Davidson Creek watershed.
3. Middle Fork Broad River tributaries entering below USFS Route 92-B.
4. Nancytown Creek watershed upstream from Nancytown Lake.
5. North Fork Broad River watershed.
6. Soque River watershed upstream from the mouth of Deep Creek to King's Bridge (Georgia Hwy. 197).
7. Toccoa Creek watershed.

HARALSON COUNTY

Primary:

None.

Secondary:

1. Beach Creek watershed upstream from Haralson County Road 34.
2. Flatwood Creek watershed.
3. Lassetter Creek watershed.

4. Mann Creek watershed upstream from Haralson County Road 162.
5. Mountain Creek watershed.
6. Tallapoosa River watershed upstream from Haralson County Road 222.
7. Tallapoosa Creek watershed.

HART COUNTY

Primary:

None.

Secondary:

1. Savannah River.

LUMPKIN COUNTY

Primary:

1. Amicalola Creek watershed.
2. Camp Creek watershed.
3. Cane Creek watershed upstream from Cane Creek Falls.
4. Cavender Creek watershed.
5. Chestatee River watershed upstream from Lumpkin County Road 52-S976 (Lumpkin County Road 190).
6. Clay Creek watershed.
7. Etowah River watershed upstream from the Georgia Hwy. 52 Bridge.
8. Hurricane Creek watershed upstream from Lumpkin County Road 202.
9. Mooney Branch watershed.
10. Tobacco Pouch Branch watershed.

Secondary:

1. Cane Creek watershed upstream from Georgia Hwy. 52 Bridge to Cane Creek Falls.
2. Chestatee River watershed upstream from the mouth of Tesnatee Creek to Lumpkin County Road 52-S976 (Lumpkin County Road 190).
3. Etowah River watershed upstream from Castleberry Bridge to Georgia Hwy. 52 except those classified as primary above.
4. Shoal Creek watershed.
5. Yahoola Creek watershed upstream from Georgia Hwy. 52.

MURRAY COUNTY

Primary:

1. Conasauga River watershed, including - Jacks River watershed, upstream from Georgia-Tennessee state line.
2. Holly Creek watershed upstream from Murray County Rd. SR826 (U.S. Forest Service line).
3. Rock Creek watershed upstream from Murray County Rd. 4 (Dennis).

Secondary:

1. All tributaries to Carters Reservoir.
2. Holly Creek watershed (including Emory Creek watershed) upstream from Emory Creek to Murray County Road SR826 (U.S. Forest Service line).
3. Mill Creek watershed upstream from Murray County Road 27.
4. Mill Creek (Hassler Mill Creek) watershed within the Holly Creek watershed.
5. North Prong Sumac Creek watershed.
6. Sugar Creek watershed upstream from Murray County Road 4.
7. Sumac Creek watershed upstream from Coffey Lake.
8. Rock Creek watershed upstream of Murray County Road 301.

PAULDING COUNTY

Primary:

None.

Secondary:

1. Possum Creek watershed upstream from Paulding County Road 64.
2. Powder Creek (Powder Springs Creek) watershed.
3. Pumpkinvine Creek watershed upstream from Paulding County Road 231.
4. Pyle Creek watershed.
5. Raccoon Creek watershed upstream from Road SR2299 (Paulding County Road 471).
6. Tallapoosa River watershed.
7. Simpson Creek watershed.
8. Thompson Creek watershed.
9. Ward Creek watershed.

PICKENS COUNTY

Primary:

1. Cartecay River watershed.
2. Talking Rock Creek watershed upstream from Route S1011 (GA Highway 136).

Secondary:

1. Amicalola Creek watershed.
2. Ball Creek watershed.
3. Bluff Creek watershed.
4. East Branch watershed (including Darnell Creek watershed).

5. Fisher Creek watershed (upstream from the confluence of Talona Creek and Fisher Creek).
6. Fourmile Creek watershed.
7. Hobson Creek watershed.
8. Little Scarecorn Creek watershed.
9. Long Branch watershed.
10. Long Swamp Creek watershed upstream from Pickens County Road 294.
11. Mud Creek watershed.
12. Pin Hook Creek watershed.
13. Polecat Creek watershed.
14. Rock Creek watershed.
15. Salacoa Creek watershed.
16. Scarecorn Creek watershed upstream from Georgia Hwy. 53.
17. Sevenmile Creek watershed.
18. Soap Creek watershed.
19. Town Creek watershed.
20. Wildcat Creek watershed.

POLK COUNTY

Primary:

None.

Secondary:

1. Cedar Creek watershed upstream from Polk County Road 121.
2. Fish Creek watershed upstream of Plantation Pipeline.
3. Lassetter Creek watershed.

4. Little Cedar Creek watershed.
5. Pumpkinpile Creek watershed upstream from Road SR1032.
6. Silver Creek watershed.
7. Simpson Creek watershed upstream of Lake Dorene.
8. Spring Creek watershed.
9. Swinney Branch watershed.
10. Thomasson Creek watershed.
11. Thompson Creek watershed upstream of Polk County Road 441.

RABUN COUNTY

Primary:

1. Chattooga River - all tributaries classified as primary.
2. Little Tennessee River - entire stream and tributaries classified as primary except all streams or sections thereof classified as secondary.
3. Tallulah River - entire stream and tributaries classified as primary except the Tallulah River downstream from Lake Rabun Dam to headwaters of Tugaloo Lake.

Secondary:

1. Little Tennessee River downstream from U.S. Hwy. 441 Bridge.
2. Mud Creek downstream from Sky Valley Ski Resort Lake to the Little Tennessee River.

STEPHENS COUNTY

Primary:

1. Middle Fork Broad River watershed upstream from USFS Route 92-B.
2. Panther Creek watershed upstream from the mouth of Davidson Creek.

Secondary:

1. Davidson Creek watershed.
2. Leatherwood Creek watershed upstream from Georgia Hwy. 184 Bridge.
3. Little Toccoa Creek watershed.
4. Middle Fork Broad River watershed upstream from SCS flood control structure #44 to USFS Route 92-B.
5. North Fork Broad River watershed upstream from SCS flood control structure #1.
6. Panther Creek watershed downstream from the mouth of Davidson Creek.
7. Toccoa Creek upstream from Toccoa Falls.

TOWNS COUNTY

Primary:

1. Brasstown Creek watershed.
2. Chattahoochee River watershed.
3. Gumlog Creek watershed.
4. Hiawassee River watershed - entire stream and all tributaries classified as primary except all streams or sections thereof classified as secondary.
5. Tallulah River watershed.
6. Winchester Creek watershed.

Secondary:

1. Hightower Creek downstream from the mouth of Little Hightower Creek.

UNION COUNTY

Primary:

1. Arkaqua Creek watershed.
2. Brasstown Creek watershed.
3. Chattahoochee River watershed.

4. Conley Creek watershed upstream from Road S2325 (Union County Rd 237).
5. Coosa Creek watershed upstream from mouth of Anderson Creek.
6. Dooley Creek watershed.
7. East Fork Wolf Creek watershed upstream from Lake Trahlyta.
8. Gumlog Creek watershed.
9. Ivylog Creek watershed upstream from USDA Forest Service property line.
10. Nottely River watershed upstream from the mouth of Town Creek.
11. Toccoa River watershed.
12. Town Creek watershed.
13. West Fork Wolf Creek watershed.
14. Youngcane Creek watershed upstream from the mouth of Jones Creek.

Secondary:

1. All streams or sections thereof except the Butternut Creek watershed and the Nottely River downstream of Nottely Dam and those classified as primary.

WALKER COUNTY

Primary:

1. Furnace Creek watershed.
2. Harrisburg Creek watershed (including Dougherty Creek and Allen Creek) upstream from Dougherty Creek.

Secondary:

1. Chappel Creek watershed.
2. Chattanooga Creek watershed upstream of Walker County Road 235.
3. Concord Creek watershed.

4. Dry Creek watershed (tributary to East Armuchee Creek).
5. Duck Creek watershed.
6. East Armuchee Creek watershed upstream from Georgia Hwy. 136.
7. East Fork Little River watershed (flows into Dade County).
8. East Fork Little River watershed (flows into Chattooga County; includes Gilreath Creek).
9. Gulf Creek watershed.
10. Johns Creek watershed.
11. Left Fork Coulter Branch watershed.
12. Little Chickamauga Creek watershed.
13. Middle Fork Little River watershed (includes Cannon Branch and Hale Branch).
14. Rock Creek watershed (including Sawmill Branch) upstream from Sawmill Branch.
15. Ruff Creek watershed.
16. Snake Creek watershed.
17. West Armuchee Creek watershed.
18. West Chickamauga Creek watershed upstream from Walker County Road 107.
19. West Fork Little River watershed.

WHITE COUNTY

Primary:

1. Cathey Creek watershed upstream from the Arrowhead Campground Lake at the mouth of Tom White Branch.
2. Chattahoochee River watershed upstream from Georgia Hwy. 255 Bridge.
3. Town Creek watershed upstream from the mouth of Jenny Creek.

Secondary:

1. Chattahoochee River watershed upstream from Georgia Hwy. 115 to the Georgia Hwy. 255 Bridge.
2. Little Tesnatee Creek watershed upstream from the mouth of Turner Creek.
3. Turner Creek watershed except as listed under primary above (Turner Creek nearest to Cleveland city limits).

WHITFIELD COUNTY

Primary:

None.

Secondary:

1. Coahulla Creek watershed upstream from Whitfield County Road 183.
2. Dry Creek watershed.
3. Snake Creek watershed.
4. Spring Creek watershed.
5. Swamp Creek watershed upstream from Whitfield County Road 9.
6. Tiger Creek watershed

- (16) **Waters Generally Supporting Shellfish.** The waters listed below are either productive shellfish waters or have the potential to support shellfish. However, it may not be lawful to harvest shellfish from all of the waters listed below. Shellfish may only be harvested from waters approved for harvest by the Georgia DNR Coastal Resources Division. For a current list of approved waters for harvesting, contact the Coastal Resources Division.

CHATHAM COUNTY

1. Savannah River South Channel at Fort Pulaski to confluence with Lazaretto Creek.
2. Tybee River at confluence with Bates Creek and eastward, including Bates Creek.

3. Wilmington River at confluence with Herb River and eastward.
4. Herb River at confluence with Wilmington River to County Road 890.
5. All waters surrounding Skidaway Island including Moon River North to Skidaway Island Road.
6. Vernon River at Vernonburg and eastward.
7. Little Ogeechee River from Rose Dhu Island and eastward excluding Harvey Creek on Harvey's Island.
8. Ogeechee River below Shad Island and eastward (north of center line).
9. All waters surrounding Ossabaw Island and Wassaw Island to the center line of the intracoastal waterway.

BRYAN COUNTY

1. Ogeechee River below Shad Island and eastward (south of center line).
2. Redbird Creek at Cottonham and eastward.
3. All waters west of main channel center line of intracoastal waterway to confluence of Medway River.
4. Medway River at south confluence of Sunbury Channel and East Channel and eastward (north of center line).

LIBERTY COUNTY

1. Medway River at south confluence of Sunbury Channel and East Channel and eastward (south of center line).
2. Dickinson Creek at Latitude 31,,° 44.2' to confluence with Medway River.
3. Johns Creek at end of County Road 3 and eastward to confluence with Medway River.
4. All other waters east and north of Colonels Island.
5. North Newport River System at confluence with Carrs Neck Creek and eastward, including Cross Tide Creek.
6. South Newport River System north of center line and eastward from confluence with South Hampton Creek.

MCINTOSH COUNTY

1. South Newport River System south of centerline and eastward from confluence with South Hampton Creek.
2. Julienton River at Latitude 31,,° 36.8' and eastward to confluence with Sapelo River, including Broad River near Shellman Bluff.
3. Sapelo River from end of County Road 127 eastward excluding White Chimney River and Savannah Cut.
4. All waters surrounding Creighton Island.
5. Atwood Creek at Latitude 31,,° 28.3' and eastward.
6. Hudson Creek at Latitude 31,,° 27.2' and eastward.
7. Carnigan River at Latitude 31,,° 26.2' and eastward.
8. All waters surrounding Sapelo Island to the center line of Sapelo Sound, including New Teakettle Creek, Old Teakettle Creek and Dark Creek.
9. Dead River at Longitude 81,,° 21.5' to confluence with Folly River.
10. Folly River at Longitude 81,,° 21.2' to confluence with intracoastal waterways including Fox Creek tributary.
11. North River from confluence with Old Darien River to confluence with intracoastal waterway, including Old Darien River.
12. Darien River from confluence with Three Mile Cut to intracoastal waterway.
13. Rockdedundy River from confluence with Darien River to intracoastal waterway.
14. All waters surrounding Doboy Island, Commodore Island, Wolf Island, and Rockdedundy Island.
15. South River at confluence of intracoastal waterway to Doboy Sound.
16. Altamaha River from confluence with Three Mile Cut and Mackay River and eastward, including Buttermilk Sound, but excluding South Altamaha River.
17. Dog Hammock to confluence with Sapelo River.
18. Eagle Creek to confluence with Mud River.

GLYNN COUNTY

1. Mackay River water system from confluence with South Altamaha River to confluence with Brunswick River, excluding Wally's Leg.
2. All waters surrounding St. Simons Island and Little St. Simons Island.
3. All waters surrounding Andrews Island excluding Academy Creek.
4. Turtle River from confluence with Buffalo River to confluence with South Brunswick River, excluding Cowpen Creek, Yellow Bluff Creek, and Gibson Creek.
5. South Brunswick River and drainage system to confluence of Brunswick River.
6. Fancy Bluff Creek from confluence with South Brunswick River to the Little Satilla River.
7. Brunswick River from confluence of Turtle River and South Brunswick River to St. Simons Sound.
8. Little Satilla River from confluence with Fancy Bluff Creek to St. Andrews Sound (north of center line).
9. All waters surrounding Jekyll Island, Jointer Island, and Colonels Island.

CAMDEN COUNTY

1. Little Satilla River from confluence with Fancy Bluff Creek to St. Andrews Sound (south of center line), excluding Maiden Creek.
2. Umbrella Creek from confluence with Dover Creek below Dover Bluff.
3. Dover Creek from confluence with Umbrella Creek to confluence with Satilla River.
4. Satilla River near Floyd Basin and unnamed cut over to Dover Creek to St. Andrews Sound.
5. Floyd Basin at confluence with Todd Creek to confluence with Satilla River.
6. Floyd Basin at confluence with Todd Creek to confluence with Cumberland River.
7. Black Point Creek south of Latitude 30,,° 52.0' south to Crooked River.

8. Crooked River from Crooked River State Park to Cumberland River.
 9. Cumberland River from confluence of St. Andrews Sound to confluence with St. Marys River (north of center line).
 10. North River from County Road 75 to confluence with St. Marys River.
 11. All waters surrounding Cumberland Island.
 12. St. Marys River (north of center line) from end of State Road 40 to Cumberland Sound.
- (17) **Specific Criteria for Lakes and Major Lake Tributaries.** In addition to the general criteria, the following lake specific criteria are required:
- (a) **West Point Lake:** Those waters impounded by West Point Dam and downstream of U.S. 27 at Franklin.
 - (i) Chlorophyll *a*: For the months of April through October, the average of monthly photic zone composite samples shall not exceed the chlorophyll *a* concentrations at the locations listed below more than once in a five-year period.
 1. Upstream from the Dam in the Forebay: 22 µg/L
 2. LaGrange Water Intake: 24 µg/L
 - (ii) pH: Within the range of 6.0 - 9.5.
 - (iii) Total Nitrogen: Not to exceed 4.0 mg/L as Nitrogen in the photic zone.
 - (iv) Total Phosphorous: Total lake loading shall not exceed 2.4 pounds per acre foot of lake volume per year.
 - (v) Bacteria:
 1. U.S. 27 at Franklin to New River: Bacteria shall not exceed the Fishing criterion as presented in 391-3-6-.03(6)(c)(iii).
 2. New River to West Point Dam: E. coli shall not exceed the Recreation criterion as presented in 391-3-6-.03(6)(b)(i).
 - (vi) Dissolved Oxygen: A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times at the depth specified in 391-3-6-.03(5)(g).
 - (vii) Temperature:

1. U.S. 27 at Franklin to New River: Water temperature shall not exceed the Fishing criterion as presented in 391-3-6-.03(6)(c)(iv).
 2. New River to West Point Dam: Water temperature shall not exceed the Recreation criterion as presented in 391-3-6-.03(6)(b)(iv).
- (viii) Major Lake Tributaries: For the following tributaries, the annual total phosphorus loading to West Point Lake shall not exceed the following:
1. Yellow Jacket Creek at Hammet Road: 11,000 pounds
 2. New River at Hwy 100: 14,000 pounds
 3. Chattahoochee River at U.S. 27: 1,400,000 pounds
- (b) **Lake Walter F. George:** Those waters impounded by Walter F. George Dam and upstream to Georgia Highway 39 near Omaha.
- (i) Chlorophyll *a*: For the months of April through October, the average of monthly photic zone composite samples shall not exceed 18 µg/L at mid-river at U.S. Highway 82 or 15 µg/L at mid-river in the dam forebay more than once in a five-year period.
 - (ii) pH: Within the range of 6.0-9.5 standard units.
 - (iii) Total Nitrogen: Not to exceed 3.0 mg/L as nitrogen in the photic zone.
 - (iv) Total Phosphorous: Total lake loading shall not exceed 2.4 pounds per acre-foot of lake volume per year.
 - (v) Bacteria:
 1. Georgia Highway 39 to Cowikee Creek: Bacteria shall not exceed the Fishing criterion as presented in 391-3-6-.03(6)(c)(iii).
 2. Cowikee Creek to Walter F. George Dam: E. coli shall not exceed the Recreation criterion as presented in 391-3-6-.03(6)(b)(i).
 - (vi) Dissolved Oxygen: A daily average of no less than 5.0 mg/L and no less than 4.0 mg/L at all times at the depth specified in 391-3-6-.03(5)(g).
 - (vii) Temperature:
 1. Georgia Highway 39 to Cowikee Creek: Water temperature shall not exceed the Fishing criterion as presented in 391-3-6-.03(6)(c)(iv).

2. Cowikey Creek to Walter F. George Dam: Water temperature shall not exceed the Recreation criterion as presented in 391-3-6-.03(6)(b)(iv).

(viii) Major Lake Tributary: The annual total phosphorous loading to Lake Walter F. George, monitored at the Chattahoochee River at Georgia Highway 39, shall not exceed 2,000,000 pounds.

(c) **Lake Jackson:** Those waters impounded by Lloyd Shoals Dam and upstream to Georgia Highway 36 on the South and Yellow Rivers, upstream to Newton Factory Bridge Road on the Alcovy River and upstream to Georgia Highway 36 on Tussahaw Creek.

(i) Chlorophyll *a*: For the months of April through October, the average of monthly mid-channel photic zone composite samples shall not exceed 20 µg/L at a location approximately 2 miles downstream of the confluence of the South and Yellow Rivers at the junction of Butts, Newton and Jasper Counties more than once in a five-year period.

(ii) pH: Within the range of 6.0-9.5 standard units.

(iii) Total Nitrogen: Not to exceed 4.0 mg/L as nitrogen in the photic zone.

(iv) Total Phosphorous: Total lake loading shall not exceed 5.5 pounds per acre-foot of lake volume per year.

(v) Bacteria: *E. coli* shall not exceed the Recreation criterion as presented in 391-3-6-.03(6)(b)(i).

(vi) Dissolved Oxygen: A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times at the depth specified in 391-3-6-.03(5)(g).

(vii) Temperature: Water temperature shall not exceed the Recreation criterion as presented in 391-3-6-.03(6)(b)(iv).

(viii) Major Lake Tributaries: For the following major tributaries, the annual total phosphorous loading to Lake Jackson shall not exceed the following:

- | | |
|--|----------------|
| 1. South River at Island Shoals: | 179,000 pounds |
| 2. Yellow River at Georgia Highway 212: | 116,000 pounds |
| 3. Alcovy River at Newton Factory Bridge Road: | 55,000 pounds |
| 4. Tussahaw Creek at Fincherville Road: | 7,000 pounds |

(d) **Lake Allatoona:** Those waters impounded by Allatoona Dam and upstream to State Highway 5 on the Etowah River, State Highway 5 on Little River, the Lake Acworth Dam, and the confluence of Little Allatoona Creek and Allatoona Creek. Other impounded tributaries to an elevation of 840 feet mean sea level corresponding to the normal pool elevation of Lake Allatoona.

(i) Chlorophyll *a*: For the months of April through October, the average of monthly mid-channel photic zone composite samples shall not exceed the chlorophyll *a* concentrations at the locations listed below more than once in a five-year period:

- | | |
|---|---------|
| 1. Upstream from the Dam: | 10 µg/L |
| 2. Allatoona Creek upstream from I-75: | 12 µg/L |
| 3. Mid-Lake downstream from Kellogg Creek: | 10 µg/L |
| 4. Little River upstream from Highway 205: | 15 µg/L |
| 5. Etowah River upstream from Sweetwater Creek: | 14 µg/L |

(ii) pH: Within the range of 6.0-9.5 standard units

(iii) Total Nitrogen: Not to exceed a growing season average of 4 mg/L as nitrogen in the photic zone.

(vi) Total Phosphorous: Total lake loading shall not exceed 1.3 pounds per acre-foot of lake volume per year.

(v) Bacteria:

1. Etowah River, State Highway 5 to State Highway 20: Bacteria shall not exceed the Fishing Criterion as presented in 391-3-6-.03(6)(c)(iii).
2. Etowah River, State Highway 20 to Allatoona Dam: E. coli shall not exceed the Recreation criterion as presented in 391-3-6-.03(6)(b)(i).

(vi) Dissolved Oxygen: A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times at the depth specified in 391-3-6-.03(5)(g).

(vii) Temperature:

1. Etowah River, State Highway 5 to State Highway 20: Water temperature shall not exceed the Fishing criterion as presented in 391-3-6-.03(6)(c)(iv).

2. Etowah River, State Highway 20 to Allatoona Dam: Water temperature shall not exceed the Recreation criterion as presented in 391-3-6-.03(6)(b)(iv).

(viii) Major Lake Tributaries: For the following major tributaries, the annual total phosphorous loading to Lake Allatoona shall not exceed the following:

- | | |
|--|----------------|
| 1. Etowah River at State Highway 5 spur and 140, at the USGS gage: | 340,000 lbs/yr |
| 2. Little River at State Highway 5 (Highway 754): | 42,000 lbs/yr |
| 3. Noonday Creek at North Rope Mill Road: | 38,000 lbs/yr |
| 4. Shoal Creek at State Highway 108 (Fincher Road): | 12,500 lbs/yr |

(e) **Lake Sidney Lanier:** Those waters impounded by Buford Dam and upstream to Belton Bridge Road on the Chattahoochee River, 0.6 miles downstream from State Road 400 on the Chestatee River, as well as other impounded tributaries to an elevation of 1070 feet mean sea level corresponding to the normal pool elevation of Lake Sidney Lanier.

(i) Chlorophyll *a*: For the months of April through October, the average of monthly mid-channel photic zone composite samples shall not exceed the chlorophyll *a* concentrations at the locations listed below more than once in a five-year period:

- | | |
|---|---------|
| 1. Upstream from the Buford Dam forebay: | 5 µg/L |
| 2. Upstream from the Flowery Branch confluence: | 6 µg/L |
| 3. At Browns Bridge Road (State Road 369): | 7 µg/L |
| 4. At Bolling Bridge (State Road 53) on Chestatee River: | 10 µg/L |
| 5. At Lanier Bridge (State Road 53) on Chattahoochee River: | 10 µg/L |

(ii) pH: Within the range of 6.0-9.5 standard units.

(iii) Total Nitrogen: Not to exceed 4 mg/L as nitrogen in the photic zone.

(iv) Total Phosphorous: Total lake loading shall not exceed 0.25 pounds per acre-foot of lake volume per year.

(v) Bacteria: *E. coli* shall not exceed the Recreation criterion as presented in 391-3-6-.03(6)(b)(i).

- (vi) Dissolved Oxygen: A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times at the depth specified in 391-3-6-.03(5)(g).
 - (vii) Temperature: Water temperature shall not exceed the Recreation criterion as presented in 391-3-6-.03(6)(b)(iv).
 - (viii) Major Lake Tributaries: For the following major tributaries, the annual total phosphorous loading to Lake Sidney Lanier shall not exceed the following:
 - 1. Chattahoochee River at Belton Bridge Road: 178,000 pounds
 - 2. Chestatee River at Georgia Highway 400: 118,000 pounds
 - 3. Flat Creek at McEver Road: 14,400 pounds
- (f) **Carters Lake:** Those waters impounded by Carters Dam and upstream on the Coosawattee River as well as other impounded tributaries to an elevation of 1072 feet mean sea level corresponding to the normal pool elevation of Carters Lake.
- (i) Chlorophyll *a*: For the months of April through October, the average of monthly mid-channel photic zone composite samples shall not exceed the chlorophyll *a* concentrations at the locations listed below more than once in a five-year period:
 - 1. Carters Lake upstream from Woodring Branch: 10 µg/L
 - 2. Carters Lake at Coosawattee River embayment mouth: 10 µg/L
 - (ii) pH: within the range of 6.0 - 9.5 standard units.
 - (iii) Total Nitrogen: Not to exceed 4.0 mg/L as nitrogen in the photic zone.
 - (iv) Total Phosphorous: Total lake loading shall not exceed 172,500 pounds or 0.46 pounds per acre-foot of lake volume per year.
 - (v) Bacteria: *E. coli* shall not exceed the Recreation criterion as presented in 391-3-6-.03(6)(b)(i).
 - (vi) Dissolved Oxygen: A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times at the depth specified in 391-3-6-.03(5)(g).
 - (vii) Temperature: Water temperature shall not exceed the Recreation criterion as presented in 391-3-6-.03(6)(b)(iv).
 - (viii) Major Lake Tributaries: For the following major tributaries, the annual total phosphorous loading at the compliance monitoring location shall not exceed the following:
 - 1. Coosawattee River at Old Highway: 151,500 pounds

2. Mountaintown Creek at U.S. Highway 76: 16,000 pounds

(g) **Lake Oconee:** Those waters impounded by Wallace Dam and upstream on the Oconee River as well as other impounded tributaries to an elevation of 436 feet mean sea level corresponding to the normal pool elevation of Lake Oconee.

(i) Chlorophyll *a*: For the months of April through October, the average of monthly mid-channel photic zone composite samples shall not exceed the chlorophyll *a* concentrations at the locations listed below more than once in a five-year period:

1. Oconee Arm at Highway 44: 26 µg/L
2. Richland Creek Arm: 15 µg/L
3. Upstream from the Wallace Dam Forebay: 18 µg/L

(ii) pH: within the range of 6.0 - 9.0 standard units.

(iii) Bacteria: *E. coli* shall not exceed the Recreation criterion as presented in 391-3-6-.03(6)(b)(i).

(iv) Dissolved Oxygen: A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times at the depth specified in 391-3-6-.03(5)(g).

(v) Temperature: Water temperature shall not exceed the Recreation criterion as presented in 391-3-6-.03(6)(b)(iv).

(h) **Lake Sinclair:** Those waters impounded by Sinclair Dam and upstream on the Oconee River as well as other impounded tributaries to an elevation of 340 feet mean sea level corresponding to the normal pool elevation of Lake Sinclair.

(i) Chlorophyll *a*: For the months of April through October, the average of monthly mid-channel photic zone composite samples shall not exceed the chlorophyll *a* concentrations at the locations listed below more than once in a five-year period:

1. Oconee River Arm Midlake: 14 µg/L
2. Little River and Murder Creek Arm Upstream from Highway 441: 14 µg/L
3. Upstream from the Sinclair Dam Forebay: 10 µg/L

(ii) pH: within the range of 6.0 - 9.0 standard units.

- (iii) Bacteria: E. coli shall not exceed the Recreation criterion as presented in 391-3-6-.03(6)(b)(i).
- (iv) Dissolved Oxygen: A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times at the depth specified in 391-3-6-.03(5)(g).
- (v) Temperature: Water temperature shall not exceed the Recreation criterion as presented in 391-3-6-.03(6)(b)(iv).

(18) Site Specific Metal Criteria based on Biotic Ligand Models and Water Effect Ratio

- (a) The Biotic Ligand Model (BLM) is a metal bioavailability model that uses receiving water body characteristics and monitoring data to develop site-specific water quality criteria. A study plan and findings shall be submitted and approved that conforms to the requirements outlined in the *2007 Aquatic Life Ambient Freshwater Quality Criteria-Copper 2007 Revision EPA-822-R-07-001*.

- (i) Site-specific Copper criteria developed using the BLM:

Buffalo Creek (Richards Lake Dam to confluence with Little Tallapoosa River):

Acute Copper criteria

$$= 4.9 \times 10^8 e^{\left(-0.5 \left(\left(\frac{(\ln(\text{pH}) - 2.816)}{-0.1816} \right)^2 + \left(\frac{(\ln(\text{DOC}) - 82.18)}{-5.458} \right)^2 \right) \right)}$$

Chronic Copper criteria

$$= 3.043 \times 10^8 e^{\left(-0.5 \left(\left(\frac{(\ln(\text{pH}) - 2.816)}{-0.1816} \right)^2 + \left(\frac{(\ln(\text{DOC}) - 82.18)}{-5.458} \right)^2 \right) \right)}$$

- (b) A Water Effect Ratio (WER) is site specific and is the ratio of the toxicity of a metal in site water to the toxicity of the same metal in standard laboratory. A study plan and findings shall be submitted and approved that conforms to the requirements outlined in the *1994 Interim Guidance on Determination and Use of Water Effect Ratios for Metals EPA-823-B-94-001*. If the WER is for Copper, the *Interim Guidance* may be complemented with the *2001 Streamline Water Effect Ratio Procedure for Discharges of Copper EPA-822-R-01-005*.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.03

Authority: O.C.G.A. § [12-5-20](#) *et seq.*

History. Original Rule entitled "Water Use Classifications and Water Quality Standards" adopted. F. June 10, 1974; eff. June 30, 1974.

Amended: F. May 30, 1985; eff. June 19, 1985.

Amended: F. Dec. 9, 1988; eff. Dec. 29, 1988.

Amended: F. May 31, 1989; eff. June 20, 1989.

Amended: ER. 391-3-6-0.16-.03 adopted. F. July 6, 1989; eff. June 30, 1989, the date of adoption.
Amended: ER. 391-3-6-0.17-.03 adopted. F. Aug. 25, 1989, eff. Aug. 23, 1989, the date of adoption.
Amended: ER. 391-3-6-0.19-.03 adopted. F. Dec. 8, 1989, eff. Dec. 6, 1989, the date of adoption.
Amended: F. Dec. 8, 1989; eff. Dec. 28, 1989.
Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.
Amended: F. Feb. 15, 1991; eff. Mar. 7, 1991.
Amended: F. Apr. 8, 1993; eff. Apr. 28, 1993.
Amended: F. Aug. 9, 1993; eff. Aug. 29, 1993.
Amended: F. Aug. 30, 1995; eff. Sept. 19, 1995.
Amended: ER. 391-3-6-0.32-.03 adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption.
Amended: Permanent Rule adopted. F. July 10, 1996; eff. July 30, 1996.
Amended: F. Oct. 17, 1996; eff. Nov. 6, 1996.
Amended: F. May 2, 1997; eff. May 22, 1997.
Amended: F. Nov. 3, 1998; eff. Nov. 23, 1998.
Amended: F. Feb. 7, 2000; eff. Feb. 27, 2000.
Amended: F. Apr. 12, 2000; eff. May 2, 2000.
Amended: F. Oct. 26, 2001; eff. Nov. 15, 2001.
Amended: F. May 10, 2002; eff. May 30, 2002.
Amended: F. July 2, 2002; eff. July 22, 2002.
Amended: F. Dec. 9, 2002; eff. Dec. 29, 2002.
Amended: F. Nov. 7, 2005; eff. Nov. 27, 2005.
Amended: F. Dec. 14, 2007; eff. Jan. 3, 2008.
Amended: F. Jan. 29, 2009; eff. Feb. 18, 2009.
Amended: F. May 16, 2011; eff. June 5, 2011.
Amended: F. Oct. 2, 2013; eff. Oct. 22, 2013.
Amended: New title "Water Use Classifications and Water Quality Standards." F. Oct. 2, 2015; eff. Oct. 22, 2015.
Amended: F. Apr. 3, 2018; eff. Apr. 23, 2018.
Amended: F. July 3, 2018; eff. July 23, 2018.
Amended: New title, "Designated Uses and Water Quality Standards." F. Feb. 7, 2022; eff. Feb. 27, 2022.

Rule 391-3-6-.04. Marine Sanitation Devices.

- (1) **Purpose.** The purpose of Rule 391-3-6-.04 is to prescribe procedures pertaining to construction, installation and operation of marine sanitation devices, facilities or methods of sewage disposal.
- (2) **Definitions.** All terms used in the Paragraph shall be interpreted in accordance with the definitions as set forth in the Act unless otherwise herein defined in this Paragraph or in any other Paragraph of these Rules.
 - (a) "Boat" means any vessel or watercraft whether moved by oars, paddles, sails, or other power mechanism, inboard or outboard, or any other vessel or structure floating upon the waters of this State whether or not capable of self locomotion, including, but not limited to, cabin cruisers, houseboats, barges and similar floating objects.
 - (b) "Marine Toilet" means any toilet on or within any boat.
 - (c) "Other Disposal Unit" means any device on or within any boat, other than marine toilet, which is intended for use in the disposal of human body wastes or sewage.

- (d) "Blender" means any mechanical device capable of reducing sewage solids into a finely divided state such that a liquid disinfecting agent may be effectively dispersed throughout the blended sewage.
- (e) "Marine Sanitation Devices" mean any equipment of installation on a boat which is designed to receive, retain, treat or discharge sewage or any process to treat such sewage.
- (f) "Sewage," for the purposes of this Paragraph only, means water carried wastes, which are generated by human beings or their activities.

(3) General Provisions.

- (a) Any marine toilet or other disposal unit located on or within any boat operated on waters of this State shall have securely affixed to the interior discharge toilet or unit a suitable marine sanitation device designed, constructed, and operated in accordance with requirements prescribed herein. All sewage passing into or through the marine toilet or other disposal unit shall discharge solely to the marine sanitation device.
- (b) This Paragraph shall not apply to ocean going vessels of 20 tons displacement or more.

(4) Waste Treatment Devices and Equipment.

- (a) All discharges from marine sanitation devices into or upon the waters of this State shall be in compliance with the Federal standards of performance and regulations for marine sanitation devices promulgated pursuant to Section 312 of the Federal Act.
- (b) For vessels on the lakes listed in the Official Code of Georgia Annotated Section [12-5-29\(c\)](#) as amended, it shall be unlawful for any person to operate or float a vessel having a marine toilet unless such marine toilet only discharges into a holding tank located on the vessel. It is further required that:
 - 1. Such holding tank be constructed so as to prevent removal of the sewage held therein except by pumping;
 - 2. The holding tank be properly vented to the outside air in such fashion as not to foul the interior of the boat structure;
 - 3. Only those chemicals approved by the Division can be added to the holding tank; and
 - 4. The contents of the holding tank must be disposed of only through onshore facilities approved by the Division.

- (c) For vessels on the lakes referenced in paragraph (4)(b) of this section constructed on or before January 1, 1978, an extension shall be granted until December 31, 1991 for compliance with paragraph (4)(b) of this section. The Burden of Proof regarding the construction date of the vessel is the responsibility of the vessel owner. During the extension period those vessels found in violations of the provisions of the law will be issued a warning which will serve to notify each boater of the requirements to comply with paragraph (4)(b) of this section.
- (5) **Right to Entry.** Personnel of the Division or other duly authorized agents of the Department shall have access to any boat at reasonable times for the purposes of the determining whether or not there is compliance with the provisions of the Act and the rules of the Division.
- (6) **Effective Date.** This paragraph shall become effective twenty days after filing with the Secretary of State's Office.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.04

Authority: Ga. L. 1964, p. 416, as amended; O.C.G.A. Sec. [12-5-20](#).

History. Original Rule entitled "Marine Sanitation Devices" was filed on June 10, 1974; effective June 30, 1974.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Amended: F. Jul. 6, 1990; eff. July 26, 1990.

Amended: ER 391-3-6-0.24-.04 was f. May 1, 1992; eff. April 29, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency.

Amended: ER 391-3-6-0.24 has been repealed and a permanent Rule, same title, adopted. F. Aug. 19, 1992; eff. Sept. 8, 1992.

Repealed: ER. 391-3-6-0.32-.04, of the same title, adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption, to remain in effect for the period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Amended: Permanent Rule of same title adopted. F. Jul. 10, 1996; eff. July 30, 1996.

Rule 391-3-6-.05. Emergency Actions.

- (1) **Purpose.** The purpose of Paragraph 391-3-6-.05 is to provide procedures to handle any emergency which endangers the waters of the State.
- (2) **Definitions.** All terms used in this Paragraph shall be interpreted in accordance with the definitions as set forth in the Act unless otherwise defined in this Paragraph or in any other Paragraph of these Rules.
 - (a) "Spill" means any discharge of raw sewage by a Publicly Owned Treatment Works (POTW) to the waters of the State.
 - (b) "Major Spill"; means:

1. The discharge of pollutants into the waters of the State by a POTW that exceeds the weekly average permitted effluent limit for biochemical oxygen demand (5-day) or total suspended solids by 50 percent or greater for any one day, provided that the effluent discharge concentration is equal to or greater than 25 mg/L for biochemical oxygen demand or total suspended solids.
 2. Any discharge of raw sewage that (1) is in excess of 10,000 gallons or (2) results in water quality violations in the waters of the State.
- (c) "Consistently exceeding an effluent limitation" means a POTW exceeding the 30 day average limit for biochemical oxygen demand or total suspended solids for at least five days out of each seven day period during a total period of 180 consecutive days.
- (3) **Notice Concerning Endangering Waters of the State.** Whenever, because of an accident or otherwise, any toxic or taste and color producing substance, or any other substance which would endanger downstream users of the waters of the State or would damage property, is discharged into such waters, or is so placed that it might flow, be washed, or fall into them, it shall be the duty of the person in charge of such substances at the time to forthwith notify the Division in person or by telephone of the location and nature of the danger, and it shall be such person's further duty to immediately take all reasonable and necessary steps to prevent injury to property and downstream users of said water. The following specific requirements shall apply to POTWS:
- (a) The owner of a POTW shall immediately notify the Division, in person or by telephone, when a spill or a major spill occurs in the system. Within five (5) days of the incident, the owner of the POTW shall submit a written report to the Division which includes, at a minimum, the information required in (3)(e) below. The spill notification and report may be submitted electronically, as approved or required by the Division.
 - (b) The owner of a POTW responsible for a major spill shall publish a notice of the major spill in the legal organ of the County where the incident occurred. The notice shall be published within seven days after the date of the major spill. The notice at a minimum shall include the following:
 1. Date of the major spill;
 2. Location and cause of major spill;
 3. Estimated volume discharged and name of receiving waters;
 4. Corrective action taken to mitigate or reduce the adverse effects of the major spill.

- (c) The owner of a POTW shall immediately establish a monitoring program of the waters affected by a major spill or by consistently exceeding an effluent limit, with such monitoring being at the expense of the POTW for at least one year. The monitoring program shall include an upstream sampling point as well as sufficient downstream locations to accurately characterize the impact of the major spill or the consistent exceedance of effluent limitations as described in (2)(c) above. At a minimum the following parameters shall be monitored in the receiving stream:

1. Dissolved Oxygen;
2. Fecal Coliform Bacteria;
3. pH;
4. Temperature.

The monitoring and reporting frequency as well as the need to monitor additional parameters will be determined by the Division. The results of the monitoring will be provided by the POTW owner to the Division and all downstream public agencies using the affected waters as a source of a public water supply.

- (d) The Division and the owner of a POTW will provide notice of a major spill within 24- hours of becoming aware of the major spill to every county, municipality or other public agency whose public water supply is within a distance of 20 miles downstream and to any others which could potentially be affected by the major spill.
- (e) The owner of a POTW responsible for a spill or a major spill shall report the incident to the local media (television, radio and print media) within 24 hours of becoming aware of the incident. The report shall include at a minimum the following:
1. Date of the spill or major spill;
 2. Location and cause of spill or major spill;
 3. Estimated volume discharged and name of receiving waters;
 4. Corrective action taken to mitigate or reduce the adverse effects of the spill or major spill.
- (f) The owner of a POTW responsible for a spill or a major spill shall immediately report the incident to the local health department(s) for the area affected by the incident. The report shall include at a minimum the same information required in (3)(e) above.

- (g) The owner of a POTW responsible for a spill or a major spill shall immediately post a notice as close as possible to where the spill or major spill occurred and where the spill or major spill entered State waters. The notice shall include at a minimum the same information required in (3)(e) above. The intent of this requirement is for the POTW to notify citizens, who may come into contact with the affected water, that the spill or the major spill has occurred. The owner shall also post additional notices of the spill or major spill along the portions of the waterway affected by the incident (i.e. at bridge crossings, trails, boat ramps, recreational areas, and other points of public access to the affected waterway). These notices shall remain in place for a minimum of seven days after the spill or major spill has ceased.
- (4) **Noncompliance Notification.** If, for any reason, the permittee does not comply with, or will be unable to comply with any effluent limitations specified in the permittee's NPDES permit, the permittee shall provide the Division with an oral report within 24 hours from the time the permittee becomes aware of the circumstances followed by a written report within five (5) days of becoming aware of such condition. The written submission shall contain the following information:
 - (a) A description of the noncompliance and its cause; and
 - (b) The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.
 - (c) The noncompliance notification and report may be submitted electronically, as approved or required by the Division.
- (5) **Emergency Orders.** The Director shall have the authority to issue an emergency order pursuant to Section 20 of the Act, and Section 17(a) of the Executive Reorganization Act of 1972, as amended.
- (6) **Effective Date.** This Rule shall become effective twenty days after filing with the Secretary of State's Office.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.05

Authority: O.C.G.A. § [12-5-20](#) et seq.

History. Original Rule entitled "Emergency Actions" adopted. F. June 10, 1974; eff. June 30, 1974.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Amended: ER. 391-3-6-0.32-.05, adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.

Amended: Permanent Rule adopted. F. July 10, 1996; eff. July 30, 1996.

Amended: F. May 31, 2001; eff. June 20, 2001.

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Amended: F. Oct. 13, 2017; eff. Nov. 2, 2017.

Rule 391-3-6-.06. Waste Treatment and Permit Requirements.

- (1) **Purpose.** The purpose of Rule 391-3-6-.06 is to provide for the degree of waste treatment required and the uniform procedures and practices to be followed relating to the application for issuance, modification, revocation and reissuance, and termination of permits for the discharge of any pollutant into the waters of the State. Requirements applicable to general NPDES permits are provided in Rules [391-3-6-.15](#) and [391-3-6-.16](#).
- (2) **Definitions.** All terms used in this Rule shall be interpreted in accordance with the definitions as set forth in the Act unless otherwise defined in this Paragraph or in any other Rules of this Chapter:
 - (a) "Annual average stream flow" means that flow measured daily at the nearest listed U.S. Geologic Survey stream gauge, averaged for the entire period of record, and adjusted by comparison to the size of the drainage area in which the discharge is located.
 - (b) "Aquaculture project" means any point source which meets the criteria set forth in the Federal Regulations, [40 C.F.R. 122.25](#);
 - (c) "Concentrated animal feeding operation" means any point source which meets the criteria set forth in the Federal Regulations, [40 C.F.R. 122.23](#);
 - (d) "Concentrated aquatic animal production facility" means any point source which meets the criteria set forth in the Federal Regulations, [40 C.F.R. 122.24](#);
 - (e) "Construction" means any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises;
 - (f) "Dilution factor" means a numerical representation of the dilution of the permitted effluent from the wastewater treatment facility in the receiving stream. It shall be used to calculate instream concentrations of priority pollutants when the effluent concentration is known and to calculate effluent limitations from the instream criteria concentration listed in [391-3-6-.03\(5\)\(e\)](#).
 1. For constituents and their criteria listed in [391-3-6-.03\(5\)\(e\)\(i\) and \(iii\)](#) and for constituents and their chronic criteria in [391-3-6-.03\(5\)\(e\)\(ii\)](#), the dilution factor equals:
$$\frac{[7\text{-day, 10-year minimum stream flow (7Q10) + discharger design flow}]}{\text{discharger design flow}}$$

For constituents and their acute criteria listed in [391-3-6-.03\(5\)\(e\)\(ii\)](#), the dilution factor for the calculation of effluent limitations equals:

$$\frac{[1\text{-day, 10-year minimum stream flow (1Q10) + discharger design flow}]}{\text{discharger design flow}}$$

For constituents listed in [391-3-6-.03\(5\)\(e\)\(iv\)](#), the dilution factor equals:

$$\frac{[\text{Annual or long-term average stream flow} + \text{Discharger design flow}]}{\text{discharger design flow}}$$

2. The dilution factor equations assume a relatively rapid and complex mix. In situations where this does not occur, the Permittee or EPD may perform field studies to document and describe the mixing zone. The dilution factor in such situations, for the purpose of calculating effluent limitations for chemical constituents, will be determined based on the studies. If a mixing zone is granted, all criteria and requirements of subsection [391-3-6-.03\(10\)](#) must also be met.
 3. In situations where the dilution factor equations do not appropriately describe the dilution capacity of receiving waters, such as for discharges to impounded waters or to tidal estuaries, the dilution factor will be determined through field studies or appropriate analytical procedures.
- (g) "Effluent Limitation" means any restriction or prohibition established under the Act on quantities, rates, or concentrations, or a combination thereof, of chemical, physical, biological, or other constituents which are discharged from point sources into the waters of the State, including, but not limited to, schedules of compliance and whole effluent biological monitoring requirements;
- (h) "EPD" means the Environmental Protection Division of the Georgia Department of Natural Resources;
- (i) "Indirect discharger" means a non-domestic discharger introducing pollutants to a publicly owned treatment works;
- (j) "Major discharger" as defined in EPA annual operating guidance for the EPA Regional Offices and the States and specifically listed in the annual State program plan;
- (k) "New discharger" means any point source that meets the criteria set forth in the Federal Regulations, [40 C.F.R. 122.29](#);
- (l) "New Source" means any point source that meets the criteria set forth in the Federal Regulations, [40 C.F.R. 122.29](#);

- (m) "NPDES Permit Application" means the application filed by any person with the Director for an NPDES Permit;
- (n) "NPDES Permit" means the permit issued by the Division to regulate the discharge of pollutants from any point source into the waters of the State;
- (o) "Segment" means a portion of a water quality planning area, the surface waters of which have common hydrologic characteristics (or flow regulation patterns); common natural physical, chemical and biological characteristics and processes; and common reactions to external stresses, such as the discharge of pollutants. Segments will be classified as either a water quality segment or an effluent limitation segment as follows:
 - 1. Water quality segment. Any segment where it is known that water quality does not meet applicable water quality standards and/ or is not expected to meet applicable water quality standards even after the application of the effluent limitations required by sections 301(b)(1)(B) and 301(b)(2)(A) of the Act;
 - 2. Effluent limitation segment. Any segment where it is known that water quality is meeting and will continue to meet applicable water quality standards or where there is adequate demonstration that water quality will meet applicable water quality standards after the application of the effluent limitations required by sections 301(b)(1)(B) and 301(b)(2)(A) of the Act.
- (p) "Separate storm sewer" means any point source which meets the criteria set forth in the Federal Regulations, [40 C.F.R. 122.26](#).
- (q) "Silvicultural point source" means any point source which meets the criteria set forth in the Federal Regulations, [40 C.F.R. 122.27](#);

(3) Permit Requirement.

- (a) Any person discharging or proposing to discharge into the waters of the State any pollutant from a point source including those defined in Paragraph 391-3-6-.06(2) above, under any of the circumstances described in O.C.G.A. Section [12-5-30\(a\)](#), shall obtain a permit from the EPD to make such discharge.
- (b) Any person discharging or proposing to discharge any pollutant from a non-point source into the waters of the State, under the circumstances described in O.C.G.A. Section [12-5-30\(b\)](#), shall obtain written approval from the EPD and shall be required to use best management practices to minimize to the extent feasible as determined by the EPD the introduction of the pollutant into the waters of the State. The best management practices shall be included in a permit, if the Director has issued one to the same person for a point source discharge.

- (c) Any person owning or operating a treatment works, from which a discharge into the waters of the State could possibly occur, excluding discharges which could result from Acts of God, shall apply to the EPD for a permit.

(4) Degree of Waste Treatment Required.

- (a) All pollutants shall receive such treatment or corrective action so as to ensure compliance with the terms and conditions of the issued permit and with the following, whenever applicable:
 - 1. Effluent limitations established by EPA pursuant to Sections 301, 302, 303 and 316 of the Federal Act;
 - 2. Standards of performance for new sources established by the EPA pursuant to Section 306 of the Federal Act;
 - 3. Effluent limitations and prohibitions and pretreatment standards established by the EPA pursuant to Section 307 of the Federal Act;
 - 4. Criteria for the issuance of permits to aquaculture projects, as defined in this Paragraph, established by EPA pursuant to Section 318 of the Federal Act;
 - 5. Criteria and standards for Best Management Practices established by EPA pursuant to Section 304(e) of the Federal Act;
 - 6. Criteria and standards for imposing conditions for the disposal of sewage sludge established by EPA pursuant to Section 405 of the Federal Act;
 - 7. Ensure consistency with the requirements of a Water Quality Management plan approved by EPA pursuant to Section 208(b) of the Federal Act;
 - 8. Criteria for ocean discharges established by EPA pursuant to Section 403(c) of the Federal Act;
 - 9. Incorporate alternative effluent limitations or standards where warranted by "fundamentally different factors" established by EPA; in accordance with Federal Regulations, [40 C.F.R. 124.62\(e\)](#);
 - 10. Notwithstanding the above, more stringent effluent limitations may be required as deemed necessary by the EPD (a) to meet any other existing Federal laws or regulations, or (b) to ensure compliance with any applicable State water quality standards, effluent limitations, treatment standards, or schedules of compliance;

11. With regard to any non-point source required to obtain a permit, such best management practices as are required to ensure compliance with applicable State water quality standards.
- (b) Calculations and specification of effluent limits and standards shall be made in accordance with the provisions of Federal Regulations, [40 C.F.R. 122.44](#) and [122.45](#).
 - (c) The foregoing requirements shall be applied in considering all applications made pursuant to O.C.G.A. Section [12-5-30](#), and no such application will be approved unless the waste treatment facilities contemplated thereby will achieve such limitations and standards upon completion thereof or within such reasonable time thereafter as the EPD may provide, consistent with subparagraph 391-3-6-.06(10).
 - (d) Until such time as such criteria, standards, limitations, and prohibitions are promulgated pursuant to Sections 301, 302, 303, 304(e), 306, 307 and 405 of the Federal Act, the EPD shall apply such standards, limitations and prohibitions necessary to achieve the purposes of said sections of the Federal Act. With respect to individual point sources, such limitations, standards, or prohibitions shall be based upon an assessment of technology and processes, to wit:
 1. To existing point sources, other than publicly owned treatment works, effluent limitations based on application of the best practicable control technology currently available;
 2. To publicly owned treatment works, effluent limitations based upon the application of secondary treatment or treatment equivalent to secondary treatment in accordance with Federal Regulations, [40 C.F.R. 133.102](#) and 105;
 3. To any point source, other than publicly owned treatment works, whose construction commences after the initial effective date of this Rule, and for which there are not new source performance standards, effluent limitations which reflect the greatest degree of effluent reduction which the EPD determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants, consistent with [40 C.F.R. 125.3\(c\)\(2\)](#).
 4. To any point source, as appropriate, effluent limitations or prohibitions designed to prohibit the discharge of toxic pollutants in toxic amounts or to require pretreatment of pollutants which interfere with, pass through, or otherwise are incompatible with the operation of publicly owned treatment works; and

5. To any point source, as appropriate, more stringent effluent limitations as are required to ensure compliance with applicable State water quality standards, including those to prohibit the discharge of toxic pollutants in toxic amounts. Where necessary, NPDES Permits issued or reissued after the adoption of this paragraph shall include numeric criteria based upon the following procedures to ensure that toxic substances and other priority pollutants are not discharged to surface waters in harmful amounts:
 - (i) The EPD will review available data for reported concentrations of any of the following chemical constituents detected at levels based upon analytical methods described in Federal Regulations 40 C.F.R. 136, or that have EPA concurrence, which establishes guidelines on test procedures for the analysis of pollutants.

CHEMICAL CONSTITUENT

1. Methoxychlor
2. 2,4-Dichlorophenoxyacetic acid (2, 4-D)
3. 2,4,5-Trichlorophenoxy propionic acid (TP Silvex)
4. Antimony
5. Arsenic
6. Beryllium
7. Cadmium
8. Chromium (III)
9. Chromium (VI)
10. Copper
11. Lead
12. Mercury
13. Nickel
14. Selenium
15. Silver

16. Thallium
17. Zinc
18. Cyanide
19. Acrolein
20. Acrylonitrile
21. Benzene
22. Bromoform (Tribromomethane)
23. Carbon Tetrachloride
24. Chlorobenzene
25. Chlorodibromomethane
26. Chloroethane
27. 2-Chloroethylvinyl Ether
28. Chloroform (Trichloromethane)
29. Dichlorobromomethane
30. 1,1-Dichloroethane
31. 1,2-Dichloroethane
32. 1,1-Dichloroethylene
33. 1,2-Dichloropropane
34. 1,3-Dichloropropylene
35. Ethylbenzene
36. Methyl Bromide (Bromomethane)
37. Methylene Chloride
38. Methyl Chloride (Chloromethane)

39. 1,1,2,2-Tetrachloroethane
40. Tetrachloroethylene
41. Toluene
42. 1,2-Trans- Dichloroethylene
43. 1,1,1-Trichloroethane
44. 1,1,2-Trichloroethane
45. Trichloroethylene
46. Vinyl Chloride
47. 2-Chlorophenol
48. 2,4-Dichlorophenol
49. 2,4-Dimethylphenol
50. 2-Methyl-4,6- Dinitrophenol
51. 2,4-Dinitrophenol
52. 2-Nitrophenol
53. 4-Nitrophenol
54. 3-Methyl-4-Chlorophenol
55. Pentachlorophenol
56. Phenol
57. 2,4,6-Trichlorophenol
58. Acenaphthene
59. Acenaphthylene
60. Anthracene
61. Benzidine

62. Benzo(a)Anthracene
63. Benzo(a)Pyrene
64. 3,4-Benzofluoranthene
65. Benzo(ghi)Perylene
66. Benzo(k)Fluoranthene
67. Bis(2-Chloroethoxy)Methane
68. Bis(2-Chloroethyl)Ether
69. Bis(2-Chloroisopropyl) Ether
70. Bis(2-Ethylhexyl) Phthalate
71. 4-Bromophenyl Phenyl Ether
72. Butylbenzyl Phthalate
73. 2-Chloronaphthalene
74. 4-Chlorophenyl Phenyl Ether
75. Chrysene
76. Dibenzo(a,h)Anthracene
77. 1,2-Dichlorobenzene
78. 1,3-Dichlorobenzene
79. 1,4-Dichlorobenzene
80. 3,3'-Dichlorobenzidine
81. Diethyl Phthalate
82. Dimethyl Phthalate
83. Di-n-Butyl Phthalate
84. 2,4-Dinitrotoluene

85. 2,6-Dinitrotoluene
86. Di-n-Octyl Phthalate
87. 1,2-Diphenylhydrazine
88. Fluoranthene
89. Fluorene
90. Hexachlorobenzene
91. Hexachlorobutadiene
92. Hexachloro- cyclopentadiene
93. Hexachloroethane
94. Indeno(1,2,3-cd) Pyrene
95. Isophorone
96. Naphthalene
97. Nitrobenzene
98. N-Nitrosodimethylamine
99. N-Nitrosodi-n- Propylamine
100. N-Nitrosodiphenylamine
101. Phenanthrene
102. Pyrene
103. 1,2,4-Trichlorobenzene
104. Aldrin
105. α -BHC-Alpha
106. β -BHC-Beta
107. Lindane [Hexachlorocyclohexane (γ -BHC-Gamma)]

- 108. d-BHC-Delta
- 109. Chlordane
- 110. 4,4'-DDT
- 111. 4,4'-DDE
- 112. 4,4'-DDD
- 113. Dieldrin
- 114. a-Endosulfan
- 115. b-Endosulfan
- 116. Endosulfan Sulfate
- 117. Endrin
- 118. Endrin Aldehyde
- 119. Heptachlor
- 120. Heptachlor Epoxide
- 121. PCBs
- 122. Toxaphene

- (ii) For the chemical constituents identified after completion of (i) above, and/or if other site specific information available to the EPD indicates the presence of one or more of the above chemical constituents at levels of concern to EPD, the EPD will control the chemical constituent with a monitoring provision or with effluent limitations in the NPDES permit.
 - (a) If there are less than 10 data points available at the time of evaluation, and if the instream concentration, which is measured or calculated by dividing the effluent concentration by appropriate dilution factor from 391-3-6-.06(2)(f), is greater than or equal to fifty percent of the criteria concentration(s), then the permittee will be required to monitor that constituent for at least ten months. If there is

more than one data point at the time of evaluation, then the data will be averaged together in calculating the instream concentration as described above. An exception to this is if the stream concentration is to be compared against an acute criterion. If this is the case, then instead of using the average of the data, the highest data point in the set will be used to calculate the instream concentration. This number will then be compared against 50% of the acute criterion.

(b) The EPD will review the monitoring results after the permittee has monitored the chemical constituents for at least ten months.

(1) In the case of chemical constituents with acute criteria, if the instream concentration (calculated using the highest concentration of at least ten monthly samples and the formula(s) in 391-3-6-.06(2)(f) is greater than the acute criterion then an effluent limit(s) for that constituent will be required at permit issuance. If the instream concentration is less than or equal to the acute criterion, then the EPD may terminate or lessen the monitoring requirement for that constituent. In the case of all other chemical constituents with numeric criteria, if the average of at least ten monthly samples indicates that a chemical constituent's instream concentration is less than fifty percent of the instream criteria, based on the formula(s) in 391-3-6-.06(2)(f), then the EPD may terminate or lessen the monitoring requirement for that constituent. If the average is fifty percent or more of the instream criteria, an effluent limit(s) for that constituent will be required at permit issuance.

(2) If it is determined that an effluent limit(s) is required as described above, then the permit shall be reissued or modified to include an effluent limit(s) for the chemical constituent calculated as follows:

Effluent limit = criteria concentration X dilution factor X translation factor (if necessary).

The translation factor will be used to convert dissolved criteria concentrations into total recoverable permit limits using methods discussed in [391-3-6-.03\(5\)\(e\)\(ii\)](#). Where a constituent has both an acute and chronic aquatic life criteria, the acute criteria will be used to calculate a daily maximum effluent limitation while the chronic criteria will be used to calculate a monthly average effluent limitation.

- (c) If the permit is issued or modified as in (ii)(b)(2) above for a chemical constituent listed in [391-3-6-.03\(5\)\(e\)](#), the limit shall become effective upon issuance or modification of the permit.
- (d) At the request of the permittee, a schedule to allow for development of a site-specific effluent limit may be established by the EPD. This schedule would be contained in the permit or in an accompanying Consent Order and include the following:
 - (1) A requirement for monthly monitoring for all chemical constituents that are limited.
 - (2) A requirement that the permittee perform site-specific studies, consisting of whole effluent biomonitoring, water-effect ratio tests, stream studies, or other appropriate studies or calculations. The methodology for these tests will be determined by the EPD on a case-by-case basis. Water-effect ratio studies are to be conducted using the EPA guidance document "Interim Guidance on Determination and Use of Water-Effect Ratios for Metals, EPA-823-B-94-001" or "Stream Lined Water-Effect Ratio Procedure for Discharges of Copper, EPA-822-R-01-005" or the most recent EPA guidance document.
 - (3) A requirement that all data obtained in (2) and (3) be submitted to the EPD for review.
 - (4) No more than two years following initiation of monitoring under (ii)(a), the EPD will use the data to calculate site-specific limitations for each chemical

constituent, and will initiate the process to incorporate the limitation(s) into the permit along with requirements for a minimum of annual whole effluent biomonitoring. At any time during the two year period the EPD may, upon its initiative or that of the permittee, review the data that have been submitted and may determine that limits and monitoring requirements for one or more chemical constituents may be terminated. All modifications of limits and monitoring requirements will comply with anti-backsliding requirements contained in Section 402(o) of the Clean Water Act. Conversely, should the EPD determine that adequate data are available before the two year interim monitoring period, it may develop site-specific limitations for the constituent(s) without additional monitoring.

- (e) Any permit modifications or revocation/reissuances pursuant to (ii)(b)(2) or (ii)(d) will be performed in accordance with procedures described in 391-3-6-.06(7), including public participation requirements.
 - (f) For any metals monitored during any portion of the limits determination process, measurement will be by the most appropriate analytical technique approved by the U.S. EPA which provides a measurement of the portion of the metal present which may cause toxicity to aquatic life in the receiving stream.
- (iii) For other 307(a) chemical constituents, including priority pollutants not identified in [391-3-6-.03\(5\)\(e\)\(i\)-\(vi\)](#) whole effluent biomonitoring will be used to develop either a site-specific criteria concentration or a whole effluent toxicity limit, with such limits to be incorporated into permits. This paragraph applies to the following chemical constituents:
- (a) Chloroethane
 - (b) 1,1-Dichloroethane
 - (c) 1,1,1-Trichloroethane

- (d) 2-Nitrophenol
 - (e) 4-Nitrophenol
 - (f) Bis(2-Chloroethoxy) Methane
 - (g) 4-Bromophenyl Phenyl Ether
 - (h) 4-Chlorophenyl Phenyl Ether
 - (i) 2,6-Dinitrotoluene
 - (j) Di-n-Octyl Phthalate
 - (k) Naphthalene
 - (l) d-BHC-Delta
 - (m) Silver
 - (n) Beryllium
 - (o) 2-Chloro ethyl vinyl ether
 - (p) Methyl chloride (chloromethane)
 - (q) 3-Methyl-4-Chlorophenol
 - (r) Acenaphthylene
 - (s) Benzo (ghi) perylene
 - (t) Phenanthrene
- (iv) The criteria concentration may be more stringent under either one of the following situations:
- (a) If the chemical constituent exists in the upstream reaches of the receiving stream at any level greater than zero due to the presence of other direct dischargers. For this situation, the criteria concentration for computation of the effluent limit will be the net value after subtracting out this initial concentration. Unless actual water quality studies and monitoring or calculations indicate otherwise, it will be

assumed that the upstream levels of each constituent are zero; or

- (b) If the EPD determines that more stringent limitations should be imposed in order to reserve some assimilative capacity for future discharges.
- (v) The effluent limit determined in (ii)(b)(2) above may be adjusted as follows, to determine the actual effluent limit to be used in the permit:
- (a) If the limit is more stringent than the analytical laboratory detection limit using analytical methods described in Federal Regulations 40 C.F.R. 136 or methods that have EPA concurrence, then the limit will include an accompanying statement in the permit that a reading of not detected using the analytical methods specified in the permit will be considered as being in compliance with the limit;
 - (b) If water quality studies and monitoring indicate that the chemical constituent is present in the water supply or in the upstream reaches of the receiving stream at a concentration equal to or exceeding the daily limit for the specific chemical constituent, and the presence of such cannot be attributed to direct point source dischargers, or nonpoint sources that can be reasonably controlled with best management practices, the limit will be set equal to the natural ambient concentration of the chemical constituent;
 - (c) For industrial point source dischargers, if the specific chemical constituent is regulated by a technology-based effluent guideline limit, the guideline limit will be compared to the calculated limit. The limit will be the more stringent of the two values;
 - (d) For complex effluents, where several chemical constituents exist, the EPD will assign a limit for each specific chemical constituent and may require a whole effluent biomonitoring limit where there is a reasonable potential that the narrative criteria for whole effluent toxicity will be exceeded. Such whole effluent biomonitoring limitation will consist of a series of bioassays of the wastewater treatment plant effluent, and, if appropriate, toxicity source identification evaluations,

and implementation steps to reduce the chronic toxicity. This approach shall not be applied to those chemical constituents considered potential or known carcinogens or to the chemical constituents identified in [391-3-6-.03\(5\)\(d\)\(iii\)](#).

- (vi) NPDES permits issued or reissued after the adoption of this paragraph shall include biological monitoring provisions and, where determined by the State to be necessary, a water quality-based whole effluent provision utilizing numerical pass/fail criteria to manage the effluent for the additive effects of all Section 307(a)(1) Federal Clean Water Act toxic pollutants and other unknown toxic substances or priority pollutants. The water quality-based whole effluent approach will help to ensure that the wastewater treatment plant effluent does not contain unknown sources of acute and chronic toxicity that may interfere with the designated water quality use classifications of the receiving stream. The whole effluent acute biological toxicity monitoring provision ensures protection from acute toxicity within any designated mixing zone and helps to define alternate criteria to allow for the safe passage of aquatic organisms through streams with 7-day, 10-year minimum flows approaching zero. The numerical pass/fail criteria is also a screening technique for use by the EPD to determine priority toxicity reduction needs.
- (vii) Permits issued or reissued after the adoption of this paragraph may include site specific temporary exceptions to the applicable water quality standards under subparagraph [391-3-6-.03\(5\)\(e\)](#) when the requirements of this paragraph are met and the temporary exception is specifically authorized herein. Where a discharger cannot meet applicable limits for whole effluent toxicity because of a water quality based whole effluent toxicity criteria, site-specific temporary exceptions may be allowed on effluent dominated receiving streams under 7-day, 10-year minimum stream flow (7Q10) conditions provided that it has been demonstrated that the permitted discharge will comply with all chemical specific and other applicable water quality criteria, that the receiving stream will support a balanced indigenous population of aquatic life, and that controls more stringent than those required by Section 301(b) and 306 of the Federal Act for achieving whole effluent toxicity criteria would result in substantial and widespread adverse economic and social impacts to the affected communities. These site-specific exceptions shall be applicable only to the wastewater discharge as

permitted at the time the exception is authorized with no changes in process or wastewater characteristics that would adversely affect water quality in the receiving stream or adversely affect the ability of potential new pollution abatement technologies to attain compliance with the whole effluent toxicity criteria. These site-specific exceptions shall be reviewed consistent with [40 CFR 131.20](#) at least once in every 3-year period. If it is determined that feasible new pollution abatement technologies or alternatives have become available to allow compliance with whole effluent toxicity criteria, these site-specific exceptions may be revoked and the NPDES permits modified to require implementation of such pollution abatement technologies or alternatives as soon as reasonably practicable. Along with this permit modification will be a requirement for the permittee to comply with the water quality based whole effluent toxicity criteria after installation of these technologies.

(e) To all new dischargers or new sources the following shall apply:

1. Except as provided in subparagraph (e)2. any new discharger on which construction commenced after October 18, 1972, or any new source, which meets the applicable promulgated new source performance standards before the commencement of discharge, shall not be subject to any more stringent new source performance standards, or to any more stringent technology-based standards under section 301(b)(2) of the Federal Act for the shortest of the following periods:

- (i) Ten years from the date that construction is completed;
- (ii) Ten years from the date the source begins to discharge process or other nonconstruction related wastewater; or
- (iii) The period of depreciation or amortization of the facility for the purposes of Section 167 or 169 (or both) of the Internal Revenue Code of 1986.

Comment: The provisions of this subparagraph do not apply to existing sources which modify their pollution control facilities or construct new pollution control facilities and achieve performance standards, but which are neither new sources nor new dischargers or otherwise do not meet the requirements of this subparagraph.

2. The protection of more stringent standards of performance afforded by subparagraph (e)1. of this section does not apply to:

- (i) Additional or more stringent permit conditions which are not technology based, e.g., conditions based on water quality standards, or effluent standards or prohibitions under Section 307(a) of the Federal Act; and
 - (ii) Additional permit conditions controlling pollutants listed as toxic under Section 307(a) of the Federal Act or as hazardous substances under Section 311 of the Federal Act and which are not controlled by new source performance standards. This includes permit conditions controlling pollutants other than those identified as toxic or hazardous where control of those other pollutants has been specifically identified as the method to control the toxic or hazardous pollutant.
- 3. Where an NPDES permit issued to a source enjoying a "protection period" under subparagraph (e)1. will expire on or before the expiration of the protection period, such permit shall require the owner or operator of the source to be in compliance with the requirements of Section 301 of the Federal Act and any other applicable requirements of the Federal Act immediately upon the expiration of the protection period. No additional period for achieving compliance with these requirements shall be allowed.
- 4. The owner or operator of a new source, a new discharger, a source recommencing discharge after terminating operations, or a source which has been an indirect discharger which commences discharging into navigable waters shall install and have in operating condition, and shall "startup" all pollution control equipment required to meet the terms and conditions of its permits before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), the owner or operator must meet all permit terms and conditions.
- 5. After the effective date of new source performance standards, in accordance with Section 306(e) of the Federal Act, it shall be unlawful for any owner or operator of any new source to operate such source in violation of those standards, applicable to such source.

(5) Application for Permit.

- (a) Applications for permits under the Act shall be on forms as may be prescribed and furnished from time to time by the EPD. Applications shall be accompanied by all pertinent information as the EPD may require in order to establish effluent limitations in accordance with paragraph 391-3-6-.06(4), including, but not limited to, complete engineering reports, schedule of progress, plans, specifications, maps, measurements, quantitative and qualitative determinations, records, and all related

materials. In addition, applications will comply with the information requirements specified in the Federal Regulations, [40 C.F.R. 122.21\(g\)\(7\) and \(j\)\(4\)](#).

- (b) Engineering reports, plans, specifications, and other material submitted to the EPD shall be prepared by or under the direct supervision or review of, and bear the seal of, a Professional Engineer competent in the field of sewage and industrial waste treatment. At no time shall this requirement be in conflict with O.C.G.A. Section 43-15 governing the practices of professional engineering and surveying.
- (c) Material submitted shall be complete and accurate.
- (d) Any State or NPDES Permit Application form submitted to the EPD shall be signed as follows in accordance with the Federal Regulations, [40 C.F.R. 122.22](#):
 - 1. For a corporation, by a responsible corporate officer. For this subparagraph a responsible corporate officer means:
 - (i) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision making functions for the corporation, or
 - (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - 2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
 - 3. For a municipality, State, Federal, or other public facility, by either a principal executive officer or ranking elected official.
- (e) All other reports or requests for information required by the permit issuing authority shall be signed by a person designated in (d) above or a duly authorized representative of such person, if:
 - 1. The representative so authorized is responsible for the overall operation of the facility from which the discharge originates, e.g., a plant manager, superintendent or person of equivalent responsibility;
 - 2. The authorization is made in writing by the person designated under (d) above; and
 - 3. The written authorization is submitted to the Director.

- (f) Any changes in written authorization submitted to the permitting authority under (e) above which occur after the issuance of a permit shall be reported to the permitting authority by submitting a copy of a new written authorization which meets the requirements of (e)1. and 2. above.
- (g) Any person signing any document under (d) or (e) above shall make the following certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
- (h) All municipal discharges with permitted flows equal to or greater than one million gallons per day, or with an approved pretreatment program, or that are required to develop a pretreatment program, must submit with the application results of valid whole effluent toxicity testing.
 - 1. This testing must be conducted using EPA's methods or other established protocols which are scientifically defensible and sufficiently sensitive to detect aquatic toxicity. Such testing must have been conducted since the last NPDES permit reissuance or major modification.
 - 2. In addition to the dischargers listed above, the Director may require other municipal dischargers to submit the results of toxicity tests with their permit applications, based on considerations which the Director determines could cause or contribute to adverse water quality impacts.

Comment: The permit application will be revised to incorporate the statement in 391-3-6-.06(5)(g) above. Where a permit program document does not contain the statement, the certification must accompany the appropriate document.

(6) Receipt and Use of Application and Data.

- (a) Applications for permits will be reviewed together with such other information as may be necessary to ascertain the effect of the discharge of any such pollutant upon the waters into which such pollutant will be discharged.
- (b) Copies of the complete NPDES Permit Application received by the EPD shall be transmitted to the Regional Administrator for any comment in such manner as the Director and the Regional Administrator shall agree.

- (c) The EPD shall receive any relevant data collected by the Regional Administrator prior to the EPD's participation in the NPDES in such manner as the Director and the Regional Administrator shall agree.
- (7) **Notice and Public Participation.** The provisions of Rule 391-3-6-.26 shall apply to public notice of complete permit applications, draft permits and fact sheets or statements of basis. The public notice for permits with an approved Sludge Management Plan will also include publication in one or more newspapers of general circulation in the area affected by the discharge.
- (8) **Terms and Conditions of Permits.**
- (a) Terms and conditions under which the discharge will be permitted will be specified on the permit issued.
 - (b) No NPDES Permit shall be issued authorizing any of the following discharges:
 - 1. The discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste into navigable waters;
 - 2. Any discharge which in the judgment of the Secretary of the Army would substantially impair anchorage and navigation in or on any of the waters of the United States;
 - 3. Any discharge to which the Regional Administrator has objected in writing in accordance with Federal regulations, [40 C.F.R. 123.44](#), pursuant to any right to object provided the Administrator of EPA under Section 401(d) of the Federal al Act;
 - 4. Any discharge from a point source which is in conflict with a plan or amendment thereto approved pursuant to Section 208(b) of the Federal Act;
 - 5. Any discharge to the territorial sea, the waters of the contiguous zone, or the oceans in the following circumstances:
 - (i) Prior to the promulgation of the guidelines under section 403(c) of the Act, unless the Director determines permit issuance to be in the public interest; or
 - (ii) After promulgation of guidelines under section 403(c) of the Act, where insufficient information exists to make a reasonable judgment as to whether the discharge complies with any such guidelines.
 - 6. To a facility which is a new source or a new discharger, if the discharge from the construction or operation of the facility will cause or contribute to

the violation of water quality standards, except as in accordance with Federal Regulations, [40 C.F.R. 122.4\(i\)](#).

- (c) The terms and conditions specified on the permit issued shall be in accordance with Federal Regulations, [40 C.F.R. 122.41](#), [122.42](#) and [122.44](#) and applicable State laws and regulations promulgated thereunder.
- (d) The issuance of a permit does not:
 - 1. Convey any property rights of any sort, or any exclusive privileges;
 - 2. Authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations.

(9) Publicly Owned Treatment Works.

- (a) If the permit is for a discharge from a publicly owned treatment works, notice shall be required from the applicant to the Director of the following:
 - 1. Any new introduction of pollutants into such treatment works from an indirect discharger which would be subject to Section 306 of the Federal Act if it were directly discharging those pollutants;
 - 2. Any new introduction of pollutants into such a treatment works from an indirect discharger subject to Section 301 of the Federal Act if it were directly discharging those pollutants;
 - 3. Any substantial change in volume or character of pollutants being introduced into such treatment works by a source introducing pollutants into such works at the time of issuance of the permit;
- (b) If the permit is for a discharge from a publicly owned treatment works, the permittee shall require any indirect discharger to such treatment works to comply with the requirements of Sections 204(b), 307, and 308 of the Federal Act, including any requirement established under 40 C.F.R. 403. As a means of ensuring compliance with Section 307 of the Federal Act, the permittee shall require each indirect discharger subject to the requirements of said Section 307 to forward to the Director periodic notice of progress (over intervals not to exceed 9 months) toward full compliance with Section 307 requirements.
- (c) If the permit is for a discharge from a publicly owned treatment works, the permittee shall identify, in terms of character and volume of pollutant, any significant indirect dischargers into such treatment works subject to pretreatment standards under Section 307(b) of the Federal Act and 40 C.F.R. 403.

(10) Schedules of Compliance.

- (a) Any person who obtains an NPDES Permit or other discharge permit pursuant to the Act but who is not in compliance with applicable effluent standards and limitations or other requirements contained in such permit at the time same is issued, shall be required to achieve compliance with such standards and limitations or other requirements in accordance with a schedule of compliance as set forth in such permit, or Order by the Director, or in the absence of a schedule of compliance, by the date set forth in such permit which the Director has determined to be in the shortest reasonable period of time necessary to achieve such compliance, but in no case later than an applicable statutory deadline.
- (b) In any case where the period of time for compliance specified in subparagraph 391-3-6-.06(10)(a) of these Rules exceeds 9 months, a schedule of compliance shall be specified which will set forth interim requirements and the dates for their achievement. In no event shall more than 9 months elapse between interim dates, and, to the extent practicable, the interim dates shall fall on the last day of the months of March, June, September, and December.
- (c) Within fourteen (14) days after an interim date of compliance or the final date of compliance, the permittee shall provide the Director with written notice of its compliance or non-compliance with the requirements or conditions specified to be completed by such date. Failure to submit the written notice is just cause for the EPD to pursue enforcement action pursuant to the Act.
- (d) On the last working day of February, May, August, and November the Director shall submit to EPA information concerning noncompliance with NPDES Permit requirements by major dischargers in the State.
- (e) Any discharger who fails or refuses to comply with an interim or final date of compliance specified in a permit may be deemed by the Director to be in violation of the permit and may be subject to enforcement action pursuant to the Act.

(11) Monitoring, Recording and Reporting Requirements.

Any discharge authorized by a permit issued pursuant to the Act may be subject to such monitoring, recording and reporting requirements as may be reasonably required by the Director including the installation, use and maintenance of monitoring equipment or methods; specific requirements for recording of monitoring activities and results; and periodic reporting of monitoring results. The monitoring, recording and reporting requirements shall be specified in a permit when issued, provided, however, the Director may require additional monitoring, recording and reporting by written notification to the permittee.

- (a) The monitoring requirements of any discharge authorized by any such permit shall be consistent with Federal Regulations, [40 C.F.R. 122.41](#), [122.42](#), and [122.44](#) and applicable State laws.
- (b) Any permit which requires monitoring of the authorized discharge shall comply with the recording requirement specified by Federal Regulations, [40 C.F.R. 122.41](#) and applicable State laws. The permittee shall be required to retain any records of monitoring activities and results for a minimum of three (3) years, unless otherwise required or extended by the Director upon written notification.
- (c) Any holder of a permit which requires monitoring of the authorized discharge shall report periodically to the EPD the results of all required monitoring activities on appropriate forms supplied by the EPD. The Director shall notify the permittee of the frequency of reporting but in no case shall the reporting frequency be less than once per year.

(12) Modification, Revocation and Reissuance, and Termination of Permits.

- (a) The Director may revise or modify the schedule of compliance set forth in an issued permit if the permittee requests such modification or revision in writing and such modification or revision will not cause an interim date in the compliance schedule to be extended more than one hundred twenty (120) days or affect the final date in the compliance schedule. The Director may grant requests in accordance with this subparagraph if he determines after documented showing by the permittee that good and valid cause (including Acts of God, strikes, floods, material shortages or other events over which the permittee has little or no control) exists for such revision.
- (b) The Director in accordance with the provisions of Federal Regulations, [40 C.F.R. 122.61](#), [122.62](#), [122.63](#), [122.64](#), and [124.5](#), may modify, revoke and reissue, or terminate an issued permit in whole or in part during its term for cause, including, but not limited to, the causes listed in Federal Regulations, [40 C.F.R. 122.62](#) and [122.64](#), or the cause listed in the Act or regulations promulgated pursuant thereto. Prior to any such modification, revocation and reissuance, or termination of an issued permit by the Director (other than modification or revision of a compliance schedule pursuant to subparagraph (a) above, or modification in accordance with the provisions of [40 C.F.R. 122.63](#)), the Director will give public notice in accordance with the procedures set forth in subparagraph 391-3-6-.06(7)(b) and an opportunity for public hearing in accordance with the procedures set forth in subparagraph 391-3-6-.06(7)(c).
- (c) In the case of a POTW which has received a grant under Section 202(a)(3) of the Federal Act to fund 100% of the costs to modify or replace facilities construction with a grant for innovative and alternative wastewater technology under Section 202(a)(2), the schedule of compliance may be modified to reflect the amount of time lost during construction of the innovative or alternative facility. In no case

shall the compliance schedule be modified or extend beyond an applicable statutory deadline for compliance.

- (d) New sources, new dischargers, sources which recommence discharging after terminating operations and those sources which had been indirect dischargers which commence discharging directly into navigable waters do not qualify for compliance schedules under this paragraph and are subject of Federal Regulations, [40 C.F.R. 122.29\(d\)\(4\)](#).
- (13) **Non-governmentally Owned Sewerage Systems.** In cases involving nongovernmentally owned sewerage systems, a trust indenture or other legal contract or agreement, approved by the EPD, assuring continuity of operation of the system, may be required to be filed with the application for a permit. This provision shall not be applicable to systems discharging only industrial waste.
- (14) **Control of Disposal of Pollutants into Wells.** If the permit proposes to discharge to a well or subsurface water, the Director shall specify additional terms and conditions which shall (a) prohibit the proposed disposal, or (b) control the proposed disposal in order to prevent pollution of ground and surface water resources and to protect the public health and welfare. Any permit issued for the disposal of pollutants into wells shall comply with Federal Regulations, and applicable State laws.
- (15) **Duration, Continuation and Transferability of Permits.**
- (a) Any permit issued under the Act shall have a fixed term not to exceed five (5) years. Upon expiration of such permit, a new permit may be issued by the Director in accordance with the Act and Federal Regulations 40 C.R.R. 122.9 and 122.64 provided that an application for such new permit is filed with the Director at least 180 days prior to the expiration date of the existing permit. The issuance of such new permit shall likewise have a fixed term not to exceed five (5) years.
 - (b) A permit may be transferred to another person by a permittee in accordance with [40 C.F.R. 122.61](#) if:
 - 1. The permittee notifies the Director of the proposed transfer:
 - 2. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittees (including acknowledgement that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) is submitted to the Director; and
 - 3. The Director within thirty (30) days does not notify the current permittee and the new permittee of the EPD's intent to modify, revoke and reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

Comment: A new application will be required where the change of ownership is accompanied by a change or proposed change in process or wastewater characteristics or a change or potential change in any circumstances that the Director believes will affect the conditions or restrictions in the permit.

- (c) When the permittee has submitted a timely and sufficient application for a new NPDES permit and the Director is unable, through no fault of the permittee, to issue the new permit before the expiration date of the existing permit, then the Director shall extend the existing permit until a new permit is issued.
 - (d) For those industrial categories for which EPA will establish effluent limitations based on best available technology, permits will be issued to ensure compliance with the effluent limit by the statutory deadline. This will be accomplished by utilizing short-term permits and/or reopener clauses that will allow the permit to be modified, revoked, reissued to comply with limitations promulgated pursuant to the Act and subsequent regulations.
 - (e) Notwithstanding subparagraph (a) above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in a discharge and such standard prohibition is more stringent than any limitation for such pollutant in a permit, the permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.
- (16) **Enforcement.** Any person who violates any provision of the Act, any rule promulgated and adopted pursuant thereto, or any term, condition, schedule or compliance or other requirements contained in a permit issued pursuant to the Act shall be subject to enforcement proceedings pursuant to the Act.
- (17) **Outfall Identification.**
- (a) In order to provide the public with information as to the location of permitted outfalls in State waters and to provide the public with a way to contact appropriate persons regarding questions and concerns about these outfalls, the following persons or entities are required to identify their permitted outfall(s) to the waters of the State:
 - 1. any person or entity that has been issued an NPDES permit by the Division for a point source discharge of treated process wastewater or treated domestic sewage to waters of the State; or

2. any person or entity that has an NPDES permit for the discharge of cooling water and that discharges one million gallons or more of cooling water per day.
- (b) The outfalls are to be identified by attaching a sign to the outfall or by posting a sign adjacent to the outfall in such a way that the sign shall be visible from the receiving water. Should the outfall be submerged, then the sign shall be posted on the bank as close to the outfall as possible. The sign shall be made of materials that are durable to typical weather conditions. At a minimum, the sign shall be 15 inches square.
- (c) For facilities that discharge sanitary wastewater, the sign shall include the following information:
1. the words "Treated Wastewater"
 2. the facility name including the name of the government body if owned by a local government
 3. the words "Permit #" followed by the last five digits of the facility's NPDES Permit number
 4. the words "Outfall Number" followed by the actual outfall number
 5. the words "Owner Phone" followed by the facility's phone number
 6. EPD's name and phone number.
- (d) For facilities that discharge treated process wastewater or cooling water, the sign shall include the following information:
1. the words "Treated Industrial Water" or "Cooling Water"
 2. the words "Permit #" followed by the last five digits of the facility's NPDES Permit Number
 3. the words "Outfall Number" followed by the actual outfall number
 4. EPD's name and phone number.
- (e) In the case of permittees who have been issued a general permit instead of an individual permit, EPD will provide the permittee with a unique 5 digit number to use as a permit number on the sign.
- (f) The sign is to be posted no later than 12 months after the effective date of this rule and it is to be properly maintained from that point forward. Provided that a

good faith effort is made and documented by the person or entity to maintain such sign, the person or entity shall be deemed in compliance with this Rule and the Georgia Water Quality Control Act.

- (g) The requirement to identify an outfall will not apply if any of the following conditions apply:
1. If the posting of the sign would be inconsistent with any other State or Federal Statute; or
 2. If the outfall to the receiving water is located on private property which is restricted to the public through fencing, patrolling, or posting. If the property access restriction is accomplished by the posting of signs, then in order to qualify under exemption number 2 above the posted signs restricting access must be no more than 100 feet apart along the periphery of the property.
- (18) **NPDES Electronic Reporting.** The federal NPDES Electronic Reporting rule, 40 CFR Part 127 and associated amendments, became effective on December 21, 2015. The requirements of this rule relating to the submission of applications, reports, and compliance notices may include the electronic submission of such items and electronic signature for such items, as applicable and approved by the EPD. The use of the terms "in writing" or "written" in the rule may include such electronic submissions.
- (19) **Effective date.** This Rule shall become effective twenty days after filing with the Secretary of State's office.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.06

Authority: O.C.G.A. § [12-5-20](#) *et seq.*

History. Original Rule entitled "Waste Treatment and Permit Requirements" adopted. F. June 10, 1974; eff. June 30, 1974.

Repealed: New Rule of the same title adopted. F. June 24, 1980; eff. July 14, 1980.

Amended: F. Dec. 9, 1988; eff. Dec. 29, 1988.

Amended: ER 391-3-6-0.18-.06 adopted. F. Aug. 25, 1989; eff. Aug. 23, 1989, the date of adoption.

Amended: F. Dec. 8, 1989; eff. Dec. 28, 1989.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Amended: F. July 6, 1990; eff. July 26, 1990.

Amended: F. Feb. 15, 1991; eff. Mar. 7, 1991.

Amended: F. Apr. 8, 1993; eff. Apr. 28, 1993.

Amended: F. May 9, 1994; eff. May 29, 1994.

Amended: F. Aug. 30, 1995; eff. Sept. 19, 1995.

Amended: ER. 391-3-6-0.32-.06 adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. July 10, 1996; eff. July 30, 1996.

Amended: F. May 2, 1997; eff. May 22, 1997.

Amended: F. Nov. 3, 1998; eff. Nov. 23, 1998.

Amended: F. June 26, 2000; eff. July 16, 2000.

Amended: F. Oct. 26, 2001; eff. Nov. 15, 2001.

Amended: F. Oct. 2, 2015; eff. Oct. 22, 2015.

Amended: F. Oct. 13, 2017; eff. Nov. 2, 2017.

Amended: New title "Waste Treatment and Permit Requirements." F. May 13, 2020; eff. June 2, 2020.

Rule 391-3-6-.07. Surface Water Withdrawals. Amended.

- (1) **Purpose.** This chapter establishes procedures to be followed in obtaining a permit to withdraw, divert or impound surface waters of the State. It sets forth the types of information to be supplied on a permit application. It also outlines the procedures for granting, denying, revoking and modifying such permits.
- (2) **Definitions.** Whenever a term appears in this Chapter which has been defined in the Georgia Water Quality control Act (O.C.G.A. § [12-5-31](#), *et seq.*) such definition shall apply. Whenever a term appears in this Chapter that is defined below, such definition shall apply, so long as such definitions is not inconsistent with any definition in the Georgia Water Control Act.
 - (a) "Withdrawal" shall mean the taking away of surface water from its natural course.
 - (b) "Diversion" shall mean a turning aside or altering of the natural course of surface water.
 - (c) "Impoundment" shall mean the storing or retaining of surface water by whatever method or means.
 - (d) "Watershed" means that area of land draining into any given point of a basin.
 - (e) "Surface water(s) of the State" or "surface water(s)" shall mean any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs producing in excess of 100,000 gallons per day, and all other bodies of surface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.
 - (f) "Director" shall mean the Director of the Environmental Protection Division of the Department of Natural Resources, State of Georgia, or his designee.
 - (g) "Farm uses" shall mean irrigation of any land used for general farming, forage, aquaculture, pasture, turf production, orchards, or tree and ornamental nurseries; provisions of water supply for farm animals, poultry farming, or any other activity conducted in the source of farming operation. Farm uses shall also include the processing or perishable agricultural products and their irrigation of recreational turf, except in the Chattahoochee River watershed upstream from the Peach tree Creek confluence, where irrigation of recreational turf shall not be considered a farm use.

- (h) "Domestic and personal uses" shall mean uses for drinking, cooking, washing, sanitary purposes, and all health related activities.
- (i) "Instream flow" shall mean that minimum continuous flow reserved to the Surface Waters of the State at or immediately downstream of the point of withdrawal, diversion, or impoundment.
- (j) "7Q10 Flow" shall mean that lowest average stream flow expected to occur for seven consecutive days with an average frequency of once in ten years.
- (k) "Non-Depletable Flow" shall mean that instream flow consisting of the 7Q10 flow plus an additional flow needed to ensure the availability of water to downstream users. Non-depletable flow is normally calculated by adding the 7Q10 flow to the pro rata share of the down stream withdrawal, using the drainage area ratio method.
- (l) "Basin" shall mean that the area within one of the fourteen river drainages listed below comprising the sum of the watershed within that basin.
 - 1. Altamaha
 - 2. Chattahoochee
 - 3. Coosa
 - 4. Flint
 - 5. Ochlockonee
 - 6. Ocmulgee
 - 7. Oconee
 - 8. Ogeechee
 - 9. St. Marys
 - 10. Satilla
 - 11. Savannah
 - 12. Suwannee
 - 13. Tallapoosa
 - 14. Tennessee

- (m) "Interbasin Transfer" shall mean a withdrawal or diversion of water from one river basin, followed by use and/or return of some or all of that water to a second river basin. The river basin from which the withdrawal or diversion occurs is termed the 'donor' basin, and the river basin to which all or a portion of the water is diverted and returned is termed the 'receiving' basin.
- (n) "Unaccounted for Water" (UAW) means the difference between the total amount of water pumped into the water system from the source(s) and the amount of metered water use by the customers of the water system expressed as a percentage of the total water pumped into the system. UAW generally includes system leakage and unmetered uses such as fire fighting, flushing, broken water mains, etc.
- (o) "Made inflow to a reservoir" shall mean water that flows into a reservoir (1) after having been released from a storage project upstream of the reservoir as part of a plan approved by the Director; or (2) after having been discharged from a wastewater reclamation plant as part of a plan approved by the Director to increase flows into the reservoir.

(3) Permit Required.

- (a) Any person who, on a monthly average, withdrawals more than 100,000 gallons of surface water per day; diverts surface water so as to reduce the flow by more than 100,000 gallons per day at the point where the watercourse, prior to diversion, leaves the property on which the diversion occurs; or constructs an impoundment which reduces the flow of surface water by more than 100,000 gallons per day downstream of the impoundment, must obtain a permit from the Director prior to any withdrawal, diversion or impoundment subject to the following exceptions:
 - 1. Exceptions - No permit shall be required for the following:
 - (i) Any diversion accomplished as part of construction for transportation purposes which does not reduce the flow of surface waters in the diverted watercourse by more than 150,000 gallons per day on a monthly average.
 - (ii) Any reduction of flow of surface waters during the period of construction of an impoundment, including the initial filling of the impoundment;
 - (iii) Any farm pond or farm impoundment constructed and managed for the sole purpose of fish, wildlife, recreation or other farm uses.
- (b) In evaluating a permit application for a new interbasin transfer, the Director should consider the factors specified in DNR Rule 391-3-6-.07(14) as well as the following:

1. Donor Basin Considerations.

- (i) The quantity of the proposed withdrawal and the stream flow of the donor basin, with special consideration for dry years and low flow conditions;
- (ii) The current and reasonably foreseeable future water needs of the donor basin, with special consideration for dry years and low flow conditions;
- (iii) Protection of water quality in the donor basin, with special consideration for dry years and low flow conditions;
- (iv) Any offsetting increases in flow in the donor basin that may be arranged through permit conditions;
- (v) The number of downstream river miles from which water will be diverted as a result of the transfer.
- (vi) The connection between surface water and groundwater in the donor basin, and the effect of the proposed transfer on either or both.

2. Receiving Basin Considerations.

- (i) Determination of whether or not the applicant's proposed use is reasonable, including consideration of whether the applicant has implemented water conservation practices and achieved reasonable water conservation goals;
- (ii) Assessment of the wastewater treatment capacity of the receiving basin;
- (iii) The supply of water presently available to the receiving basin, as well as the estimates of over all current water demand and the reasonable foreseeable future water needs of the receiving basin;
- (iv) The beneficial impact of any proposed transfer, and the demonstrated capability of the applicant to effectively implement its responsibilities under the requested permit;
- (v) The impact of the proposed transfer on water conservation;
- (vi) The applicant's efforts to explore all reasonable options for use of reclaimed water and recycling of available sources to meet the needs of the receiving basin;

- (vii) Assessment of the adequacy of treatment capacity and current water quality conditions.

3. Considerations Affecting Both Basins.

- (i) The economic feasibility, cost effectiveness, and environmental impacts of the proposed transfer in relation to alternative sources of water supply;
- (ii) The cumulative impacts of the current and proposed interbasin transfers in the basin;
- (iii) The requirements of the state and federal agencies with authority related to water resources;
- (iv) The availability of water for responding to emergencies, including drought, in the donorbasin and the receiving basin;
- (v) The impact, whether beneficial or detrimental, on off stream and instream uses;
- (vi) The quantity, quality, location, and timing of water returned to the donor basin, receiving basin, and basins downstream;
- (vii) Impact on interstate water use;
- (viii) The cumulative effect on the donor basin and the receiving basin of any water transfer or consumptive use that is authorized or forecasted;
- (ix) Such other factors as are reasonably necessary to carry out the purposes of Georgia law.

4. Interbasin transfers of water as might occur in connection with mining, conveying, processing, sale, or shipment of minerals (e.g., as in the kaolin industry), or other products transported for further processing or sale shall be exempt from the requirements of 391-3-6-.07(3)(b).

(4) Permit Application: Non-Farm Uses.

- (a) All applications shall be on forms furnished by the Division.
- (b) The applications shall include:
 - 1. Name and address of applicant;

2. Date of filing.
3. Source of water supply.
4. Quantity applied for, both maximum day and monthly average. Maximum day withdrawal, diversion or impoundment shall be computed as the highest annual use by a water source or system in a 24-hour period, expressed in gallons per day. Monthly average withdrawal diversion or impoundment shall be computed as the highest total amount of water used by a water source or water system in any one month divided by the number of days in that month, expressed in gallons per day.
5. Use to be made, and documentation of need for water within five (5) years after date of filing.
6. Place of use.
7. Location withdrawal, diversion or impoundment plotted on a U.S. Geological Survey, 7½minute quadrangle map or latest county highway map; and the latitude and longitude of the withdrawal expressed in degrees, minutes and seconds.
8. In the preparation of a permit application for a new permit or modification of an existing permit which includes an increase in the permitted water use (except for a farm use permit application), the applicant must submit to the Director for approval a water conservation plan prepared in accordance with the following guidelines. The plan must address the following items (or contain a statement why the item is not an appropriate part of the plan):
 - (i) System management;
 - (I) Within the most recent 24 month period, a minimum of twelve consecutive months of UAW data;
 - (II) A description of any current or planned programs to reduce UAW such as those listed below (include proposed schedules for planned activities);
 - I. Leak detection and elimination;
 - II. Availability of accurate maps of the water systems;
 - III. Meter maintenance, testing, replacement, calibration, etc.;
 - IV. Prevention of tank overflows;

- V. Flushing programs without degradation of water quality;
- VI. Prevention of unauthorized water use - fire hydrants, fire lines, etc.;
- VII. A list of unmetered service connections including publicly owned facilities, churches, etc.;
- VIII. Other;

- (III) A list of inter-connections with other water systems and a description of any contractual agreements, type (emergency back-up wholesale sale or purchase) and purchase amounts;
- (IV) Any additional current or planned activities pertaining to system management that will contribute to water conservation.

(ii) Treatment plant management:

- (I) The condition, calibration frequency, type, etc. of raw and finished water metering;
- (II) An analysis of in-plant water use for filter back washing, over-flows, laboratory use, etc. as a percentage of total plant production. Also, the plan must outline any ongoing or planned plant improvements (including schedules for planned improvements) and/or revised operational procedures to reduce in-plant use;
- (III) A description of any recycling or reuse of filter backwash water.

(iii) Rate making policies;

- (I) A list of non-billed service connections. Also, if available, a breakdown by number of meters or % of total production for each class of customer, e.g., residential, commercial, industrial, wholesale;
- (II) A copy of the water rate structure currently in use including any surcharges, demand charges, etc., which may apply to

certain customers and a description of the effects of this rate structure on water conservation:

- (III) A description of any system policies concerning second meters for landscape irrigation and may use of sewer meters for billing;
- (IV) A statement in response to the following questions:
 - I. Is the water system financially self-supporting?
 - II. Are water system expenditures subsidized by non-water/sewer system revenues?
- (iv) Plumbing ordinances and/or codes;
 - (I) A description of compliance with State Water Conservation Law which requires the use of ultra-low plumbing fixtures. The applicant may include copies of adopted ordinances if applicable;
 - (II) Ordinances/codes or other special requirements pertaining to outside water use such as landscape irrigation systems, commercial car washes etc.;
- (v) Recycle - reuse; A description or accounting of any recycling or reuse of treated wastewater.
- (vi) A description of current and planned education programs for the promotion of water conservation.
- (vii) Progress report; Five years after issuance of a new or modified Surface Water Withdrawal Permit, the permittee must submit to the Director a progress report that outlines actions and/or improvements made to conserve water and reduce water loss, e.g. leakdetection/repair, meter installation, calibration, or replacement, summer and/or peak use surcharges, enforcement of ultra-low flow plumbing fixture requirements, etc. Permittees with a total permitted withdrawal less than one million gallons per day on a monthly average may use as implied reporting format supplied by the Division.
- (viii) Water use data:

- (I) Permittees must submit to the Director an annual water use data report that includes information on unaccounted for water for the past 12 months. This report will be submitted in conjunction with the annual water use report that is required pursuant to subsection 391-3-6-.07(15).

(ix) Long range planning.

All permittees must incorporate water conservation into long term water demand and supply planning. Permittees must develop water demand projections covering a 20 year time period using a method or methods approved by the Director. The demand projections must reflect the effects (demand reductions) inherent in the implementations of new or enhanced water conservation programs.

(x) A description of any additional water conservation activities.

- 9. A drought contingency plan submitted for approval by the Director and prepared in accordance with the following guidelines. The plan should include alternative system and resource management strategies to be implemented under drought conditions that may severely reduce the availability of the resource. The plan shall be consistent with Chapter 391-3-30 with respect to restrictions on outdoor water use. If there are conflicts between this plan and Chapter 391-3-30 with respect to restrictions on outdoor water use, Chapter 391-3-30 shall prevail. The applicant or permittee must provide the following items in the plan (or a statement as to why the item is not an appropriate part of the plan):

(i) Drought condition indicators;

- (I) The applicant or permittee must develop a system for determining drought severity based on some approved indicator, e.g.:

I. Streamflow levels;

II. Ground water levels;

III. Reservoir storage or levels;

IV. Other.

(ii) Potable water use priorities program;

- (I) The following order of potable water use priorities is generally recommended but may be modified as needed based on local conditions:
 - I. Emergency facilities for essential life support measures;
 - II. Domestic and personal uses, including drinking, cooking, washing, sanitary and health related;
 - III. Farm uses;
 - IV. Industrial uses (including those industries on public water systems);
 - V. Other uses such as lawn sprinkling, non-commercial car washing, garden watering, etc.;
 - VI. Outdoor recreational uses.
 - (II) Conditions or events that put priority use system into effect;
 - (III) Adopted priority use system for service during periods of water shortages;
 - (IV) Restrictions on lower priority uses (including enforcement procedures);
 - (V) Rationing and/or other emergency procedures.
- (iii) Low flow protection;
- (I) For applications for new or modified permits to withdraw, impound or divert surface water: No permit will be issued by the Director which authorizes the depletion of the instream flow established for the withdrawal, diversion or impoundment of surface water, except for periods of Emergency Water Shortage as described in Subsection 391-3-6-.07(12);
 - (II) For applications for new or modified permits, the applicant will be required to pass instream flow at or immediately downstream of the point of withdrawal, diversion or impoundment so long as it is available from upstream. When upstream flows drop below the required instream

flow at the point of withdrawal, diversion or impoundment, the applicant will be required to pass that upstream flow. The Instream Flow required for new or modified permits in this subsection shall be:

- I. The 7Q10 flow, if no unreasonable adverse effects to the stream or other water users will occur from the withdrawal, diversion or impoundment; or
- II. The Non-Depletable Flow, as established by the Director, if probable impacts of the withdrawal, diversion or impoundment would occur to other water users; or
- III. Other appropriate instream flow limit, as established by the Director;

(III) Low-flow monitoring plan that outlines applicant's procedure to monitor and protectin stream flow below the point of withdrawal. Where applicable, the applicant must develop a plan for monitoring stream flow so that the instream flow limit can be protected. The monitoring plan must determine stream flow based on one of the following:

- I. U.S.G.S. staff gage or continuous recording station;
- II. Other staff gage as approved by the Director;
- III. Weir;
- IV. Other.

(iv) Water storage available to ensure availability of raw water to applicant through a critical drought period. Examples of suitable critical drought periods include but are not limited to: 50-year recurrence interval; 1954-1956 drought; 1984-1988 drought. The definition of available storage should include:

- (I) Yield vs. drought return period;
- (II) Storage type, e.g., main stream or off-stream supplemental;

- (III) Any available alternate sources of finished and raw water such as ground water, interconnections, contractual agreements.

- 10. Consumptive loss of water withdrawn, diverted or impounded.
- 11. Permitted capacities of applicant's water treatment and wastewater treatment plants, existing or planned, that will treat water and wastewater to be generated by new or increased use.
- 12. Any other information deemed necessary; provided, however, any information already provided to the Director in connection with prior dealings with Division may be incorporated into the application by specific and detailed reference and a statement that the information is still valid and correct.

(5) Permit Applications: Farm Uses.

- (a) Prior Uses. A permit for the withdrawal or diversion of surface waters for farm uses shall be issued by the Director to any person when the applicant submits an application which provides reasonable proof that the applicant's farm use of surface waters occurred prior to July 1, 1991. If submitted prior to July 1, 1991, an application for a permit to be issued based upon farm uses of surface waters occurred prior to July 1, 1988, shall be granted for the withdrawal or diversion of surface waters at a rate of withdrawal or diversion equal to the greater of the operating capacity in place for withdrawal or diversion on July 1, 1988, or, when measured in gallons per day on a monthly average for a calendar year, the greatest withdrawal or diversion capacity during the five-year period immediately preceding July 1, 1988.
- (b) New Uses. If submitted after July 1, 1991, or regardless of when submitted, if it is based upon a withdrawal or diversion of surface waters for farm use occurring or proposed to occur on or after July 1, 1988, an application shall be subject to evaluation and classification pursuant to subsection 391-3-6-.07(4), -.07(6) and -.07(7) of these Rules; but a permit based upon such evaluation and classification shall be issued to ensure the applicant's right to a reasonable use of such surface waters.
- (c) Permittees shall submit application for withdrawal or diversion of water for farm use to the Division on forms to be supplied by the Division. One application will be required for each water source. Applications will include the following information:

1. Applicant's full name;
2. Mailing address;
3. County in which water source is located;
4. Purpose of withdrawal;
5. Source pond, lake, reservoir, stream, river or sinkhole, with name;
6. Number of pumps with drawing/diverting surface water from above source;
7. Design pumping capacity (total) of pumps withdrawing water from this source for this farm (gallons per minute);
8. Month and year this capacity was installed;
9. Number of acres irrigated from this water source, and average number of inches of water applied per year;
10. Whether or not chemicals, fertilizers, fungicides, herbicides, insecticides or nematicides are injected into the irrigation water; and
11. County map supplied by the Division (or equivalent) showing the location of the water source.

(6) Combination Uses.

A combination of farm and non-farm surface use shall be considered a non-farm surface use, unless the director determines that the predominant use to which the water is put is farm use.

(7) System of Classification for Competing Permit Applications.

- (a) In situations involving competing uses, existing or proposed, for a supply of available surface water, the Division shall consider:
 1. The number of persons using the particular water source and the object, extent and necessity of their respective withdrawals or uses;
 2. Nature and size of water source;
 3. Low flows during droughts of record;
 4. Any water quality of the water source which would adversely affect its availability or fitness for use;

5. The probable severity and duration of low flows, poor water quality or other impairments of the water source which would adversely affect its availability or fitness for use;
6. The injury to public health, safety or welfare which would result if such impairment were not prevented or abated;
7. The kinds of businesses or activities to which the various uses are related and the economic consequences;
8. The importance and necessity of the uses, including farm uses, claimed by permit applicants and the extent of any injury or detriment caused or expected to be caused to other water uses;
9. Diversion from or reduction of flows in other watercourses;
10. The prior investments of any person in lands, and plans for the farm usage of water in connection with such lands, which plans have been submitted to the Director within a reasonable time after July 1, 1988; provided that the granting of such a permit shall not have unreasonably adverse effects upon other water uses in the area, including potential as well as present use;
11. The varying circumstances of each use.

(8) Priorities for Competing Applications.

- (a) When there are competing applications for water from the same source, and the source is insufficient to supply all applicants, the following order of priorities shall prevail:
 1. Emergency facilities for essential life support measures.
 2. Domestic and personal uses, including drinking, cooking, washing, sanitary purposes and all health related activities.
 3. Farm uses as defined herein.
 4. Industrial uses (including those industries on public water systems).
 5. Other uses such as lawn sprinkling, noncommercial car washing, garden watering, etc.
 6. Outdoor recreational uses.
- (b) Competing applicants or users within the above categories shall be assigned a priority rating based upon a consideration of the facts set forth in subsection 391-

3-6-.07(6) of these Rules. In the event two or more competing applicants or users qualify equally under the priority rating, the Director will grant permits to such competing applicants, or modify the existing permits of the users, for use of specified quantities of surface water on a prorated or other reasonable basis in those situations where such action is feasible, provided, however, that the Director will give preference to an existing use over an initial application.

- (c) The Division shall take into consideration the extent to which such withdrawals, diversions or impoundments are reasonably necessary in the judgment of the Director to meet the applicant's reasonable needs; including the needs of any third party to whom the permit applicant was furnishing water for the processing of perishable agricultural products which require minimum quantities of water to comply with State or federal laws or regulations, and shall grant a permit which shall meet those reasonable needs; provided, however, that the granting of such permit shall not have unreasonable adverse affect upon other water uses in the area including but not limited to public use, farm use, and potential as well as present use, and provide, further, however, notwithstanding the above, that the Director shall grant a permit to any permit applicant who on the effective date of this Act has outstanding indebtedness in the form of revenue certificates or general obligation bonds which are being amortized through the sale of surface water, the permitted quantity of such shall be at least in a amount consistent with the quantity for which the revenue certificates or general obligation bonds were issued.

(9) Duration of Permits.

- (a) Any permit granted for the withdrawal, diversion or impoundment of surface waters shall be for a period of time not less than ten (10) years (unless the applicant requests a shorter period of time) nor more than twenty (20) years, except that farm use permits shall have no term and maybe transferred or assigned to subsequent owners of the land which are the subject of such permit. Provided, however, that the Division shall be notified in writing by the permittee of such transfer or assignment. The Director may authorize a permit of duration of up to fifty (50) years in the case of a municipality or other governmental body where such period is required to provide for the retirement of bonds for the construction of water works or waste disposal facilities;
- (b) If requested by the applicant, the Director may issue a temporary permit for less than ten (10) years, or letter of concurrence for transient uses lasting less than 180 days. Applicant's concurrence with a draft permit whose duration is less than ten (10) years shall serve as a request for a temporary permit.

(10) Renewal of Permits.

All permittees desiring to renew a permit shall submit an application for renewal to the Director within six (6) months prior to its expiration. All renewals will be treated in the same manner as the initial permit.

(11) Revocation, Suspension or Modification of Permits.

- (a) Any permit granted for the withdrawal, division or impoundment of surface waters may be revoked, in whole or in part, permanently or temporarily, for the following reasons:
 - 1. Any material false statement in an application for a permit or in any report required to be made;
 - 2. Any willful violation of a condition of a permit;
 - 3. Non use of the water supply (or a significant portion thereof) allowed by a permit for a period of two (2) consecutive years or more, unless the permittee can reasonably demonstrate that his nonuse was due to extreme hardship caused by factors beyond his control; except that this paragraph will not apply to farm use permits issued after initial use has commenced;
 - 4. With the written consent of the permittee.
- (b) Any such permit may be revoked, in whole or in part, for a period not to exceed one (1) year for violation of any provision of Section [12-5-31](#), *et seq.* of the Georgia Water Quality Control Act;
- (c) Any such permit may be suspended or modified if the Director should determine that the quantity of water allowed under the permit is greater than that needed by the permittee for the particular use upon which the application for permit was based, or would prevent other applications from reasonable use of surface waters, including farm use;
- (d) The director may suspend or modify a farm use permit if he should determine through inspection, investigation, or otherwise that the quantity of water allowed under the permit would prevent other applicants from reasonable use of surface waters for farm use;
- (e) Consistent with the consideration set forth in Chapter 391-3-6-.07(7), any such permit may be revoked, suspended or modified for any other good cause consistent with the health and safety of the citizens of this State and within the provisions of this Act;
- (f) In the event of modification, suspension or revocation of permit, the Director shall serve written notice of such action on the permit holder and give the reason for such action.

(12) Emergency Water Shortage.

- (a) Any permit may be suspended, restricted or otherwise modified by emergency order of the Director when an emergency period of water shortage exists. Prior to any such action, it must clearly appear to the Director from specific facts shown by affidavits of residents of the affected area of this State that an emergency period of water shortage exists within such area, so as to place in jeopardy the health or safety of the citizens of such area or to threaten serious harm to the water resources of the area. Any permittee has five (5) days from the date of mailing of the notice of the proposed change in the permit to appear in opposition to the proposed action. Except as to farm uses, any change, suspension or restriction in the permit is effective immediately upon receipt of such order by the permittee, his agent for service of process, or any agent of employee of the permittee who receives the notification at the permittee's principal place of business in the State. Any permittee, other than a farm use permittee, to whom such order is directed shall comply therewith immediately;
- (b) Upon application, the permittee, including a farm use permittee, shall be afforded a hearing before a hearing officer appointed by the Department of Natural Resources within twenty (20) days of receipt of said application by the hearing officer. Farm use permittees may continue to make use of water to their permitted capacity during the appeal process, but failure to timely request a hearing in accordance with Subsection (c) of Code Section [12-2-2](#) shall waive such right;
- (c) In the event of dire emergency, only water for domestic and personal uses, for drinking, cooking, washing, sanitary purposes and all health related activities will be permitted. Farm uses will be given second priority; however, all other usages will be established by the Director based on the priorities established in subsection 391-3-6-.07(7). The importance and necessity of water for industrial purposes are in no way modified or diminished by this subsection;
- (d) Upon expiration of the emergency period of water shortage, the permittee will be notified in writing of such expiration and the said permittee may then operate under the permit as issued prior to the emergency.

(13) Request for Modification of Unexpired Permit.

A permittee may seek modification of any of terms of an issued permit. The Director may modify such permit providing the permittee establishes at least one of the following:

- (a) a change in conditions has resulted in a need by the permittee of more water than is allowed under the existing permit;

- (b) The proposed modification would result in a more efficient use of water than is allowed under the existing permit; or
- (c) A proposed change in conditions would result in a need by the permittee of more than is allowed under the existing permit. Any such modification shall be consistent with the health and safety of the citizens of this State and with provisions of this Act.

(14) New Interbasin Transfers.

- (a) In the consideration of applications for permits which if granted would authorize a new interbasin transfer as defined in paragraph 391-3-6-.07(2)(m), the Director shall be bound by the following requirements:
 - 1. The Director shall give due consideration to competing existing uses and applications for permits which would not involve interbasin transfer of surface water and, subject to subsection 391-3-6-.07(7), shall endeavor to allocate a reasonable supply of surface waters to such users and applicants.
- (b) Public Notification.
 - 1. A notice of the draft permit which would authorize a new interbasin transfer of surface water shall be circulated by at least one of the following means: publication in one or more newspapers of general circulation in the area which would be affected by such issuance; posting on website(s); or distribution to interested parties by email or other mechanisms.
 - 2. The Director shall provide a public comment period of 30 days following the date of the notice of the draft permit.
 - 3. If the Director determines sufficient public interest exists, he shall hold a hearing some where within the area affected prior to the issuance of the permit. The Director shall provide reasonable notice of such meeting.

(15) Records.

Except for farm use permits issued pursuant to subsection 391-3-6-.07(5), whenever required to carry out the objectives of Section [12-5-31](#) *et seq.* of the Georgia Water Quality Control Act, the Director may by order, permit or otherwise, in writing, require any person holding a permit or any other person who the Director reasonably believes in unlawfully withdrawing, diverting or impounding surface waters to:

- (a) Establish and maintain records;
- (b) Make reports;

- (c) Install, use and maintain monitoring equipment or methods;
- (d) Submit other information as required; provided any information already furnished to the Director in connection with prior dealing with the Division may be incorporated into the records or reports by specific and detailed reference and a statement that the information is still valid and correct;
- (e) Except for farm uses, permittees shall submit annually to the Division a report of water use for the previous calendar year, to include monthly average and maximum day use for each month. Such reports shall be on forms provided by the Division and shall be submitted to the Division by January 31 of the current year for water use in the previous calendar year.

(16) Storage Rights

- (a) When a user has contracted for the right to utilize storage space within a reservoir that is owned or operated by an agency of the federal government, the Director shall retain authority to allocate any State water rights subject to regulation under O.C.G.A. § [12-5-31](#), including the right to withdraw State waters from the project as well as the right to impound made inflow to there servoir. When the Director allocates to a specific user made inflows to a reservoir, pursuant to the permitting authority and procedure provided by O.C.G.A. § [12-5-31](#), that user will have the right to impound such flows in the storage space for which it has contracted, to the extent storage space is available.
- (b) The intent of subparagraph (a) is to retain and exercise to the fullest extent the State's sovereign authority to control the use and storage of surface waters within its boundaries. In the event a court of competent jurisdiction determines that the Director's exercise of authority pursuant to this subsection is preempted by federal law, the Director's allocation shall be given effect to the maximum extent permissible.
- (c) The following factors shall be considered by the Director when allocating made inflows to areservoir pursuant to paragraph (a):
 - 1. The criteria set forth in 391-3-6-.07(7).
 - 2. Whether the water to be stored will be utilized in a manner consistent with the Georgia Comprehensive State-wide Water Management Plan and any plans prepared by the applicable Regional Water Planning Council or the Metropolitan North Georgia Water Planning District.
 - 3. Such other physical and equitable factors as the Director may deem appropriate.

(17) Enforcement.

The administration and enforcement of these Rules shall be in accordance with the Georgia Water Quality Control Act and the Georgia Administrative Procedure Act.

(18) **Effective Date.**

This Rule shall become effective twenty days after filing with the Secretary of State's office.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.07

Authority: Ga. L. 1964, p. 416, *et seq.*, as amended (O.C.G.A. Sec. [12-5-20](#) *et seq.*), Ga. L. 1972, p. 1015, *et seq.*, as amended (Ga. Code Ann. 40-3501 *et seq.*), Ga. L. 1977, p. 368-380 (Ga. Code Ann. Sec. 17-510.1); O.C.G.A. Sec. [12-5-31](#) *et seq.*

History. Original Rule entitled "Surface Water Withdrawals" was filed on February 2, 1978; effective February 22, 1978.

Amended: F. Apr. 3, 1990; eff. Apr. 23, 1990.

Amended: F. Dec. 9, 1994; eff. Dec. 29, 1994.

Repealed: ER. 391-3-6-0.32-.07, of the same title, adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Amended: Permanent Rule of same title adopted. F. Jul. 10, 1996; eff. July 30, 1996.

Amended: F. Feb. 15, 2011; eff. Mar. 7, 2011.

Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.

Amended: F. July 15, 2015; eff. August 4, 2015.

Rule 391-3-6-.08. Pretreatment and Permit Requirements.

- (1) **Purpose.** The purpose of Rule 391-3-6-.08 is to provide for the degree of wastewater pretreatment required and the uniform procedures and practices to be followed relating to the application for and the issuance or revocation of pretreatment permits for the discharge of any pollutant into a publicly owned treatment works and then into the waters of the State.
- (2) **Definitions.** All terms used in this Rule shall be interpreted in accordance with the definitions as set forth in the Act unless otherwise defined in this Paragraph or in any other Rules of this Chapter.
 - (a) "Act" or "O.C.G.A." means the Official Code of Georgia Annotated, Title 12, Article 2.
 - (b) "Approval Authority" means the Director of the Environmental Protection Division of the Georgia Department of Natural Resources.
 - (c) "Approved pretreatment program," "POTW pretreatment program," or "program" means a program administered by a POTW that meets the criteria established in this Rule and Rule [391-3-6-.09](#), and which has been approved by the Approval Authority in accordance with Rule [391-3-6-.09](#).

- (d) "Best management practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in [40 CFR 403.5\(a\)\(1\) and \(b\)](#). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- (e) "Control Authority" means:
 - 1. The POTW if the POTW's pretreatment program submission has been approved by the Approval Authority in accordance with Rule [391-3-6-.09](#); or
 - 2. The Approval Authority if the submission has not been approved; or
 - 3. In cases where categorical or significant non-categorical industrial users discharge to POTWs that are not included in an approved pretreatment program, the Approval Authority shall function as the Control Authority until an approved pretreatment program has been established by the POTW.
- (f) "EPD" means the Environmental Protection Division of the Georgia Department of Natural Resources.
- (g) "Federal Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, [33 U.S.C. 1251](#), et seq.
- (h) "Indirect discharge" or "discharge" means the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Federal Act.
- (i) "Industrial user" means any person that is a source of an indirect discharge or proposed indirect discharge.
- (j) "Interference" or "interfere" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts a POTW's sewer system, treatment processes or operations or its sludge processes, including use of disposal thereof; and such discharge is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation). The terms include prevention of sewage sludge use or disposal in accordance with Section 405 of the Federal Act, or any criteria, guidelines, or regulations developed pursuant to State or Federal laws.
- (k) "Limitation" means any restriction or prohibition established under the Act on quantities, rates, or concentration, or a combination thereof, of chemical, physical, biological, or other constituents which are discharged from industrial users into a

publicly owned treatment works and then into the waters of the State, including but not limited to schedules of compliance.

- (l) "National pretreatment standard", "pretreatment standard" or "standard" means any regulation containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency (EPA) in accordance with Section 307(b) and (c) of the Federal Act, which applies to industrial users. This term includes prohibited discharge limits established pursuant to [40 CFR Part 403.5](#).

- (m) "New source" means:

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after publication of proposed pretreatment standards under Section 307(c) of the Federal Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that:
 - (i) the building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (ii) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutant at an existing source; or
 - (iii) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type or activity as the existing source should be considered.
2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subparagraphs 391-3-6-.08(2)(m) 1. (ii) or (iii) but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source as defined under this Paragraph has commenced if the owner or operator has:
 - (i) begun, or caused to begin as part of a continuous on-site construction program:
 - (I) any placement, assembly, or installation of facilities or equipment; or

- (II) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (ii) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase, or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this Paragraph.
- (n) "Pass through" means a discharge which exits the POTW into waters of the State in quantities or concentration which alone or in conjunction with a discharge or discharges from other sources is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation).
- (o) "Person" means any individual, corporation, company, association, partnership, county, municipality, State agency, Federal agency or facility or other entity.
- (p) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by [40 CFR Part 403.6\(d\)](#). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with [40 CFR Part 403.6\(e\)](#).
- (q) "Pretreatment permit" means any permit issued by the Control Authority to regulate the discharge of pollutants from any industrial user into a publicly owned treatment works and the waters of the State.
- (r) "Pretreatment permit application" means an application filed by any person with the Control Authority for a pretreatment permit.

- (s) "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.
- (t) "Publicly owned treatment works" or "POTW," as applied in Rules 391-3-6-.08 and [391-3-6-.09](#), means a treatment works as defined by section 212 of the Federal Act, which is owned by the State or a municipality (as defined by section 502(4) of the Federal Act). This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality, as defined in section 502(4) of the Federal Act, which has jurisdiction over the indirect discharges to, and the discharges from, such a treatment works
- (u) "Significant Industrial User"
 - 1. Except as provided in Subparagraphs (u) 2. and 3. below, the term Significant Industrial User means:
 - (i) All industrial users subject to categorical pretreatment standards under [40 CFR 403.6](#) and 40 CFR chapter I, subchapter N; and
 - (ii) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with [40 CFR 403.8\(f\)\(6\)](#)).
 - 2. The Control Authority may determine that an industrial user subject to categorical pretreatment standards under [40 CFR 403.6](#) and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
 - (i) the industrial user, prior to the Control Authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

- (ii) the industrial user annually submits the certification statement required in [40 CFR 403.12\(q\)](#) together with any additional information necessary to support the certification statement; and
 - (iii) the industrial user never discharges any untreated concentrated wastewater.
 - 3. Upon a finding by the Control Authority that an industrial user meeting the criteria in Subparagraph (u)1.(ii) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an industrial user or from a POTW pretreatment program and in accordance with Subparagraph [391-3-6-.09\(7\)\(d\)](#), determine that such industrial user is not a Significant Industrial User.
- (v) "Significant noncompliance" for an industrial user means that its violation meets one or more of the following criteria:
- 1. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a six month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by [40 CFR 403.3\(l\)](#);
 - 2. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for the same pollutant parameter taken during a six month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by [40 CFR 403.3\(l\)](#) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
 - 3. Any other violation of a pretreatment standard or requirement as defined by [40 CFR 403.3\(l\)](#) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
 - 4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Control Authority's exercise of its emergency authority to halt or prevent such a discharge;

5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
6. Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance; or
8. Any other violations or group of violations which may include a violation of BMPs, which the Control Authority determines will adversely affect POTW operations or violate applicable NPDES Permit effluent limitations and requirements.

(3) Pretreatment Permit Requirements.

- (a) Any industrial user discharging or proposing to discharge any pollutant into a publicly owned treatment works and then into the waters of the State, under any of the circumstances described in O.C.G.A. Section [12-5-30](#), shall be considered for a pretreatment permit by the Control Authority. In addition to other pretreatment permit requirements described in this Paragraph, the permit must contain the following conditions:
 1. Statement of non-transferability without, at a minimum, prior notification to the Control Authority and provision of a copy of the existing control mechanism to the new owner or operator;
 2. Effluent limits based on national pretreatment standards for prohibited discharges as specified in [40 CFR 403.5\(a\) and \(b\)](#), national pretreatment standards for categorical discharges as specified in [40 CFR 403.6](#) and 40 CFR Chapter 1, Subchapter N, Parts 405-471, and local limits and/or BMPs as specified in [40 CFR 403.5\(c\)](#);
 3. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule;
 4. Conditions and limits to ensure that concentration and mass limits requirements under [40 CFR 403.6\(c\)\(1\)-\(9\)](#), dilution prohibition requirements under [40 CFR 403.6\(d\)](#) and combined wastestream formula requirements under [40 CFR 403.6\(e\)\(1\)-\(4\)](#) are complied with.

5. Requirements to control slug discharges as defined in [40 CFR 403.8\(f\)\(2\)\(vi\)](#), if determined by the Control Authority to be necessary.

(4) Degree of Pretreatment Required.

- (a) All pollutants discharged from an industrial user to a publicly owned treatment works shall receive such pretreatment or corrective action so as to ensure compliance with the terms and conditions of the issued pretreatment permit and with the following whenever applicable:
 1. Limitations, prohibitions and pretreatment standards and requirements promulgated by the U.S. EPA pursuant to Section 307 of the Federal Act and as described in Subparagraph 391-3-6.08(3) 2.
 2. Until such time as such limitations, prohibitions and pretreatment standards and requirements are formally promulgated pursuant to Section 307 of the Federal Act, the Control Authority shall apply such limitations, prohibitions and pretreatment standards necessary to achieve the purpose of said Section of the Federal Act. With respect to industrial users, such limitations, prohibitions or pretreatment standards shall be based upon an assessment of technology and processes, to wit:
 - (i) to existing industrial users limitations or pretreatment standards and requirements based on application of the best demonstrated control technology currently available;
 - (ii) to any industrial user whose construction commences after the effective date of this Rule, pretreatment standards and requirements which reflect the greatest degree of effluent reduction which the Control Authority determines to be achievable through the application of best demonstrated control technology currently available, or changes in processes or operating methods or other alternatives including where practical, a standard permitting no discharge of pollutants.
 3. Notwithstanding the above, more stringent pretreatment may be required as deemed necessary by the Control Authority to meet:
 - (i) any other existing Federal laws or regulations;
 - (ii) to ensure compliance with any applicable State water quality standards, POTW effluent limitations, local discharge limitations, national pretreatment standards for prohibited discharges as specified in [40 CFR 403.5](#), dilution prohibition as specified in [40 CFR](#)

[403.6\(d\)](#), pretreatment standards and requirements, or schedules of compliance;

(iii) to ensure there is no interference with the operation of a POTW or pass through of pollutants untreated.

4. To any industrial user, as appropriate, pretreatment standards and requirements designed to prohibit the discharge of toxic pollutant in toxic amounts which interfere with, pass through, prevents the use or disposal of sewage sludge, or otherwise interferes with operation of publicly owned treatment works.
5. The foregoing requirements shall be applied in considering all applications for pretreatment permits made pursuant to O.C.G.A. Section [12-5-30](#) and no such application shall be approved unless the pretreatment facilities will achieve such pretreatment standards and requirements within such reasonable time thereafter as the Control Authority may require.

(5) Application for Pretreatment Permit.

- (a) Applications for pretreatment permits under O.C.G.A. Section [12-5-30](#) shall be on forms as may be prescribed and furnished from time to time by the Control Authority. Applications shall be accompanied by all pertinent information as the Control Authority may require in order to establish pretreatment standards and requirements in accordance with Paragraph 391-3-6-.08(4), including but not limited to complete engineering reports, schedule of progress, plans, specification, maps, measurements, quantitative and qualitative determinations, records and all related materials. For industrial users subject to national pretreatment standards for categorical discharges, the application for a pretreatment permit shall contain information for a baseline report as required by [40 CFR 403.12\(b\)\(1\)-\(7\)](#).
- (b) Engineering reports, plans, specifications and other materials submitted to the Control Authority in support of a pretreatment permit application shall be prepared by or under the direct supervision or review of, and bear the seal of a Professional Engineer, competent in the field of sewage and industrial waste treatment. At no time shall this requirement be in conflict with O.C.G.A. Section 43-15 governing the practice of professional engineering and surveying.
- (c) Materials submitted shall be complete and accurate.
- (d) Any pretreatment permit application forms or any other forms submitted to the Control Authority shall be signed as follows:

1. By a responsible corporate officer, if the industrial user submitting the reports is a corporation. For this subparagraph a responsible corporate officer means:
 - (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively; or
3. By a duly authorized representative of the individual designated in subparagraphs (5)(d)1. and (5)(d)2. of this section if:
 - (i) The authorization is made in writing by the individual described in subparagraph (5)(d)1. or (5)(d)2.;
 - (ii) The authorization specifies either an individual or position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (iii) The written authorization is submitted to the Control Authority.
4. If an authorization under subparagraph (5)(d)3. of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subparagraph (5)(d)3. of this section must be submitted to the Control

Authority prior to or together with any reports to be signed by the authorized representative.

5. For a municipality, State, Federal, or the public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee. The duly authorized employee must be an individual or position having responsibility for the overall operation of the facility or the pretreatment program. This authorization must be made in writing by the principal executive officer or ranking elected official, and submitted to the Control Authority prior to or together with the report being submitted.

(6) Receipt and Use of Pretreatment Permit Application Forms and Data.

- (a) Applications for pretreatment permits will be reviewed together with such other information as may be necessary to ascertain the effect of the discharge of any pollutant into a publicly owned treatment works and then the waters of the State.
- (b) The Control Authority shall receive any data it finds relevant which is intended to clarify or support the pretreatment permit application.
- (c) Any information submitted in a pretreatment permit application form, together with reports, records or plans that are considered confidential by the applicant for a pretreatment permit should be clearly labeled "Confidential" and be supported by a statement as to the reasons that such information should be considered confidential. If the Control Authority determines that such information is entitled confidential protection, it shall label and handle the same accordingly. However, all submitted effluent data shall be available to the public without restriction.

(7) Notice and Public Participation.

Where the Approval Authority is acting as the Control Authority, the notice and public participation procedures of Rule 391-3-6-.26 shall apply. Public notice of every approvable pretreatment permit application will be prepared by the EPD and circulated in a manner designed to inform interested and potentially interested persons of the proposed discharge and of the proposed determination to issue a permit for the proposed discharge by an industrial user into a publicly owned treatment works and then into the waters of the State. The procedures for circulation of the public notice, as specified in Rule 391-3-6-.26, shall include providing a copy of the public notice to the pretreatment permit applicant and the owner or operator of the publicly owned treatment works that is to receive the discharge from the industrial user.

(8) Terms and Conditions of Pretreatment Permits.

- (a) Terms and conditions under which the discharge will be permitted will be specified on the permit issued for the industrial user to discharge into a publicly owned treatment works and then into the waters of the State.
- (b) No pretreatment permit shall be issued authorizing the discharge into a publicly owned treatment works and then into the waters of the State of any radiological, chemical or biological warfare agent or high-level radioactive waste.
- (c) Schedule of compliance:
 - 1. Any person who obtains a pretreatment permit pursuant to the Act but who is not in compliance with applicable pretreatment standards and limitations or other requirements contained in such permit at the time same is issued, shall be required to achieve compliance with such pretreatment standards and limitations or other requirements in accordance with the schedule of compliance as set forth in such permit, or in the absence of a schedule of compliance, by the date set forth in such permit which the Control Authority has determined to be the shortest, reasonable period of time necessary to achieve compliance. Such compliance schedules may not extend the compliance date beyond applicable Federal deadlines. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable pretreatment standards and limitations. No increment referred to in this Subparagraph shall exceed nine months.
 - 2. Within fourteen (14) days of an interim date of compliance or the final date of compliance specified for an industrial user, the industrial user shall provide the Control Authority with written notice of its compliance, or non-compliance with the requirements and conditions specified to be completed by such date. Failure to submit the written notice is just cause for the Control Authority to pursue enforcement action pursuant to its legal authority.
 - 3. An industrial user who fails or refuses to comply with an interim or final date of compliance specified in a pretreatment permit may be deemed by the Control Authority to be in violation of the permit and may be subject to enforcement action by the Control Authority.
 - 4. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or in the case of a new source following commencement of the introduction of wastewater to the POTW, industrial users subject to categorical standards shall submit to the Control Authority a report containing information described in [40 CFR 403.12\(b\)\(4\)-\(6\)](#).
- (d) Monitoring, recording and reporting requirements:

1. Any industrial user authorized by a pretreatment permit issued pursuant to the Act may be subject to such monitoring, recording and reporting requirements as may be reasonably required by the Control Authority including the installation, use and maintenance of monitoring equipment or methods; specific requirements for recording of monitoring activities and result; and periodic reporting of monitoring results. The monitoring, record keeping, sampling, notification and reporting requirements including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on national pretreatment standards, including those in [40 CFR 403.12](#) as applicable, and applicable local limits and requirements shall be specified in a permit when issued, provided however the Control Authority may modify or require additional monitoring, recording and reporting by written notification to the industrial user.
2. The industrial user shall be required, in the pretreatment permit, to retain any records of monitoring activities and results for a minimum of three (3) years, unless otherwise extended by the Control Authority upon written notification. The period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW.
3. Any holder of a permit, which requires monitoring of the authorized discharge into a publicly owned treatment works and then into the waters of the State, shall report periodically to the Control Authority results of all required monitoring activities on appropriate forms supplied by the Control Authority. The Control Authority shall notify the industrial user of the frequency of reporting. All periodic reporting shall be in accordance with the requirements described in [40 CFR 403.12\(e\)-\(h\)](#).
4. The effluent limitations specified in the pretreatment permit will be based on an allowable POTW headworks loading methodology for deriving the value of the limiting pollutant for inclusion in the permit after consideration of State water quality standards, sludge disposal requirements, final determination of NPDES Permit limits, POTW inhibition, and any other applicable criteria. The limiting factor selected will then be compared to appropriate national pretreatment standards for categorical discharges if applicable, and the most stringent will then be incorporated into the permit. In instances where the potable water sources or other incoming water sources have values that exceed limits based on water quality standards, then an alternate limit may be derived on a case-by-case basis after the evaluation of sampling conducted on the water sources by the Control Authority. These alternate effluent limitations will be considered local limits and will be enforced to comply with [40 CFR 403.5\(c\) and \(d\)](#) requirements.

(9) Modification, Suspension and Revocation of Pretreatment Permits:

Where the Approval Authority is acting as the Control Authority, the following procedures shall apply:

- (a) The Approval Authority may revise or modify the schedule of compliance set forth in an issued pretreatment permit if the industrial user requests such modification or revision in writing and such modification or revision will not cause an interim date in the compliance schedule to be extended more than one hundred and twenty (120) days or affect the final date in the compliance schedule. If the industrial user requests in writing the modification or revision of a schedule of compliance set forth in an issued pretreatment permit which, if granted, would cause an interim date in the compliance schedule to be extended more than one hundred and twenty (120) days or affect the final date in compliance schedule, the Approval Authority may revise or modify such schedule of compliance provided it is in accordance with promulgated Federal regulations. The Approval Authority may grant a request in accordance with this Subparagraph if it determines after documented showing by the industrial user that good and valid cause, including acts of God, strikes, floods, material shortages or other events over which the industrial user has little or no control, exist for such revision.
- (b) The Approval Authority may modify, suspend or revoke an issued pretreatment permit in whole or in part during its term for cause, including but not limited to, failure or refusal of the industrial user to carry out the requirements of the Act or regulations promulgated pursuant thereto and/or promulgated Federal regulations, if within thirty (30) days following receipt of such proposed modifications, suspension or revocation from the Approval Authority, there is no objection by the industrial user in writing. In addition prior to any such modifications, suspension or revocation of an issued pretreatment permit by the Approval Authority (other than modification or revision of compliance schedule pursuant to Subparagraph 391-3-6-.08(9)(a) above or modification of the monitoring, recording and reporting requirements), the Approval Authority will provide public notice in accordance with the procedures set forth in Subparagraph 391-3-6-.08(7)(b). Where the Approval Authority is acting as the Control Authority, the procedures set forth in Chapter 391-1-2 shall apply to any person who is "aggrieved or adversely affected" as provided for in Title 12 of the Official Code of Georgia Annotated.

(10) Duration of Pretreatment Permits.

Any pretreatment permit issued by a Control Authority shall have a fixed term not to exceed five (5) years. When the Approval Authority is acting as the Control Authority, a new pretreatment permit may be issued by the Authority, provided that an application for such new pretreatment permit is filed with the Approval Authority at least one hundred and eighty (180) days prior to the expiration date of the existing permit. The

issuance of such new pretreatment permit shall likewise have a fixed term not to exceed five (5) years.

(11) **Enforcement.**

Any person who violates any provision of the Act, any rule promulgated and adopted pursuant thereto, or any term, condition schedule or compliance or other requirement contained in a permit issued pursuant to the Act shall be subject to enforcement proceedings pursuant to the Act.

- (12) **NPDES Electronic Reporting.** The federal NPDES Electronic Reporting rule, 40 CFR Part 127 and associated amendments, became effective on December 21, 2015. The requirements of this rule relating to the submission of applications, reports and compliance notices may include the electronic submission of such items and electronic signature for such items, as applicable and approved by the EPD or the Control Authority. The use of the terms "in writing" or "written" in the rule may include such electronic submissions.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.08

Authority: O.C.G.A. § [12-5-20](#)*et seq.*

History. Original Rule entitled "Pretreatment and Permit Requirements" was filed on August 24, 1979; effective September 13, 1979.

Amended: F. Apr. 8, 1993; eff. Apr. 28, 1993.

Amended: F. Aug. 30, 1995; eff. Sept. 19, 1995.

Repealed: ER. 391-3-6-0.32-.08, of the same title, adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Amended: Permanent Rule of same title adopted. F. Jul. 10, 1996; eff. July 30, 1996.

Amended: F. Feb. 2, 2011; eff. Feb. 22, 2011.

Amended: F. Oct. 13, 2017; eff. Nov. 2, 2017.

Amended: F. May 13, 2020; eff. June 2, 2020.

Rule 391-3-6-.09. Requirements for Approval and Implementation of Publicly Owned Treatment Works Pretreatment Programs and Administration of the EPD Pretreatment Program.

- (1) **Purpose.** The purpose of Rule 391-3-6-.09 is to provide uniform procedures and practices to be followed for the development and submission of POTW pretreatment programs for EPD review and approval or denial, and the public notification methods to be used.
- (2) **Definitions.** All terms used in this Rule shall be interpreted in accordance with the definitions as set forth in the Act unless otherwise defined in this Paragraph or in any other Rules of this Chapter:
- (a) "Submission" means a request to the Approval Authority for approval of a POTW pretreatment program by a POTW.

(3) Required POTW Pretreatment Programs.

- (a) Any POTW or combination of POTWs operated by the same authority with a total design flow greater than 5 million gallons per day (MGD) and receiving from industrial users pollutants which may pass through untreated or interfere with the operation of the POTW or are otherwise subjects to Section 307(b) or 307(c) of the Federal Act will be required to establish a POTW pretreatment program.
- (b) The Approval Authority may require in writing that a POTW with a design flow of 5 mgd or less develop a POTW pretreatment program if it finds that the nature or volume of the industrial effluent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge or other circumstances warrant a POTW pretreatment program in order to prevent interference with the POTW or pass through of untreated pollutants.
- (c) Any POTW described in Subparagraphs 391-3-6-.09(3)(a) and (b) must obtain approval of its POTW pretreatment program no later than three (3) years after the reissuance or modification of its existing NPDES permit, but in no case later than July 1, 1983. POTWs whose NPDES permits are modified under Section 301(h) of the Federal Act shall have a pretreatment program within less than three (3) years as provided by 40 CFR Part 125, Subpart G. POTWs identified after July 1, 1983 as being required to develop a POTW pretreatment program under Subparagraph 391-3-6-.09(3)(a) and (b) shall develop and submit such a program for approval as soon as possible to the Approval Authority but in no case later than one (1) year after written notification from the Approval Authority of such identification.
- (d) The POTW pretreatment program shall meet the criteria set forth in [40 CFR 403.8\(f\)](#) and shall be capable of being administered by the POTW to ensure compliance by the industrial users with applicable State and Federal pretreatment standards and requirements in order to be approved by the Approval Authority.
- (e) The Approval Authority may hold a public hearing in the geographical area served by any POTW which fails to comply with the Approval Authority's finding and written directive that a POTW pretreatment program is required and a draft submission must be developed and submitted to the Approval Authority within sixty (60) days. The public hearing will be held to advise the public, the industrial users and other concerned parties that the EPD will establish and operate the pretreatment program necessary to meet the Federal requirements as a result of the failure of the POTW to carry out its legal responsibility. The appropriate POTW, city or municipal officials will be requested at the public hearing to explain the reasons why they failed to comply with the Approval Authority's finding and directive. For any public hearing held pursuant to this Subparagraph a public notice shall be provided at least forty-five (45) days in advance of the hearing date and shall be published and circulated in accordance with Subparagraph 391-3-6-.09(5)(a).

- (f) A POTW requesting approval of a POTW pretreatment program shall develop a program submission which includes the information set forth in [40 CFR 403.9\(b\)](#) and [403.8\(f\)](#). Any other pertinent information requested by the Director as being necessary to clarify, support or supplement the program description must also be submitted.

(4) POTW Pretreatment Program Approval or Denial.

- (a) Any POTW requesting POTW pretreatment program approval shall submit to the EPD three copies of the submission described in [40 CFR 403.9\(b\)](#). Within 60 days after receiving the submission, the EPD shall make a preliminary determination of whether the submission meets the requirements of 403.9(b) and whether the submission meets the requirements as may be described by the EPD. When the EPD is satisfied that a POTW pretreatment program meets the requirements of [40 CFR 403.8\(f\)](#), [403.9\(b\)](#) and such other requirements as may be prescribed by the Approval Authority, the EPD shall notify the POTW that the submission has been received and is under review and commence public notice and evaluation activities set forth in Subparagraph 391-3-6-.09(5).
- (b) When the EPD determines that the POTW pretreatment program does not meet the requirements of Subparagraph 391-3-6-.09(4)(a), the EPD shall notify the POTW in writing as appropriate and each person who has requested individual notice. This notification shall identify any defects in the submission and advise the POTW and each person who has requested individual notice of the means by which the POTW can comply with the applicable requirements of Subparagraph 391-3-6-.09(4)(a). Unless the necessary revisions and modifications are made within the time period specified in the notification of denial, not to exceed the one year period specified in Subparagraph 391-3-6-.09(3)(c), the EPD will proceed to develop and implement a pretreatment program for the area served by the POTW in accordance with Rules [391-3-6-.08](#) and 391-3-6-.09.

(5) Notice and Public Participation.

- (a) Tentative Determination for POTW Pretreatment Program Approval.
 - 1. Within 20 work days after the EPD has made a determination that a POTW pretreatment program submission meets the requirements of [40 CFR 403.9\(b\)](#), a public notice will be issued by the EPD and the city or municipality requesting approval to advise the public that a request has been made for approval of the submission. This public notice shall be published and circulated in a manner designed to inform interested and potentially interested persons of the submission. Procedures for circulation of the public notice shall include the following:
 - (i) notice to adjoining State whose waters may be affected;

- (ii) notice to section 208 Designated Planning Agencies; Federal and State fish, shellfish and wildlife resources agencies and, upon request, to other appropriate government agencies;
 - (iii) publication in a newspaper(s) of general circulation within the city or municipality in which the POTW pretreatment program has been established;
 - (iv) notice to the chief elected official of the city or municipality requesting approval of the POTW pretreatment program submission;
 - (v) a copy will be available at the EPD office in Atlanta, posted to the EPD website, and an electronic mailing (e-mail) notification of the public notice will be provided to those persons or groups included on the electronic mailing list to receive such notices. The EPD shall maintain an electronic mailing list for distribution of public notices. Any person or group may request that their e-mail address be added to the electronic mailing list or they may sign-up through the EPD website;
 - (vi) the EPD shall provide a period of not less than forty-five (45) days following the date of the public notice during which interested persons may submit their written views on the submission. All written comments submitted during the forty-five day period will be retained by the EPD and considered in the decision on whether or not to approve the submission. The comment period may be extended at the discretion of the Approval Authority; and
 - (vii) the contents of the public notice will be in accordance with appropriate Federal requirements and applicable State laws.
2. The Approval Authority shall provide an opportunity for the applicant, any affected State, any interested State or Federal agency, person or group of persons to request a public hearing with respect to the submission. Any such request for a public hearing shall be filed within the forty-five (45) day comment period described in Subparagraph 391-3-6-.09(5)(a) 1.(vi) and shall indicate the interest of the person filing such request and the reason why a hearing is warranted. The Approval Authority shall hold the hearing if it determines that there is sufficient public interest in holding such hearing or if the POTW requests a hearing.
- (i) any public hearing held pursuant to this Subparagraph shall be held in the geographical area of the applicable submission or other appropriate location at the discretion of the Approval Authority. The

Approval Authority may hold one public hearing on related groups of submissions in the same geographical area;

- (ii) public notice of any hearing held pursuant to this Subparagraph shall be provided at least forty-five (45) days advance of the hearing date and shall be circulated in accordance with Subparagraph 391-3-6-.09(5)(a) 1.

(b) Final Determination for POTW Pretreatment Program Approval or Denial.

1. Deadline for review of submission. The Approval Authority shall have 90 days from the date of public notice of any submission complying with the requirements of § 403.9(b) to review the submission. The Approval Authority shall review the submission to determine compliance with the requirements of [40 CFR 403.8\(b\) and \(f\)](#). The Approval Authority may have up to an additional 90 days to complete the evaluation of the submission if the public comment period provided for in Subparagraph 391-3-6-.09(5)(a) 1.(vi) is extended beyond 45 days or if a public hearing is held as provided for in Subparagraph 391-3-6-.09(5)(a) 2. In no event, however, shall the time for evaluation of the submission exceed a total of 180 days from the date of public notice of a submission meeting the requirements of § 403.9(b).
2. At the conclusion of the public notice comment period or the public comment period allowed following a public hearing or the extension if warranted per Subparagraph 391-3-6-.09(5)(b) 1. above, the Approval Authority shall make a determination to approve the POTW pretreatment program or deny any approval to the program based on the requirements of Subparagraph 391-3-6-.09(4) and taking into consideration the comments submitted during the comment period and the record of the public hearing, if held. When the Approval Authority has made a determination to deny approval to the program the POTW shall be notified in writing in accordance with Subparagraph 391-3-6-.09(4)(b) and each person who has requested individual notice. The Approval Authority shall also notify these persons who submitted comments and participated in the public hearing, if held, of the approval or disapproval of the submission.
3. U.S. EPA's objection to Approval Authority's decision. No POTW pretreatment program shall be approved by the Approval Authority if, following the 45 day (or extended) evaluation period provided for in Subparagraph 391-3-6-.09(5)(a) 1.(vi) and any hearing held pursuant to Subparagraph 391-3-6-.09(5)(a) 2 of this section, the Regional Administrator of U.S. Environmental Protection Agency Region 4 (Regional Administrator) sets forth in writing objections to the approval of

such submission and the reasons for such objections. A copy of the Regional Administrator's objections shall be provided to the applicant, and each person who has requested individual notice. The Regional Administrator shall provide an opportunity for written comments and may convene a public hearing on his or her objections. Unless retracted, the Regional Administrator's objections shall constitute a final ruling to deny approval of a POTW pretreatment program 90 days after the date the objections are issued.

4. When the EPD has made a determination to approve the submission, a public notice shall be issued to advise of the decision. This public notice shall be published and circulated in a manner designed to inform interested and potentially interested persons of the decision. Procedures for circulation of the public notice shall include the following:
 - (i) publication in the same newspaper as the original notice of request for approval of the submission was published;
 - (ii) providing notice to those persons who submitted comments and participated in the hearing for approval or disapproval of the submission;
 - (iii) the Approval Authority shall ensure that the submission and any comments upon said submission are available to the public for inspection and copying at the EPD offices in Atlanta during normal business hours;
 - (iv) providing notice to adjoining State whose waters may be affected; and
 - (v) providing notice to section 208 Designated Planning Agencies; Federal and State fish, shellfish and wildlife resource agencies and, upon request, to other appropriate government agencies.

(c) Public Access to Information.

1. A copy of the program submission, and other forms related thereto, including written public comments and comments of all governmental agencies thereon and other reports, files and information not involving methods or processes entitled to protection as trade secrets, may be available online and will be available for public inspection and copying during normal business hours at the EPD office in Atlanta. Effluent data shall not be considered as information entitled to protection. Public access to NPDES information shall be in accordance with Federal Regulations, [40 C.F.R. 122.7](#);

2. Any information submitted with reports, records or plans that is considered confidential by the POTW, and that is not specifically excluded in subparagraph (c)1. above, should be clearly labeled "Confidential" and be supported by a statement as to the reason that such information should be considered confidential. If the Director, with the concurrence of the Regional Administrator, determines that such information is entitled to confidential protection, he shall label and handle same accordingly;
3. Any information accorded confidential status whether or not contained in a program submission shall be made available, upon written request, to the Regional Administrator or his authorized representative who shall maintain the information as confidential.

(6) Notification of POTW Pretreatment Program Approval.

- (a) Notification of any final approval of a POTW pretreatment program will be forwarded to the POTW in writing including any conditions or special requirements for compliance schedules, monitoring and reporting both for the POTW and the industrial user in accordance with [40 CFR 403.12](#).
- (b) When the POTW accepts the approval and any specific conditions or requirements that are a part of the approval notification by the Approval Authority, procedures will be started to revise, modify and reissue the POTW's discharge permit to include compliance with Rules [391-3-6-.08](#) and 391-3-6-.09, and the approved POTW pretreatment program as enforceable conditions of the POTW's permit. The modification of a POTW's discharge permit for the purposes of incorporating a POTW pretreatment program approved by the Approval Authority in accordance with [40 CFR 403.11](#) and this Rule shall be deemed a minor permit modification subject to the procedures in [40 CFR 122.63](#).

(7) Modification of POTW Pretreatment Program.

- (a) Either the EPD or a POTW with an approved POTW pretreatment program may initiate program modification at any time to reflect exchanging conditions at the POTW. Program modification is necessary whenever there is a significant change in the operation of the POTW pretreatment program that differs from the information in the POTW submission as approved by the Approval Authority. Any approved POTW pretreatment program identified by the EPD that needs to modify its program to incorporate requirements that have resulted from revision to Rule [391-3-6-.08](#) through [391-3-6-.10](#) or any other applicable rule revision shall develop and submit to the EPD for approval such program modification no later than one (1) year after written notification from the EPD to modify the program.
- (b) POTW pretreatment program modifications shall be accomplished as follows:

1. For substantial modifications as defined in Subparagraph 391-3-6-.09(7)(c):
 - (i) the POTW shall submit to the EPD a statement of the basis for the desired modification, a modified program description or such other documents the Approval Authority determines to be necessary under the circumstances;
 - (ii) the Approval Authority shall approve or disapprove the modifications based on the requirements of [40 CFR 403.8\(f\)](#), following the procedures in Subparagraph 391-3-6-.09(4) -(6);
 - (iii) the modification shall be incorporated into the POTW discharge permit after approval. The POTW's discharge permit will be modified to incorporate the approved modification in accordance with [40 CFR 122.63\(g\)](#);
 - (iv) the modification shall become effective upon approval by the Approval Authority. Notice of approval shall be published in the same newspaper as the notice of original request for approval of the modification under Subparagraph 391-3-6-.09(5)(a) 1.(iii).
2. The POTW shall notify the EPD of any other (i.e., non-substantial) modifications to its pretreatment program at least thirty (30) days prior to when they are to be implemented by the POTW, in a statement similar to that provided for in Subparagraph 391-3-6-.09(7)(b) 1.(i). Such non-substantial program modification shall be deemed to be approved by the Approval Authority, unless the EPD determines that a modification submitted is in fact a substantial modification thirty (30) days after the submission of the POTW's statement. Following such approval by the Approval Authority, such modifications shall be incorporated into the POTW's discharge permit in accordance with [40 CFR 122.63\(g\)](#). If the EPD determines that a modification reported by a POTW in its statement is in fact a substantial modification, the EPD shall notify the POTW and initiate the procedures in Subparagraph 391-3-6-.09(7)(b) 1.

(c) Substantial modifications.

1. The following are substantial modifications for purposes of this Subparagraph:
 - (i) changes to the POTW's legal authorities;
 - (ii) changes to local limits;

- (iii) changes to the POTW's control mechanism as described in [40 CFR 403.8\(f\)\(1\)\(iii\)](#);
 - (iv) changes to the POTW's method for implementing categorical pretreatment standards;
 - (v) a decrease in the frequency of self-monitoring or reporting required of industrial users;
 - (vi) a decrease in the frequency of industrial user inspection or sampling by the POTW;
 - (vii) changes to the POTW's confidentiality procedures;
 - (viii) significant reduction in the POTW's pretreatment program resources (including personnel commitments, equipment, and funding levels); or
 - (ix) changes in the POTW's sludge disposal and management practices.
2. The Approval Authority may designate other specific modifications in additional to those listed in Subparagraph 391-3-6-.09(7)(c) 1. as substantial modifications.
3. A modification that is not included in Subparagraph 391-3-6-.09(7)(c) 1. is none the less a substantial modification for purposes of this Subparagraph if the modification:
- (i) would have a significant impact on the operation of the POTW's pretreatment program;
 - (ii) would result in an increase in pollutant loadings at the POTW's or
 - (iii) would result in less stringent requirements being imposed on industrial users of the POTW.
- (d) The POTW shall prepare a list of its industrial users meeting the criteria in Subparagraphs [391-3-6-.08\(2\)\(u\) 1.\(i\)](#) and 2. applicable to each industrial user and, for industrial users meeting the criteria in Subparagraphs [391-3-6-.08\(2\)\(u\) 1.\(ii\)](#) shall also indicate whether the POTW has made a determination pursuant to Subparagraph [391-3-6-.08\(2\)\(u\)](#) that such industrial user should be considered a significant industrial user. This list, and any subsequent modification thereto, shall be submitted to the EPD as a nonsubstantial program modification pursuant to Subparagraph 391-3-6-.09(7)(b) 2. Discretionary designations or de-designations by the POTW pretreatment program shall be deemed to be approved by the EPD

ninety (90) days after submission of the list or modifications thereto, unless EPD determines that a modification is in fact a substantial modification.

(8) Compliance Monitoring and Reporting Requirements for POTW Pretreatment Programs and the EPD Pretreatment Program.

(a) Both the EPD and each POTW pretreatment program shall develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures shall enable the Control Authority to:

1. Identify and locate all possible industrial users which might be subject to the pretreatment program;
2. Identify the character and volume of pollutants contributed to the POTW by the industrial users identified under Subparagraph 391-3-6-.09(8)(a) 1.;
3. Notify industrial users identified under Subparagraph 391-3-6-.09(8)(a) 1. of applicable pretreatment standards and applicable pretreatment requirements under Sections 204(b) and 405 of the Federal Act and Subtitles C and D of the Resource Conservation and Recovery Act. Within 30 days of approval pursuant to [40 CFR 403.8\(f\)\(6\)](#), of a list of significant industrial users, notify each significant industrial user of its status as such and all requirements applicable to it as a result of such status;
4. Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements in [40 CFR 403.12](#);
5. Randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each significant industrial user at least once a year except as otherwise specified below:
 - (i) Where the Control Authority has authorized the industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard in accordance with [40 CFR 403.12\(e\)\(3\)](#), the Control Authority must sample for the waived pollutant(s) at least once during the term of the categorical industrial user's control mechanism. In the event that the Control Authority subsequently determines that a waived pollutant is present or is expected to be present in the industrial user's wastewater based on changes that occur in the industrial user's operations, the Control Authority must immediately begin at least annual effluent monitoring of the industrial user's discharge and inspection.

- (ii) Where the Control Authority has determined that an industrial user meets the criteria for classification as a Non-Significant Categorical Industrial User, the Control Authority must evaluate, at least once per year, whether an industrial user continues to meet the criteria in [40 CFR 403.3\(v\)\(2\)](#).
 - (iii) In the case of industrial users subject to reduced reporting requirements under [40 CFR 403.12\(e\)\(3\)](#), the Control Authority must randomly sample and analyze the effluent from industrial users and conduct inspections at least once every two years. If the industrial user no longer meets the conditions for reduced reporting in [40 CFR 403.12\(e\)\(3\)](#), the Control Authority must immediately begin sampling and inspecting the industrial user at least once a year.
- 6. Evaluate, within one year whether each such significant industrial user needs a plan or other action to control slug discharges. Additional significant industrial users must be evaluated within 1 year of being designated a significant industrial user. If the Control Authority decides that a slug control plan is needed, the plan shall be based on the requirements in [40 CFR 403.8\(f\)\(2\)\(vi\)](#).
- 7. Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in the reports and notices required under [40 CFR 403.12](#) or indicated by analysis, inspection, and surveillance activities described in Subparagraph 391-3-6-.09(8)(a) 5. Sample taking and analysis and the collection of other information shall be performed using appropriate procedures to produce evidence admissible in enforcement proceedings or in judicial actions;
- 8. Comply with the public participation requirement of 40 CFR Parts 25 in the enforcement of national pretreatment standards. These procedures shall include provision for at least annual public notification, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of industrial users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment requirement as defined under Subparagraph [391-3-6-.08\(2\)\(v\)](#); and
- 9. Deny or condition new increased contributions of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contribution would cause the POTW to violate its NPDES Permit.

- (b) Both the EPD pretreatment program and each POTW pretreatment program shall require the following industrial user reports and notification for their regulated industrial users:
1. Notice of potential problems including slug loading as described in [40 CFR 403.12\(f\)](#);
 2. Report on the monitoring and analysis to demonstrate continued compliance as described in [40 CFR 403.12\(g\)\(1\)-\(6\)](#);
 3. Reports for industrial users not subject to categorical pretreatment standards as described in [40 CFR 403.12\(h\)](#);
 4. Notification of changed discharge as described under [40 CFR 403.12\(j\)](#);
 5. Notification of discharge of hazardous waste as described in [403.12\(p\)\(1\)-\(4\)](#).
 6. Baseline reports as described in [40 CFR 403.12\(b\)\(1\)-\(7\)](#);
 7. Compliance scheduling and progress reports as described in [40 CFR 403.12\(c\)\(1\)-\(3\)](#);
 8. Report on compliance with categorical pretreatment standards deadlines as described in [40 CFR 403.12\(d\)](#);
 9. Periodic reports on continued compliance as described in [40 CFR 403.12\(e\)\(1\)-\(5\)](#); and
 10. Annual certification by Non-Significant Categorical Industrial Users (as defined in Subparagraph [391-3-6-.08\(2\)\(r\)\(2\)](#)) as required in [40 CFR 403.12\(q\)](#).
- (c) Signatory requirements for industrial user reports and POTW pretreatment program reports shall comply with requirements described in [40 CFR 403.12\(l\) and \(m\)](#), respectively.
- (d) Records keeping for industrial users and POTW pretreatment programs shall comply with the requirements described in [40 CFR 403.12\(o\)](#).
- (e) The EPD may require a POTW pretreatment program to sample and analyze the POTW influent, effluent and/or sludge for the toxic priority pollutants as listed under Subparagraphs [391-3-6-.03\(5\)\(e\)\(i\)\(ii\) and \(iii\)](#) and any other identified pollutants at a frequency that adequately characterizes pollutant loading at the POTW. In addition, the POTW pretreatment program may be required to conduct biomonitoring of the POTW effluent.

- (f) The federal NPDES Electronic Reporting rule, 40 CFR Part 127 and associated amendments (including amendments to [40 CFR 403.12](#)), became effective on December 21, 2015. The requirements of this paragraph may include electronic reporting, as applicable and approved by EPD or the Control Authority. A Control Authority that receives electronic documents must satisfy the requirements of 40 CFR Part 3 (Electronic Reporting) and the NPDES Electronic Reporting rule.

(9) Legal Authority Requirements for Control Authorities.

- (a) Each Control Authority shall operate pursuant to a legal authority enforceable in Federal, State or local courts, which authorizes or enables the Control Authority to apply and to enforce the requirements of sections 307(b) and (c), and 402(b)(8) of the Federal Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreement, which the Control Authority is authorized to enact, enter into or implement and which are authorized by the Act or State law. At a minimum, this legal authority shall enable the Control Authority to:
1. Require compliance with applicable pretreatment standards and requirements by industrial users.
 2. Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit.
 3. Control through permit, order, or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements. In case of industrial users identified as significant under Subparagraph [391-3-6-.08\(2\)\(u\)](#), this control shall be achieved through individual permits or equivalent individual control mechanism issued to each such user except as follows.
 - (i) At the discretion of the Control Authority, this control may include use of general control mechanisms if the following conditions are met. All of the facilities to be covered must:
 - (I) Involve the same or substantially similar types of operations;
 - (II) Discharge the same types of wastes;
 - (III) Require the same effluent limitations;
 - (IV) Require the same or similar monitoring; and

- (V) In the opinion of the Control Authority, are more appropriately controlled under a general control mechanism than under individual control mechanisms.
 - (ii) To be covered by the general control mechanism, a significant industrial user must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general control mechanism, any requests in accordance with [40 CFR 403.12\(e\)\(2\)](#) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the Control Authority deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general control mechanism until after the Control Authority has provided written notice to the significant industrial user that such a waiver request has been granted in accordance with [40 CFR 403.12\(e\)\(2\)](#). The Control Authority must retain a copy of the general control mechanism, documentation to support the Control Authority's determination that a specific significant industrial user meets the criteria in [40 CFR 403.8\(f\)\(1\)\(iii\)\(A\)\(1\) through \(f\)\(1\)\(iii\)\(A\)\(5\)](#), and a copy of the significant industrial user's written request for coverage for 3 years after the expiration of the general control mechanism. A Control Authority may not control a significant industrial user through a general control mechanism where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day, or for industrial users whose limits are based on the combined wastestream formula in [40 CFR 403.6\(e\)](#). Both individual and general control mechanisms must, be enforceable and contain the minimum conditions described in [40 CFR 403.8\(f\)\(1\)\(iii\)\(B\)\(1\)-\(6\)](#). Each pretreatment permit will include, where appropriate, conditions and limits which ensure that concentration and mass limit requirements under [40 CFR 403.6\(c\)\(1\)-\(9\)](#), dilution prohibition requirements under [40 CFR 403.6\(d\)](#) and combined wastestream formula requirements under [40 CFR 403.6\(e\)\(1\)-\(4\)](#) are complied with;
4. Require the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements and the submission of all notices and self-monitoring reports from industrial users with pretreatment standards and

requirements, including, but not limited to the reports required in [40 CFR 403.12](#);

5. Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under [40 CFR 403.12\(o\)](#) to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under Section 308 of the Federal Act;
 6. Obtain remedies for noncompliance by any industrial user with any pretreatment standard and requirement. All POTW's shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards and requirements. All POTW's shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation by industrial users of pretreatment standards and requirements. Pretreatment requirements which will be enforced through the remedies set forth in this Subparagraph will include but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations or orders issued by the POTW; any requirements set forth in control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW; or any reporting requirements imposed by the POTW or these regulations. The POTW shall have authority and procedures (after informal notice to the discharger) to immediately and effectively halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent an endangerment to the environment or which threatens to interfere with the operation of the POTW. The EPD shall have the authority to take additional enforcement action when the EPD determines that the Control Authority's enforcement response to noncompliance by an industrial user is insufficient;
 7. Comply with the confidentiality requirements set forth in [40 CFR 403.14](#).
- (b) The Control Authority shall develop and implement an enforcement response plan which contains detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall be developed in accordance with requirements described in [40 CFR 403.8\(f\)\(5\)](#).

- (c) Control Authority shall ensure that industrial users comply with the deadline for compliance with categorical standards as described in [40 CFR 403.6\(b\)](#) or take appropriate enforcement actions to address noncompliance with [40 CFR 403.6\(b\)](#) through the enforcement response plan under subparagraph 391-3-6-.09(9)(b).
- (d) Control Authority shall ensure that proper legal authority exists to require industrial user compliance with the general prohibitions under [40 CFR 403.5\(a\)\(1\)](#), the specific prohibitions under [40 CFR 403.5\(b\)\(1\)-\(8\)](#) and local limits under [40 CFR 403.5\(c\) and \(d\)](#). The Control Authority shall develop and enforce specific limits as described under [40 CFR 403.5\(c\) and \(d\)](#) to implement the prohibitions listed in [40 CFR 403.5\(a\)\(1\)](#) and [40 CFR 403.5\(b\)\(1\)-\(8\)](#). The Control Authority shall continue to develop these limits as necessary and effectively enforce such limits.

(10) POTW Pretreatment Program Annual Report.

Each POTW pretreatment program shall provide the Approval Authority with a report that describes POTW program activities including activities of all participating agencies if more than one jurisdiction is involved in the local program. The report required by this paragraph shall be submitted no later than one year after approval of the POTW's pretreatment program and at least annually thereafter and shall include, at a minimum, the information required in [40 CFR 403.12\(i\)](#). The federal NPDES Electronic Reporting rule, 40 CFR Part 127 and associated amendments, includes requirements under [40 CFR 403.12\(i\)](#) for the electronic submission of annual reports on or after December 21, 2020.

(11) Approval Authority Oversight of POTW Pretreatment Programs.

The Approval Authority retains the authority to enforce all pretreatment standards (including categorical standards, prohibited discharge standards, and local limits as described in 40 CFR 403) in cases where the Approval Authority determines that insufficient enforcement action has been taken by the POTW pretreatment program against industrial users. The Approval Authority also has the legal authority to review self-monitoring reports submitted by the industrial users described in [40 CFR 403.10\(f\)\(1\)\(ii\)](#) and to carry out inspection surveillance, and monitoring procedures as described in [40 CFR 403.10\(f\)\(1\)\(iii\)](#). The Approval Authority also has the legal authority to obtain remedies for noncompliance as described in [40 CFR 403.8\(f\)\(1\)\(vi\)](#).

(12) Enforcement.

Any person who violates any provision of the Act, any rule promulgated and adopted pursuant thereto, or any term, condition, schedule or compliance or other requirements contained in a permit issued pursuant to the Act shall be subject to enforcement proceedings pursuant to the Act. Any reports submitted to the Control Authority or Approval Authority are also subject to the conditions of [40 CFR 403.12\(n\)](#) and applicable Georgia laws.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.09

Authority: O.C.G.A. § [12-5-20](#)*et seq.*

History. Original Rule entitled "Publicly Owned Treatment Works Pretreatment Programs" was filed on August 24, 1979; effective September 13, 1979.

Amended: Rule retitled "Requirements for Approval and Implementation of Publicly Owned Treatment Works Pretreatment Programs and Administration of the EPD Pretreatment Program." F. Apr. 8, 1993; eff. Apr. 28, 1993.

Amended: F. Aug. 30, 1995; eff. Sept. 19, 1995.

Repealed: ER. 391-3-6-0.32-.09, of the same title, adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Amended: Permanent Rule of same title adopted. F. Jul. 10, 1996; eff. July 30, 1996.

Amended: F. Feb. 2, 2011; eff. Feb. 22, 2011.

Amended: F. Oct. 13, 2017; eff. Nov. 2, 2017

Amended: F. May 13, 2020; eff. June 2, 2020.

Rule 391-3-6-.10. Determinations of Categorization of Industrial Users and Requests for Fundamentally Different Factor.

- (1) **Purpose.** The purpose of Rule 391-3-6-.10 is to provide for uniform procedures and practices to be followed for the determination of categorization of industrial users and requests for variances for fundamentally different factors. Such determinations will be applicable to the approved local POTW pretreatment programs and the pretreatment programs supervised and operated by the EPD.
- (2) **Definitions.** All terms used in this paragraph shall be interpreted in accordance with the definitions as set forth in the Act unless otherwise defined in the Paragraph or in any other Paragraph of these Rules.
- (3) Determinations on Categorization of Industrial Users.
 - (a) Within thirty (30) days after the effective date of a pretreatment standard for a sub-category under which an industrial user believes itself to be included, the industrial user or POTW may request that the Director provide written certification to the effect that the industrial user does or does not fall within the particular category. If an existing industrial user adds or changes a process or operation which may be included in a sub-category, the existing industrial user must request this certification prior to commencing discharge from the added or changed process or operation. A new source must request this certification prior to commencing discharge. Where a request for certification is submitted by a POTW, that POTW shall notify any affected industrial user of such submission. The industrial user may provide written comments on the POTW submission to the EPD within thirty (30) days of notification. Each request shall contain a statement:
 1. Describing which sub-categories might be applicable;
 2. Citing evidence and reasons why a particular sub-category is applicable and why others are not applicable. Each statement shall contain a certification

stating that the facts contained therein are true on the basis of the applicant's personal knowledge or to the best of his information and belief. The certification shall be attested to by a notary public and be specifically as written in [40 CFR 403.6\(a\)\(2\)\(ii\)](#).

- (b) The Director will act only on written requests for determinations that contain all of the information required. Persons who have made incomplete submissions will be notified by the Director that their requests are deficient and unless the time period is extended they will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within an extended period allowed by the Director the request for a determination shall be denied.
 - (c) When the Director determines that all of the information required by this Subparagraph, any additional evidence that may have been requested and any other available information relevant to the request has been submitted, he will make a written determination of the applicable sub-category and state the reasons for his determination. The Director shall forward the written determination described in this Subparagraph to the Regional Administrator of EPA in accordance with [40 CFR 124.62\(e\)\(1\)](#) who may make a final determination. If the Regional Administrator does not modify the Director's decision within sixty (60) days after receipt thereof, the Director's decision is final.
 - (d) The Director shall send a copy of his determination to the affected industrial user and POTW. When the final determination is made by the Regional Administrator of EPA, he shall send a copy of his determination to the Director and the Director will forward it to the affected industrial user and POTW.
 - (e) If an industrial users fails to seek the certification referred to in Subparagraph 391-3-6-.10(3) within the prescribed thirty (30) day period or to contest a negative determination through administrative channels provided, they will be bound by a subsequent determination made by the Director as to the sub-category under which an industrial user should be included.
- (4) Fundamentally Different Factors Variances.
- (a) Requests for a variance from categorical pretreatment standards for fundamentally different factors and supporting evidence must be submitted in writing to the Director within ninety (90) days after promulgation by the EPA of the categorical pretreatment standards.
 - 1. Written submissions for variance requests submitted to the Director must include:
 - (i) the name and address of the person making the request;

- (ii) identification of the interest of the requestor which is affected by the categorical pretreatment standard for which the variance is requested;
 - (iii) identification of the POTW currently receiving the waste from the industrial user for which alternative discharge limits are requested;
 - (iv) identification of the categorical pretreatment standards which are applicable to the industrial user;
 - (v) a list of each pollutant or pollutant parameter for which an alternative discharge limit is sought;
 - (vi) the alternative discharge limits proposed by the requestor for each pollutant or pollutant parameter identified in Subparagraph 391-3-6-.10(4)(a)1.(v);
 - (vii) a description of the industrial user's existing water pollution control facilities;
 - (viii) a schematic flow representation of the industrial user's water system including water supply processed wastewater systems, and point of discharge; and
 - (ix) a statement of facts clearly establishing why the variance requests should be approved, including detailed support data, documentation, and evidence necessary to fully evaluate the merits of the request, including technical and economic data collected by the EPA and used in developing each pollutant discharge limit in the pretreatment standard.
- (b) The Director will only act on written requests for variances that contain all of the information required. Persons who have made incomplete submissions will be notified by the Director that their requests are deficient and unless the time period is extended, will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within the thirty (30) days or within an extended period allowed by the Director, the request for variance shall be denied.
- (c) When the Director receives a submittal from a person making a request, he will, after determining that it contains all of the information required by Subparagraph 391-3-6-.10(4)(a), consider the submission, any additional evidence that may have been requested, and any other available information relevant to the request. The Director will then make a written finding indicating whether or not there are factors which are fundamentally different for that industrial user, from those

factors considered in the development of the appropriate categorical pretreatment standards. This preliminary finding will include the reasons as to whether or not the variance should be granted.

- (d) When the Director finds that fundamentally different factors do not exist, he may deny the request and notify the requestor and the industrial user, where they are not the same, of the denial.
 - (e) When the Director finds that fundamentally different factors do exist, he shall forward the request and a written recommendation that the request be approved to the Regional Administrator of EPA. If upon review of the recommended approval submitted by the Director, the Regional Administrator of EPA finds that fundamentally different factors do exist and that a partial or full variance is justified, he will approve the variance.
 - (f) A request for a variance based upon fundamentally different factors shall be approved only if the applicable criteria are met as described in [40 CFR 403.13\(c\)](#). A review of each request shall be made based upon factors considered fundamentally different as described in [40 CFR 403.13\(d\)](#) and factors which will not be considered fundamentally different as described in [40 CFR 403.13\(e\)](#).
- (5) **Enforcement.** Any person who violates any provision of the Act, any rule promulgated and adopted pursuant thereto, or any term, condition, schedule or compliance or other requirements contained in a permit issued pursuant to the Act shall be subject to enforcement proceedings pursuant to the Act.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.10

Authority: Ga. L. 1964, p. 416, et. seq., as amended (Ga. Code Ann. Sec. 17-501*et seq.*); Ga. L. 1972, p. 1015, as amended (Ga. Code Ann. Sec. 40-3501*et seq.*), O.C.G.A. Sec. [12-5-20](#)*et seq.*

History. Original Rule entitled "Determinations and Categorization of Industrial Users and Requests for Fundamentally Different Factors Variances" was filed on August 24, 1979; effective September 13, 1979.

Amended: F. Apr. 8, 1993; eff. Apr. 28, 1993.

Repealed: ER. 391-3-6-0.32-.10, of the same title, adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Amended: Permanent Rule of same title adopted. F. Jul. 10, 1996; eff. July 30, 1996.

Rule 391-3-6-.11. Land Disposal and Permit Requirements.

- (1) **Purpose.** The purpose of Rule 391-3-6-.11 is to provide for the degree of pollutant treatment required and the uniform procedures and practices to be followed relating to the application for and the issuance or revocation or permits for the discharge of pollutants into land disposal or land treatment systems and then into the waters of the State.

- (2) **Definitions.** All terms used in this Rule shall be interpreted in accordance with the definitions as set forth in the Act unless otherwise defined in this Paragraph or in any other Rules of this Chapter:
- (a) "Act" means the Georgia Water Quality Control Act, as amended;
 - (b) "Land disposal system" means any method of disposing of pollutants in which the pollutants are applied to the surface or beneath the surface of a parcel of land and which results in the pollutants percolating, infiltrating, or being absorbed into the soil and then into the waters of the State. Land disposal systems exclude landfills and sanitary landfills but include ponds, basins, or lagoons used for disposal of wastes or wastewaters, where evaporation and/or percolation of the wastes or wastewaters are used or intended to be used to prevent point discharge of pollutants into waters of the State. Septic tank systems, as defined in Rule 270-5-25-.01 and as approved by appropriate County Boards of Public Health, are not considered land disposal systems for purposes of Rule 391-3-6-.11.
 - (c) "Land treatment system" means any land disposal system in which vegetation on the site is used to remove some of the pollutants applied;
 - (d) "Treatment requirement" means any restriction or prohibition established under the Act on quantities, rates, or concentrations, or a combination thereof, of chemical, physical, biological, or other constituents which are discharged into a land disposal or land treatment system and then into the waters of the State, including but not limited to schedules of compliance;
 - (e) "Land disposal system permit application" means an application filed by any persons with the Director for a land disposal system permit;
 - (f) "Land disposal system permit" means any permit issued by the Division to regulate the discharge of any pollutant into a land disposal or land treatment system;
 - (g) "Hydraulic loading rate" is the rate at which wastes or wastewaters are discharged to a land disposal or land treatment system, expressed in volume per unit area per unit time or depth of water per unit area per unit.
- (3) **Land Disposal System Permit Requirement.** Any person discharging or proposing to discharge domestic, municipal, commercial, or industrial wastes or wastewaters into a land disposal or land treatment system and then into the waters of the State, under the Act, shall obtain a permit from the Division to make such a discharge. Owners of land disposal or land treatment systems which employ overland flow, subsurface drain fields, or other techniques which result in one or more point discharges into surface waters of the State, must obtain an NPDES permit and will not be issued a land disposal system permit. The provisions of Section [391-3-6-.08](#) regarding pretreatment apply to publicly owned treatment works which employ land disposal or land treatment systems.
- (4) **Degree of Pollutant Treatment Required.**

- (a) All pollutants discharged into land disposal or land treatment system shall receive such treatment or corrective action so as to ensure compliance with the terms and conditions of the issued land disposal system permit. The Division has the authority to establish the degree of treatment required before the pollutant is discharged to a land disposal or a land treatment system and then into waters of the State.
 - (b) Any pollutants which are being discharged or are intended to be discharged to a land disposal or land treatment system in amounts or concentrations which could be toxic or otherwise harmful to humans or biota if those pollutants mingle with waters of the State, or in amounts or concentrations which could reduce or impair the usefulness or operation of the land disposal or land treatment system, must receive such treatment as the Division may specify prior to being discharged to the land disposal or land treatment system.
 - (c) The hydraulic loading rate for any land disposal or land treatment system shall be determined based upon a technical analysis of soils and vegetation in the system area, climatic data characteristics of the wastes to be disposed or treated, and previous experience with similar systems. Hydraulic loading rates may not exceed those established in guidelines issued by the Division unless such technical analysis proves to the satisfaction of the Division that higher rates can be used.
 - (d) No land disposal system permit shall be issued authorizing the discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste into a land disposal or land treatment system.
 - (e) The groundwater leaving the land disposal systems boundaries must not exceed maximum contaminant levels for drinking water in accordance with Chapter 391-3-5 and subsequent amendments.
- (5) Application for a Land Disposal System Permit.
- (a) Applications for a land disposal system permit under the Act shall be on forms as may be prescribed and furnished from time to time by the Division. Applications shall be accomplished by all pertinent information as the Division may require in order to establish pollutant treatment requirements in accordance with paragraph 391-3-6-.11(4), including but not limited to complete engineering reports, schedule of progress, plans, specifications, maps, measurements, quantitative and qualitative determinations, records, and all related materials.
 - (b) Engineering reports, plans, and specifications submitted to the Division in support of a land disposal system permit application shall be prepared by a professional engineer, competent in the field of sewage and industrial waste treatment. Other materials in support of engineering reports, plans, specifications, and permit applications may be prepared by other persons competent in the field of land disposal or land treatment system technology.

- (c) Materials submitted shall be complete and accurate.
- (d) Any land disposal system permit application form or any other form submitted to the Division shall be signed as follows in accordance with the Federal Regulations [40 CFR 122.22](#):
 - 1. For a corporation, by a responsible corporate officer. For this subparagraph a responsible corporate officer means:
 - (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - 2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively;

or
 - 3. For a municipality, State, Federal, or other public facility, by either a principal executive officer or ranking elected official.
- (e) All other reports or requests for information required by the permit issuing authority shall be signed by a person designated in (d) above or a duly authorized representative of such person; if:
 - 1. The representative so authorized is responsible for the overall operation of the facility from which the discharged originates, e.g., a plant manager, superintendent or person of equivalent responsibility;
 - 2. The authorization is made in writing by the person designated under (d) above: and
 - 3. The written authorization is submitted to the Director.
- (f) Any changes in the written authorization submitted to the permitting authority under (e) above which occur after the issuance of a permit shall be reported to the permitting authority by submitting a copy of a new written authorization which meets the requirements of (e)1. and 2. above.

- (g) Any person signing any document under (d) or (e) above shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Comment: The permit application will be revised to incorporate this statement. Where a permit program document does not contain the statement, the certification must accompany the appropriate document.

- (6) Notice and Public Participation. The notice and public participation procedures of Rule 391-3-6-.26 shall apply. The public notice for permits with an approved Sludge Management Plan will also include publication in one or more newspapers of general circulation in the area affected by the discharge.
- (7) Schedule of Compliance.
 - (a) Any person who obtains a land disposal system permit pursuant to the Act but who is not in compliance with applicable pollutant treatment requirements and limitations or other requirements contained in such permit at the time same is issued, shall be required to achieve compliance with such pollutant treatment requirements and limitations or other requirements in accordance with the schedule of compliance as set forth in such permit, or in the absence of a schedule of compliance, by the date set forth in such permit which the Director has determined to be the shortest reasonable period of time necessary to achieve compliance;
 - (b) Within 14 days after an interim date of compliance or the final date of compliance specified in a land disposal system permits, the permittee shall provide the Director with written notice of his compliance or non-compliance with requirements and conditions specified to be completed by such date. Failure to submit the written notice is just cause for the Division to pursue enforcement action pursuant to the Act;
 - (c) A permittee who fails or refuses to comply with an interim or final date of compliance specified in a land disposal system permit may be deemed by the Director to be in violation of the permit and may be subject to enforcement action pursuant to the act.
- (8) Monitoring, Recording and Reporting Requirements.

- (a) Any pollutant discharge into a land disposal or land treatment system and then into the waters of the State authorized by a land disposal system permit issued pursuant to the Act may be subject to such monitoring, recording and reporting requirements as may be reasonably required by the Director including the installation, use and maintenance of monitoring equipment or methods, including monitoring wells; specific requirements for recording of monitoring activities and results; and periodic reporting of monitoring results. The monitoring, recording and reporting requirements shall be specified in a permit when issued, provided, however, the Director may modify or require additional monitoring, recording and reporting by written notification to the permittee.
 - (b) The permittee shall be required to retain any records of monitoring activities and results for a minimum of three (3) years, unless otherwise required or extended by the Director upon written notification.
 - (c) Any holder of a permit which requires monitoring of the authorized pollutant discharge into a land disposal or land treatment system and then into the waters of the State shall report periodically to the Division results of all required monitoring activities on appropriate forms supplied by the Division. The Division shall notify the permittee of the frequency of reporting but in no case shall the reporting frequency be less than once per year.
- (9) Modification, Suspension and Termination of Land Disposal System Permits.
- (a) The Director may revise or modify the schedule of compliance set forth in an issued land disposal system permit if the permittee requests such modification or revision in writing. The Director may grant requests in accordance with this subparagraph if he determines after a documented showing by the permittee that good and valid cause (including acts of God, strikes, floods, material shortages or other events over which the permittee has little or no control) exists for such revision.
 - (b) The Director may modify, suspend or terminate an issued land disposal system permit in whole or in part during its term for cause, including, but not limited to, failure or refusal of the permittee to carry out the requirements of the Act or regulations promulgated pursuant thereto, and if within 30 days following receipt of such notice of such proposed modification, suspension or termination from the Director there is no objection by the permittee in writing. Prior to any such modification, suspension or termination of an issued land disposal system permit by the Director (other than modification or revision of compliance schedule pursuant to subparagraph (a) above or modification of the monitoring, recording or reporting requirements), the Director will provide public notice in accordance with procedures set forth in subparagraph 391-3-6-.11(6)(b) and an opportunity for public hearing in accordance with the procedures set forth in subparagraph 391-3-6-.11(6)(c)

(10) Non-governmentally Owned Sewerage Systems. In cases involving nongovernmentally owned sewerage systems, a trust indenture or other legal contract or agreement, approved by the Division, assuring continuity of operation of the system, may be required to be filed with the application for a permit. This provision shall not be applicable to systems treating or disposing only industrial waste.

(11) Duration and Transferability of Land Disposal System Permits.

(a) Any land disposal system permit issued under the Act shall have a fixed term not to exceed five years. Upon expiration of such permit a new permit may be issued by the Director, provided that an application for renewal is filed with the Director at least 180 days prior to the expiration date of the existing permit. The issuance of such new permit shall likewise have a fixed term not to exceed five years.

(b) A permit may be transferred to another person by a permittee if:

1. The permittee notifies the Director of the proposed transfer;
2. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittees (including acknowledgement that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) is submitted to the Director; and
3. The Director within thirty (30) days does not notify the current permittee and the new permittee of the Division's intent to modify, revoke and reissue, or terminate the permit and to require that new application be filed rather than agreeing to the transfer of the permit. A new application will be required when the change of ownership is accompanied by a change or proposed change in process or wastewater characteristics or a change or a potential change in any circumstances that the Director believes will affect the conditions or restrictions in the permit.

(12) **Enforcement.** Any person who violates any provision of the Act, any rule promulgated and adopted pursuant thereto, or any term, condition, schedule of compliance or other requirement contained in a permit issued pursuant to the Act shall be subject to enforcement proceedings pursuant to the Act.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.11

Authority: Ga. L. 1964, p. 416, *et seq.*, as amended (Ga. Code Ann. Sec. 17-501*et seq.*); Ga. Laws 1972, p. 1015, as amended (Ga. Code Ann. Sec. 40-3501*et seq.*).

History. Original Rule entitled "Land Disposal and Permit Requirements" was filed on June 24, 1980; effective July 14, 1980.

Amended: F. Aug. 30, 1995; eff. Sept. 19, 1995.

Repealed: ER. 391-3-6-0.32-.11, of the same title, adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Amended: Permanent Rule of same title adopted. F. Jul. 10, 1996; eff. July 30, 1996.

Amended: F. May 13, 2020; eff. June 2, 2020.

Rule 391-3-6-.12. Wastewater Treatment Plant Classification.

The following wastewater treatment plant classifications are established as minimum levels. Any plants which do not fit one of these classifications will be classified on a case-by-case basis by the Division. The Division may classify any plant at a higher level based on the complexity or location of the plant or critical uses of the receiving waters.

PLANT TYPE	PERMITTED FLOW (MGD)	CLASSIFICATION (RESPONSIBLE CHARGE OPERATOR)
Biological [suspended growth (i.e., activated sludge), fixed film (i.e., trickling filter) or land application]. See note 1	> 3.0	Class I
Biological [suspended growth (i.e., activated sludge), fixed film (i.e., trickling filter) or land application]. See note 1	> 1.0 to 3.0	Class II
Biological [suspended growth (i.e., activated sludge), fixed film (i.e., trickling filter) or land application]. See note 1	1.0	Class III
Biological, waste stabilization ponds and constructed Wetlands. See Note 1	Any	Class IV
Industrial	Any	Class Industrial or Biological Class I, II, or III

Note 1. This does not apply to industrial or industrial pretreatment facilities. It applies to municipal and private wastewater treatment plants treating domestic or primarily domestic wastewaters. However, if the industrial treatment system is a biological system, it is recommended that the operator obtain a biological certification. Those industries who have a physical/chemical treatment system should have their operators obtain a Class Industrial certification.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.12

Authority: Ga. L. 1964, p. 416, *et seq.*, as amended (Ga. Code Ann. Sec. 17-501*et seq.*); Ga. Laws 1972, p. 1015, *et seq.*, as amended (Ga. Code Ann. Sec. 40-3501*et seq.*), Ga. Laws 1980, Act #721 Approved March 5, 1980.

History. Original Rule entitled "Public Wastewater Treatment Plant Classification" was filed on June 24, 1980; effective July 14, 1980.

Amended: F. Apr. 8, 1993; eff. Apr. 28, 1993.

Amended: Rule retitled "Wastewater Treatment Plant Classification". F. Aug. 9, 1993; eff. Aug. 29, 1993.

Repealed: ER. 391-3-6-0.32-.12, of the same title, adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Amended: Permanent Rule of same title adopted. F. Jul. 10, 1996; eff. July 30, 1996.

Amended: F. May 2, 1997; eff. May 22, 1997.

Rule 391-3-6-.13. Underground Injection Control.

- (1) **Purpose.** The purpose of this rule, 391-3-6-.13 is to establish classes of injection wells, prohibitions, criteria and standards applicable to injection wells.
- (2) **Definitions.** All terms used in this rule shall be interpreted in accordance with the definitions as set forth in the Act, unless otherwise defined in this Paragraph or in any other Rule of this Chapter. All federal regulations adopted by reference are those in effect as of January 1, 2000.
 - (a) "Abandoned well" means a well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.
 - (b) "Aquifer" means a geological formation, group of formations, or part of a formation that is capable of yielding water to a well or spring.
 - (c) "Area of review" means the area surrounding an injection well or field where migration of the injection and/or formation fluid into an underground source of drinking water may occur.
 - (d) "Casting" means a pipe or tubing of appropriate material of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground or to prevent water, gas or other fluid from entering or leaving the hole.
 - (e) "Catastrophic collapse" means the sudden and utter failure of overlying strata caused by the removal of underlying materials.
 - (f) "Cementing" means the operation whereby a cement slurry is pumped into a drilled hole and/or forced behind the casing.
 - (g) "Cesspool" means a "drywell" that receives untreated sanitary waste containing human excreta, and which sometimes has an open bottom and/or perforated sides.
 - (h) "Class V septic system" means a "septic system" that handles sanitary and/or other wastes and has the capacity to serve 20 or more persons a day.
 - (i) "Confining bed" means a body of impermeable or distinctly less permeable material stratigraphically adjacent to one or more aquifers.

- (j) "Confining zone" means a geological formation, group of formations, or part of a formation that is capable of limiting fluid movement above or below an injection zone.
- (k) "Contaminant" means any physical, chemical, biological or radiological substance or matter in water.
- (l) "Conventional mine" means an open pit or underground excavation for the production of minerals.
- (m) "Disposal well" means a well used for the disposal of waste into a subsurface stratum.
- (n) "Drainage well" means a well used to drain surface water into a shallow aquifer. An induced recharge well which drains ground water from a shallow aquifer into a deeper aquifer is not a drainage well.
- (o) "Drywell" means a well, other than an improved sinkhole or subsurface fluid distribution system, completed above the water table so that its bottom and sides are typically dry except when receiving fluids.
- (p) "Exempted aquifer" means an aquifer or its portion that meets the criteria in the definition of underground source of drinking water but which has been exempted according to the procedures in Paragraph 391-3-6-.13(4).
- (q) "Facility, operations or activity" means any injection well or system.
- (r) "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.
- (s) "Formation" means a body of consolidated or unconsolidated rock characterized by a degree of lithologic homogeneity which is prevailingly, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.
- (t) "Formation fluid" means fluid present in a formation under natural conditions as opposed to introduced fluids, such as drilling mud.
- (u) "Generator" means any person, by site location, whose act or process produces hazardous waste identified or listed in Federal Regulations, 40 C.F.R. Part 261.
- (v) "Groundwater" means water below the land surface in the zone of saturation.
- (w) "Grout" means a mixture of not more than six gallons of clear water to one 95-pound bag of Portland cement or a mixture of clear water and bentonite adequate to create an impervious seal. The mixture may contain additives in proper

amounts as necessary to reduce shrinkage and increase compatibility of the grout to injection and formation fluids.

- (x) "Hazardous waste" means a hazardous waste as defined by the Georgia Hazardous Waste Management Act, Georgia Laws 1979, p. 1127, et seq., and the rules adopted pursuant to the Act.
- (y) "Hazardous waste management facility" means all contiguous land and structures, other appurtenances and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units.
- (z) "Improved sinkhole" means a naturally occurring karst depression or other natural crevice found in other geologic settings which has been modified by man for the purpose of directing and emplacing fluids into the subsurface.
- (aa) "Injection" means the subsurface emplacement of fluids.
- (bb) "Injection well" means a well into which fluids are being or intended to be, injected.
- (cc) "Injection zone" means a geological formation, group of formations, or part of a formation receiving fluids, through a well.
- (dd) "Packer" means a device lowered into a well to produce a fluid-tight seal.
- (ee) "Person" means any individual, corporation, association, partnership, county, municipality, State agency, Federal agency or facility or other entity.
- (ff) "Plugging" means the act or process of stopping the flow of all fluids, including water, oil or gas into or out of a formation through a borehole or well penetrating that formation.
- (gg) "Point of injection" means the last accessible sampling point prior to waste fluids being released into the subsurface environment through an injection well. For example, the point of injection of a Class V septic system might be the distribution box - the last accessible sampling point before the waste fluids drain into the underlying soils. For a drywell, it is likely to be the well bore itself.
- (hh) "Radioactive waste" means any waste which contains radioactive material.
- (ii) "Sanitary waste" means liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may

include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities provided the waste is not mixed with industrial waste.

- (jj) "Septic system" means a "well" that is used to emplace sanitary waste below the surface and is typically comprised of a septic tank and subsurface fluid distribution system or disposal system.
- (kk) "Site" means the land or water area where any facility, operation or activity is physically located or conducted, including adjacent land used in connection with the facility, operation or activity.
- (ll) "Stratum (plural strata)" means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.
- (mm) "Subsidence" means the lowering of the natural land surface in response to: earth movements; lowering of fluid pressure; removal of underlying supporting material by mining or solution of solids, either artificially or from natural causes; compaction due to wetting (hydrocompaction); oxidation of organic matter in soils; or added load on the land surface.
- (nn) "Subsurface fluid distribution system" means an assemblage of perforated pipes, drain tiles, or similar mechanisms intended to distribute fluids below the surface of the ground.
- (oo) "Underground source of drinking water" means all aquifers or portions of aquifers which are not exempted aquifers.
- (pp) "Waters or Waters of the State" includes any and all rivers, streams, creeks, branches, reservoirs, ponds, drainage systems, springs, wells, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
- (qq) "Well" means an open bored, drilled or driven shaft, whose depth is greater than the largest surface dimension; or an open dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or a subsurface fluid distribution system. Ditches and drains, open or filled, are not wells.
- (rr) "Well head protection area" means that land area delineated in accordance with Rule [391-3-5-.40](#).
- (ss) "Well injection" means the subsurface emplacement of fluids through a well.

- (tt) All other technical terms shall be defined in accordance to the definitions provided in Driscoll, F.G., 1996, Groundwater and wells, Johnson Division, St. Paul MN 55112.

(3) Classification of Injection Wells.

- (a) Class I Wells. This class consists of industrial and municipal disposal wells that inject fluids other than hazardous waste or radioactive waste below the lowermost formation containing, within two (2) miles of the well bore (or greater distance if determined by the Director), an underground source of drinking water.

- (b) Class II Wells.

- 1. This class consists of wells which inject fluids:

- (i) which are brought to the surface in connection with conventional oil or natural gas production and which may be commingled with wastewaters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;
 - (ii) for enhanced recovery of oil or natural gas; and
 - (iii) for storage of hydrocarbons which are liquid at standard temperature and pressure.

- (c) Class III Wells.

- 1. This class consists of wells which inject fluids for the extraction of minerals including:

- (i) mining of sulfur by the Frasch method;
 - (ii) in situ production of uranium or other metals; this category includes only in situ production from ore bodies which have not been conventionally mined. Solution mining of conventional mines such as stops leaching is included in Class V; and
 - (iii) solution mining of minerals, such as salt or potash.

- (d) Class IV Wells.

- 1. This class consists of injection wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste into the subsurface or ground water.

2. Any septic tank, well or cesspool used by generators of hazardous or radioactive waste, or by owners or operators of hazardous or radioactive waste management facilities, to dispose of fluids containing hazardous or radioactive wastes into the subsurface or ground water.
 3. The subsurface emplacement of hazardous waste or radioactive waste by well injection into the subsurface or waters of the State is hereby prohibited. No permit authorizing or establishing an effluent limitation inconsistent with the foregoing shall be issued.
- (e) Class V wells consists of all injection wells not included in Classes I, II, III, or IV. Typically, Class V wells are shallow wells used to place a variety of fluids directly below the land surface. However, if the fluids placed in the ground qualify as a hazardous waste under the Resource Conservation and Recovery Act (RCRA), the well is a Class IV well, not a Class V well. Class V wells include, but are not limited to:
1. Air conditioning return flow wells or any other open-loop system used to return to the supply aquifer or any aquifer the water used for heating or cooling in a heat pump;
 2. Large-capacity cesspools including multiple dwelling, community or regional cesspools, or other devices that receive sanitary wastes, containing human excreta, which have an open bottom and sometimes have perforated sides. These requirements do not apply to single family residential cesspools nor to nonresidential cesspools which receive solely sanitary waste and have the capacity to serve fewer than 20 persons a day;
 3. Cooling water return flow wells used to inject water previously used for cooling;
 4. Drainage wells used to drain surface fluid, primarily storm runoff, into a subsurface formation;
 5. Drywells used for the injection of wastes into a subsurface formation;
 6. Recharge wells used to replenish or store water in an aquifer;
 7. Remediation wells used to inject water, air, oxygen, nutrients, or partly clean water to remediate sites contaminated with hydrocarbons or chemicals;
 8. Salt water intrusion barrier wells used to inject water into a fresh water aquifer to prevent the intrusion of salt water into the fresh water;

9. Sand backfill and other backfill wells used to inject a mixture of water and sand, mill tailings or other solids into mined out-ports of subsurface mines whether what is injected is a radioactive waste or not;
10. Septic system wells used to inject the waste or effluent from a multiple dwelling business establishment, community or regional business establishment septic system. These rules do not apply to single family residential septic system wells, nor to non-residential septic system wells that are used solely for the disposal of sanitary waste and have the capacity to serve fewer than 20 persons a day.

(4) Identification of Underground Sources of Drinking Water and Exempted Aquifers.

- (a) The Director may identify by narrative description, illustrations, maps, or other means, and shall protect, except where exempted under subparagraph (b) of this paragraph, as an underground source of drinking water, all aquifers or parts of aquifers which meet the definition of an "underground source of drinking water" for the purposes of these rules. Unless specifically exempted by the Director under subparagraph (b) of this paragraph, all aquifers shall be considered, for the purposes of these rules, as underground sources of drinking water.
- (b) The Director may identify by narrative description, illustrations, maps, or other means, all aquifers or parts of aquifers which the Director proposes to designate as an exempted aquifer, for the purposes of these rules, if it meets the following criteria:
 1. It does not currently serve as a source of drinking water;
 2. The total dissolved solids (TDS) is greater than 3,000 milligrams per liter;
 3. Injection into the aquifer will not cause salt water to move into and contaminate underground sources of drinking water; and
 4. It cannot now and will not in the future serve as a source of drinking water because;
 - (i) it is mineral, hydrocarbon or geothermal energy producing or can be demonstrated by a permit applicant for a Class II or III operation to contain minerals or hydrocarbons, that considering their quantity and location, are expected to be commercially producible based on available information; or
 - (ii) it is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical; or

- (iii) it is so contaminated that it would be economically or technologically impractical to render the water fit for human consumption; or
 - (iv) it is located over a Class III mining area subject to subsidence or catastrophic collapse.
 - (c) For Class III wells, the Director shall require an applicant for a permit which necessitates an aquifer exemption to furnish the data necessary to demonstrate that the aquifer is expected to be mineral or hydrocarbon producing. Information contained in the mining plan for the proposed project, such as a map and general description of the mining zone, general information on the mineralogy and geochemistry of the mining zone, analysis of the amenability of the mining zone to the proposed mining method and a timetable of planned development of the mining zone shall be considered by the Director in addition to the information required by Rule 391-3-6-.13(6). Approval of the aquifer exemption shall be treated as a program revision under this paragraph.
 - (d) For Class II wells, a demonstration of commercial productibility shall be made as follows:
 - 1. For a class II well to be used for enhanced oil recovery processes in a field or project containing aquifers from which hydrocarbons were previously produced, commercial productibility shall be presumed by the Director upon a demonstration by the applicant of historical production having occurred in the project area or field.
 - 2. For Class II wells, not located in a field or project containing aquifers from which hydrocarbons were previously produced, information such as logs, core data, formation description, formation depth, formation thickness and formation parameters such as permeability and porosity shall be considered by the Director, to the extent such information is available.
 - (e) No designation of an exempted aquifer, for the purposes of these rules, shall be final until the Director has provided public notice and opportunity for a public hearing on the proposed designation and the designation has been approved by the Administrator.
- (5) Prohibition of Movement of Fluid into Underground Sources of Drinking Water.
- (a) No owner or operator shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water

regulation under Georgia's Rules for Safe Drinking Water, Chapter 391-3-5, or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirements of this paragraph are met.

- (b) Except for remediation wells, injection of fluids shall be prohibited in the inner management zone of any wellhead protection area defined by Rule [391-3-5-.40](#).

(6) Permit Application for Class I, II and III Wells.

- (a) No person shall, in accordance with the Act, construct or operate a Class I, II, or III injection well without first having applied for, and obtained, an injection well permit from the Director. The requirements for Class II wells do not include permits for exploration, drilling and well construction for oil and/or gas production.
- (b) The subsurface emplacement of hazardous waste or radioactive waste by well injection into the subsurface or waters of the State is hereby prohibited. No permit authorizing or establishing an effluent limitation inconsistent with the foregoing shall be issued.
- (c) Applications for injection well permits for Class I, II or III injection wells shall be in accordance with Federal Regulations, [40 C.F.R. 144.11](#), [144.21](#), and [144.31](#). Applications shall be on forms as may be prescribed and furnished from time to time by the Division and shall be accompanied by all pertinent information as the Division may request including, but not limited to, the information the Director must consider for authorizing Class I, II or III wells as set forth in the Federal Regulations, [40 C.F.R. 146.14](#), [146.24](#) and [146.34](#).
- (d) All permit applications and reports for Class I, II, or III injection wells shall be signed in accordance with the Federal Regulations, [40 C.F.R. 144.32](#), [146.12](#) and [146.22](#).
- (e) When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.

(7) Notice and Public Participation for Class I, II and III Wells.

- (a) When the Division is satisfied that the application is complete, a tentative determination will be made to issue or deny the permit. If the tentative determination is to issue the permit, a draft permit will be prepared in accordance with Federal Regulations, [40 C.F.R. 124.6](#) and applicable State laws prior to the issuance of a public notice. The notice and public participation procedures of Rule 391-3-6-.26 shall apply for Class I, II and III Wells.

(8) Terms and Conditions of Permits for Class I, II, or III Wells.

- (a) Terms and conditions under which an Injection Well will be permitted will be specified on the permit issued and shall be in accordance with Federal Regulations, [40 C.F.R. 144.4](#), [40 C.F.R. 144.51](#) and [40 C.F.R. 144.52](#), Paragraph 391-3-6-.13(9) of this Rule and as may be additionally required by the Director.
- (b) No Injection Well Permit shall be issued authorizing the movement of fluid containing any contaminant into underground sources of drinking water if the presence of that contaminant may cause a violation of any primary drinking water regulation set forth in Georgia Rules for Safe Drinking Water, Chapter 391-3-5, or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirement of this paragraph is met.
- (c) When the corrective action plan as required in Paragraph 391-3-6-.13(9) is adequate, the Director shall incorporate it into the permit as a condition. Where the Director's review of an application indicates that the permittee's plan is inadequate (based on the factors in Federal Regulations, 40 C.F.R. 146.07), the Director shall require the applicant to revise the plan, prescribe a plan for corrective action as a condition of the permit under paragraph (b) of this section, or deny the application.
 - 1. No owner or operator of a new injection well may begin injection until all required corrective action has been taken.
 - 2. The Director may require as a permit condition that injection pressure be so limited that pressure in the injection zone does not exceed hydrostatic pressure at the site of any improperly completed or abandoned well within the area of review. This pressure limitation shall satisfy the corrective action requirement. Alternatively, such injection pressure limitation can be part of a compliance schedule and last until all other required corrective action has been taken.
 - 3. When setting corrective action requirements for Class III wells the Director shall consider the overall effect of the project on the hydraulic gradient in potentially affected underground sources of drinking water, and the corresponding changes in potentiometric surface(s) and flow direction(s) rather than the discrete effect of each well. If a decision is made that corrective action is not necessary based on the determinations above, the monitoring program required in Federal Regulations, [40 C.F.R. 146.33\(b\)](#) shall be designed to verify the validity of such determination.
- (d) The permittee shall report any monitoring or other information which indicates any contaminant that may cause an endangerment of an underground source of drinking water, any noncompliance that may endanger health or the environment, or any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between fresh water zones or underground sources of drinking water. Any noncompliance with a permit condition or malfunction of the injection information shall be reported by

telephone to the Director within twenty-four (24) hours from the time the permittee becomes aware of the noncompliance and a written submission within five (5) days of the oral notification. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance including exact dates and times, the corrective action taken to reduce or eliminate the noncompliance, and the steps planned to prevent a recurrence of the noncompliance.

- (e) The permittee is required to maintain financial responsibility and resources to close, plug and abandon the underground injection operation in a manner prescribed by the Director. The permittee must show evidence of financial responsibility to the Director by the submission of surety bond, or other adequate assurance, such as financial statements or other materials acceptable to the Director.
- (f) The permittee shall operate the well so as not to exceed maximum injection volumes and pressures as necessary to assure that fractures are not initiated in the confining zone; that injected fluids do not migrate into fresh water zones or underground sources of drinking water; or that formation fluids are not displaced into underground sources of drinking water. The Director shall establish such volumes and pressure limits as permit conditions.
- (g) Injection may not commence until construction is complete and written approval to commence has been given by the Director. The permittee shall submit notice of completion of construction to the Director including:
 - 1. All available logging and testing program data on the well;
 - 2. A demonstration of the mechanical integrity of the well;
 - 3. The anticipated maximum pressure and flow rate at which the permittee will operate;
 - 4. The results of the formation testing program;
 - 5. The actual injection procedure;
 - 6. The compatibility of injected waste with the fluids in the injection zone; and
 - 7. The status of corrective action on defective wells in the area of review to prevent fluid movement into underground sources of drinking water.
- (h) The permittee shall notify the Director in writing of any proposal to abandon an injection well and that the plugging and abandonment plan approved as part of the permit will be followed.

- (i) A permit shall be issued for a period not to exceed five (5) years from the date of issuance. On expiration of the permit the permit shall become invalid and the injection prohibited unless application is made at least ninety (90) days prior to the expiration date for a reissuance of the permit. When a permittee has submitted a timely and sufficient application for a new Injection Well Permit and the Director is unable, through no fault of the permittee, to issue the new permit before the expiration date of the existing permit, then the Director shall extend the existing permit until a new permit is issued.
- (j) A permit may be transferred to any person provided the permittee notifies the Director in writing at least 30 days in advance of the proposed transfer date and the transfer is approved by the Director.
- (k) The permit does not convey any property rights of any sort or any exclusive privilege.
- (l) The permit may be modified, revoked and reissued, or terminated for cause, or minor modifications may be made in accordance with Federal Regulations, [40 C.F.R. 124.5](#), [144.39](#) and [144.41](#). The permittee shall furnish the Director any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing or terminating permit or to determine compliance with the permit.
- (m) The Director may terminate a permit during its term or deny a permit renewal for the following causes:
 - 1. Noncompliance by the permittee with any conditions of the permit;
 - 2. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;
 - 3. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;
 - 4. A failure by the permittee to demonstrate that continuation of the operation under the permit will not result in degradation of the water quality.
- (n) For Class I, II and III Wells, if any water quality monitoring of an underground source of drinking water indicates the movement of any contaminant into the underground source of drinking water, the Director shall prescribe such additional requirements for construction, corrective action, operation, monitoring or reporting (including closure of the injection well) as are necessary to prevent such movement.

- (o) Notwithstanding any other provisions of this rule the Director may issue a temporary permit for a specific injection in accordance with the Federal Regulations, [40 C.F.R. 144.34](#)

(9) Corrective Action.

- (a) Applicants for Class I, II, or III injection well permits shall identify the location of all known wells within the injection well's area of review which penetrate the injection zone, or in the case of Class II wells operating over the fracture pressure of the injection formation, all known wells within the area of review penetrating formations affected by the increase in pressure. For such wells which are improperly sealed, completed, or abandoned, the applicant shall also submit a plan consisting of such steps or modifications as are necessary to prevent movement of fluid into underground sources of drinking water (corrective action). Where the plan is adequate, the Director shall incorporate it into the permit as a condition. Where the Director's review of an application indicates that the permittee's plan is inadequate (based on the factors in subparagraph 391-3-6-.13(8)(c)), the Director shall require the applicant to revise the plan, prescribe a plan for corrective action as a condition of the permit under subparagraph (b) of this paragraph or deny the application.
- (b) In determining the adequacy of corrective action proposed by the applicant under this paragraph and in determining the additional steps needed to prevent fluid movement into underground sources of drinking water, the following criteria and factors shall be considered by the Director;
 - 1. Nature and volume of injected fluid;
 - 2. Nature of native fluids or by-products of injection;
 - 3. Potentially affected population;
 - 4. Geology;
 - 5. Hydrology;
 - 6. History of the injection operation;
 - 7. Completion and plugging records;
 - 8. Abandonment procedures in effect at the time the well was abandoned; and
 - 9. Hydraulic connections with underground sources of drinking water.

(10) Criteria and Standards Applicable to Class I, II, and III Injection Wells.

- (a) Each permittee shall comply with the criteria and standards for underground injection control for Class I, II and III injection wells as set forth in the Federal Regulations, [40 C.F.R. 146.12](#), [146.22](#) and [146.32](#) and as may be additionally prescribed by the Director.
- (b) All Class I wells shall be sited in such a fashion that they inject into a formation which is beneath the lowermost formation containing, within a two (2) mile radius of the well bore or greater if determined by the Director, an underground source of drinking water.
- (c) All Class II wells shall be sited in such a fashion that they inject into a formation which is separated from an underground source of drinking water by a confining zone that is free of known open faults or fractures within the area of review.
- (d) Operating, monitoring and reporting requirements shall be in accordance with Federal Regulations, [40 C.F.R. 146.13](#), [40 C.F.R. 146.23](#) and [40 C.F.R. 146.33](#) and as may be additionally prescribed by the Director.

(11) Permit Application for Class V Wells.

- (a) Except as identified in subparagraph 1. below, no person shall, after the effective date of this rule, construct or operate a Class V injection well for the injection of contaminants or fluids unless authorized by a permit issued by the Director.
 - 1. In accordance with O.C.G.A. [12-5-30\(f\)](#), the use of a Class V septic system that handles only sanitary wastes shall be permitted under a General Permit issued by the Director. The General Permit and a list of all Class V septic systems shall be maintained in the offices of the Division.
- (b) After the effective date of this rule, use of a new or existing Class V septic system that handles sanitary and/or other wastes shall be permitted by the Director provided that a written hydrogeologic determination has been made by a professional geologist or professional engineer registered in the State of Georgia in accordance with Chapter 19 or Chapter 15, respectively, of Title 43 that such a system does not endanger an underground source of drinking water nor is such a system within the inner management zone of any existing well head protection area. For those Class V septic systems that will be covered under the general land application system permit for large community systems, the Director will accept a hydrogeologic determination by a professional geologist or professional engineer or a written soil report prepared by a qualified soil scientist. The soil scientist will have qualifications meeting the requirements of O.C.G.A. [12-2-10\(b\)](#) and must be certified by the Georgia Department of Human Resources to conduct soil investigations for on-site sewage management systems.
- (c) The use of a Class V remediation well that is used as part of a Division-approved plan to remediate a site having contaminated soil and/or ground water shall be

permitted by the Director provided that such an approved plan has been prepared and signed and sealed by a professional geologist or professional engineer registered in the State of Georgia in accordance with Chapter 19 or Chapter 15, respectively, of Title 43.

- (d) Class V wells apply to all injection wells not included in Classes I, II, III or IV. Class V wells are defined in subparagraph 391-3-6-.13(3)(e).
- (e) Exclusive of the authorizations indicated in subparagraphs (a)1. above of this paragraph, any person desiring to construct a Class V well shall apply in writing to the Director for an injection well permit. Any persons owning or operating any unpermitted well meeting the definitions of a Class V well, exclusive of the authorizations described in subparagraph (a)1. above of this paragraph, prior to the effective date of this rule shall submit an application and information to the Director no later than July 1, 2001. The application shall include, but need not be limited to, the following information:
 - 1. Name, mailing address, telephone number, latitude and longitude and location of the facility;
 - 2. Name and address of the owner and operator, telephone number, if different than the facility;
 - 3. A map showing the location of each existing or proposed injection well at the facility;
 - 4. A diagram showing the details of the construction existing injection well(s) and the proposed construction of any proposed injection well(s).
 - 5. Proposed or existing injection rate and injection pressure or gravity flow;
 - 6. The chemical, physical and radioactive, characteristics of the fluid injected or to be injected; and
 - 7. Signature of the applicant.
- (f) Upon receipt of the application, the Director shall:
 - 1. Determine if the facility is a Class V well.
 - 2. Determine if additional information is required to evaluate the facility.
 - 3. Assess the potential adverse effect upon the underground source of drinking water.
 - 4. Determine any construction and operating requirements to protect the underground drinking water source.

- (g) After an evaluation of the application, the Director shall:
 - 1. Issue a permit in the form of a letter containing any special permit conditions as may be necessary such as well construction, operation, monitoring and reporting. The permit shall be for a period not to exceed ten (10) years.
 - 2. If the Director determines that the facility is not a Class V well, he shall require the applicant to submit a permit application in accordance with Paragraph 391-3-6-.13(6) of this Rule. The application processing and permit issuance shall be in accordance with Paragraphs 391-3-6-.13(7) and 391-3-6-.13(8).
 - 3. Deny the issuance of a permit.
 - (h) No person shall be issued a permit to operate a Class V well where the movement of fluid, in the judgment of the Director, may cause a violation of any primary drinking water rule under the Georgia Rules for Safe Drinking Water, Chapter 391-3-5, or which may adversely affect the health of persons.
 - 1. If at any time the Director learns that a permitted Class V well may cause a violation under this rule, the Director shall:
 - (i) order the injector to take such actions as may be necessary to prevent the violation, including where required closure of the injection well; or
 - (ii) take enforcement action.
 - 2. Notwithstanding any other provisions of this rule, the Director may take emergency action upon receipt of information that a contaminant which is present in, or is likely to enter a public water system, may present an imminent and substantial endangerment to the health of persons.
 - (i) Any persons operating an existing unpermitted Class V well and injecting fluids after the effective date of this rule shall be authorized to continue the operation under conditions of permits or other authorization in effect prior to the effective date of this rule, provided an application is submitted within twelve months after the effective date of this rule. An exception to this rule is that any person injecting fluids that may endanger an underground source of drinking water shall notify the Director within thirty (30) days of the effective date of this rule.
- (12) Standards and Criteria Applicable to Class V Wells.

- (a) Except as identified in subparagraph 391-3-6-.13(11)(a)1. above, no person shall construct a Class V well without first having applied for and obtained a permit from the Director.
- (b) Class V wells shall be sited so that the injection fluid does not contaminate an underground source of drinking water.
- (c) Except for remediation wells, the injected fluid, upon reaching any underground source of drinking water, shall not contain any chemical constituents that exceed any Maximum Contaminant Levels (MCL) identified in Rule [391-3-5-.18](#). For Class V septic systems, the fluid leaving the subsurface distribution system may exceed any maximum contaminant levels (MCLs) identified in Rule [391-3-5-.18](#) provided that the MCL is not exceeded upon the fluid reaching any underground source of drinking water.
- (d) With the exception of remediation wells, no Class V well shall be located within the inner management zone of any wellhead protection area after the effective date of this rule.
- (e) Class V well construction. Subsections 1., 2. and 3. below shall not apply to Class V septic systems as identified in subparagraphs 391-3-6-.13(11)(a)1. and (b) above:
 - 1. The person constructing the well shall be a licensed water well contractor in the State of Georgia in accordance with the provisions of Chapter 5 of title 12.
 - 2. Casing shall extend at least five (5) feet into the injection zone unless otherwise specified by the Director.
 - 3. The annular space around the entire length of the casing shall be grouted and sealed to prevent pollution by surface waters, other formation fluids or pollutants into the formation above the injection zone.
 - 4. Special construction requirements may be specified by the Director or the permit to prevent contamination of an underground source of drinking water.
 - 5. Septic systems shall be constructed in accordance with the Georgia Department of Human Resources requirements in 290-5-26.
- (f) An injection permit may be transferred to any person provided the permittee notifies the Director in writing at least 30 days in advance of the proposed transfer date and the transfer is approved by the Director.

- (g) A permit issued by the Director may include permit conditions for the monitoring, testing and reporting of the injection facility.
- (h) Plugging and Abandonment. Except for septic systems identified in subparagraphs 391-3-6-.13(11)(a)1. and 2. above, the following shall apply:
 - 1. The Director may order a Class V well plugged and abandoned by the owner when it no longer performs its intended purpose, or when it is determined to endanger underground sources of drinking water.
 - 2. It shall be the owner's responsibility to have any injection well plugged and abandoned by the water well contractor before removing the drilling equipment from the site if the well is not completed for its intended purpose.
 - 3. It shall be the owner's responsibility to have any exploratory and/or test well(s) constructed for the purpose of obtaining information on an injection well site, plugged and abandoned by the water well contractor.
 - 4. The entire depth of the well shall be completely filled with cement grout, which shall be introduced into the well by a pipe which extends to the bottom of the well and is raised as well is filled, unless otherwise approved by the Director.
- (13) Mechanical Integrity. Except for septic systems as identified in subparagraphs 391-3-6-.13(11)(a)1. and 2. above, the following shall apply:
 - (a) An injection well has mechanical integrity if:
 - 1. There is no detectable leak in the casing, tubing or packer; and
 - 2. There is no detectable fluid movement into an underground source of drinking water through vertical channels adjacent to the injection well bore.
 - (b) One of the following methods must be used to evaluate the absence of detectable leaks under subparagraph 391-3-6-.13(13)(a)1.:
 - 1. Monitoring of annulus pressure; or
 - 2. Pressure test with liquid or gas.
 - (c) The methods used to determine the absence of detectable fluid movement into an underground source of drinking water shall be the results of a temperature or sonic log.

- (d) In conducting and evaluating the tests for mechanical integrity, the owner or operator and the Director shall apply methods and standards generally accepted in the industry. When the owner or operator reports the results of mechanical integrity tests to the Director, the report shall include a description of the test(s) and method(s) used. The Director, in making an evaluation shall review monitoring and other test data submitted since the previous evaluation.
 - (e) The Director may waive mechanical integrity testing of remediation wells in shallow unconfined aquifers.
- (14) Plugging and Abandoning Class I, II and III Wells.
- (a) The permittee shall inform the Director in writing of the permittee's intent to abandon an injection well at least forty-five (45) working days prior to the abandonment.
 - (b) The permittee shall be responsible for the plugging of any injection well that is abandoned. Such plugging shall be in accordance with the criteria identified in Chapter 5 (120-138) of Title 12.
 - (c) Wells shall be plugged with cement in a manner which will not allow the movement of fluids either into or between underground sources of drinking water.
 - (d) The placement of the cement shall be accomplished under pressure from bottom to top.
 - (e) The well to be cemented shall be in a state of static equilibrium with the mud weight equalized top to bottom, either by circulating the mud in the well at least once or by a comparable method prescribed by the Director, such as the use of a packer, prior to the placement of the cement plugs.
 - (f) The Director may require ground water monitoring after well abandonment if contamination of an underground source of drinking water is suspected.
 - (g) The permittee shall certify to the Director within thirty (30) days of plugging that the injection well was plugged according to permitted procedures.
- (15) Emergency Action. If at any time the Director learns that an injection well may cause or has caused the movements of any fluids containing contaminants into an underground source of drinking water or otherwise adversely affect the water quality or adversely affect the public health, the Director shall:
- (a) Order the injector to cease the operation and take such actions as may be necessary to prevent the violation;

- (b) Order the injector to take such actions as may be necessary to correct the violation;
 - (c) Take enforcement action; or
 - (d) Take emergency action upon receipt of information that a contaminant is likely to enter a public water system and present an imminent and substantial endangerment to the health of the public.
- (16) Prohibited Wells. The following types of wells are specifically prohibited Statewide.
- (a) All Class IV wells that are used to emplace hazardous waste or radioactive waste into the subsurface.
 - (b) New drainage wells, except where such wells have been permitted and designed by a professional geologist or professional engineer registered in the State of Georgia in accordance with Chapter 19 or Chapter 15, respectively, of Title 43 and the injected fluid does not contain any chemical constituent that exceeds any Maximum Contaminant Level (MCL) identified in Rule [391-3-5-.18](#).
 - (c) New large-capacity cesspools are prohibited. A large-capacity cesspool receives sanitary waste from multiple dwellings and community or regional establishments serving more than 20 persons a day. Existing large-capacity cesspools shall be closed by April 5, 2005. Such closure shall include a 30-day notification prior to closure. Well closure shall include removal of contaminated materials, disinfection, and plugging with an impervious bentonite-cement mixture. Closure shall be in accordance with criteria identified in Chapter 5 (120-138) of Title 12.
 - (d) Open loop heat pump systems where return water is discharged into a well.
 - (e) Motor vehicle waste disposal wells.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.13

Authority: O.C.G.A. § [12-5-20](#)*et seq.*

History. Original Rule entitled "Underground Injection Control" adopted. F. Dec. 9, 1983; eff. Dec. 29, 1983.

Amended: ER. 391-3-6-0.32-.13, adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. July 10, 1996; eff. July 30, 1996.

Amended: F. Apr. 3, 2001; eff. Apr. 23, 2001.

Amended: F. July 2, 2002; eff. July 22, 2002.

Amended: F. Jan. 29, 2009; eff. Feb. 18, 2009.

Amended: F. May 13, 2020; eff. June 2, 2020.

Rule 391-3-6-.14. State Revolving Fund.

- (1) **Purpose.** The purpose of Rule 391-3-6-.14 is to provide for the administration and operation of the State Revolving Loan Fund.
- (2) **Definitions.** All terms used in this Paragraph shall be interpreted in accordance with the definitions as set forth in the Act unless otherwise defined in this Paragraph or in any other Paragraph of these Rules.
 - (a) "State Revolving Loan Fund" means the loan program developed pursuant to the Federal Clean Water Act of 1987.
 - (b) "Intended Use Plan" means the annual plan developed to describe that year's operation and procedures for the Revolving Loan Fund.
- (3) **General Provisions.**
 - (a) The manner of administration of the State Revolving Loan Fund shall be determined pursuant to a contract between the Director and any other State agency, authority, board, or commission and such administration shall comply with all applicable requirements of the Federal Clean Water Act of 1987. In the event that the Director determines that the financial administration is to be handled by the Division, the manner of administration shall be included in the annual Intended Use Plan and shall likewise comply with all applicable requirements of the Federal Clean Water Act of 1987.
 - (b) The forms of assistance to be provided by the State Revolving Loan Fund shall be in accordance with the annual Intended Use Plan, to be developed by the Director.
- (4) **Environmental Review.** All projects; defined in the Clean Water Act Section 212 (2) (A) as any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; receiving assistance from the State Revolving Loan Fund shall first undergo a review of environmental impacts and considerations. This review shall be in accordance with procedures developed by the Director and approved by the U. S. Environmental Protection Agency.
 - (a) The loan applicant will be required to prepare an Environmental Information Document (EID), which describes the environmental impacts of the feasible alternatives, including a no-action alternative. The applicant will consult with federal and State agencies as appropriate for information required in preparing the EID. The applicant will conduct at least one public meeting during the planning process. The public will be allowed open discussion in the facilities planning process.
 - (b) The State will perform an environmental review prior to issuing a Notice of No Significant Impact. The Director will prepare a detailed procedure for loan

applicants to prepare the EID and for the State review process. Documents concerning the impact of the project on the environment shall be issued by the Director or his designated representative as necessary.

- (c) All final determinations made by the Director pursuant to the environmental review process shall constitute actions of the Director pursuant to O.C.G.A. Section [12-2-2\(c\)\(2\)](#).

- (5) **Application of State Programs.** Actions consistent with Title VI of the Federal Clean Water Act of 1987 (P.L. 100-4) shall be taken with regard to the State Revolving Loan Fund.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.14

Authority: O.C.G.A. Secs. [12-2-2](#), [12-2-6](#), [12-2-24](#), [12-3-8](#), [12-3-9](#), [12-3-32](#), [12-3-50](#), [12-3-50.1](#), [12-3-52](#), [12-5-20](#) *et seq.*, [12-5-21](#), [12-5-36](#), [12-5-37](#), [12-5-38.1](#), [27-3-132](#).

History. Original Rule entitled "State Revolving Loan Fund" adopted as ER. 391-3-6-0.13-.14. F. Apr. 1, 1988; eff. Mar. 23, 1988, the date of adoption.

Amended: Permanent Rule of same title adopted. F. July 8, 1988; eff. July 28, 1988.

Amended: Rule retitled "State Revolving Fund". F. Apr. 8, 1993; eff. Apr. 28, 1993.

Amended: ER. 391-3-6-0.32-.14 adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. July 10, 1996; eff. July 30, 1996.

Amended: F. May 2, 1997; eff. May 22, 1997.

Amended: F. Nov. 5, 2004; eff. Nov. 25, 2004.

Rule 391-3-6-.15. Non-Storm Water General Permit Requirements.

- (1) **Purpose.** The purpose of this Rule 391-3-6-.15 is to provide for the degree of waste treatment required and the uniform procedures and practices to be followed relating to the application for issuance, modification, revocation and reissuance, and termination of general permits for the discharge of any pollutant into the waters of the State. Unless specifically adopted by reference herein, no other part of this Chapter 391-3-6 shall govern the issuance of any general permit.
- (2) **Definitions.** All terms used in this Rule shall be interpreted in accordance with the definitions as set forth in the Act unless otherwise defined in this Paragraph or in any other Rules of this Chapter:
 - (a) "General Permit Application" means any application filed by any person with the Director for a general permit.
 - (b) A "General Permit" means an NPDES permit issued under Title 40 of the Code of Federal Regulations (40 CFR), Part 122.28 authorizing a category of discharges under the Federal Clean Water Act (Federal Act) within a geographical area.

- (c) "Notice of Intent" (NOI) means a form used by potential permittee to notify the Division, within a specified time, that they intend to comply with a general permit.
- (d) "Notice of Termination" (NOT) means a form used by a permittee to notify the Division that they wish to cease coverage under a general permit.

(3) General Permit Requirements.

- (a) Coverage. The Director may issue a general permit in accordance with the following:
 - 1. Area. The general permit shall be written to cover a category of discharges described in the permit under subparagraph (3)(a)2 of this section, except those covered by individual permits, within a geographic area. The area shall correspond to existing geographic or political boundaries, such as:
 - (i) Designated planning areas under Sections 208 and 303 of the Federal Act;
 - (ii) Sewer districts or sewer authorities;
 - (iii) City, County, or State political boundaries;
 - (iv) State highway systems;
 - (v) Standard metropolitan statistical areas as defined by the Office of Management and Budget;
 - (vi) Urbanized areas as designated by the Bureau of the Census; or
 - (vii) Any other appropriate division or combination of boundaries.
 - 2. Sources. The general permit may be written to regulate, within the area described in subparagraph 1. of this section, a category of point sources other than storm water point sources if the sources all:
 - (i) Involve the same or substantially similar types of operations;
 - (ii) Discharge the same types of wastes;
 - (iii) Require the same effluent limitations or operating conditions;
 - (iv) Require the same or similar monitoring; and
 - (v) In the opinion of the Director, are more appropriately controlled under a general permit than under individual permits.

(b) Administration.

1. General permits may be issued, modified, revoked and reissued, or terminated in accordance with applicable requirements of Rule 391-3-6-.15. Public notice and public participation for issuance, modification, revocation and reissuance, and termination of general permits shall be in accordance with Paragraph 391-3-6-.15(7).
2. Authorization to discharge.
 - (i) Except as provided for in [40 C.F.R 122.28\(b\)\(2\)\(v\) and \(b\)\(2\)\(vi\)](#), discharges seeking coverage under a general permit shall submit to the Director a written notice of intent to be covered by the general permit. A discharger who fails to submit a notice of intent in accordance with the terms of the general permit is not authorized to discharge under the terms of the general permit. A complete and timely notice of intent to be covered in accordance with the general permit requirements, fulfills the requirements for permit applications for purposes of [40 C.F.R. 122.6](#), [122.21](#) and [122.26](#).
 - (ii) The contents of the notice of intent shall be specified in the general permit and shall conform to the requirements specified in [40 C.F.R. 122.28](#). The notice of intent shall be signed in accordance with subparagraph 391-3-6-.15(5)(d).
 - (iii) General permits shall specify the deadline for submitting notices of intent to be covered and the date(s) when a discharge is authorized under the permit.
 - (iv) General permits shall specify whether a discharge that has submitted a timely notice of intent to be covered in accordance with a general permit and that is eligible for coverage under the general permit, is authorized to discharge in accordance with the general permit either upon receipt of the notice of intent by the Director, after a waiting period specified in the general permit, on a date specified in the general permit, or upon receipt of notification of inclusion by the Director. Coverage may be revoked in accordance with subparagraph 391-3-6-.15(3)(b) 3.
3. Requiring an individual permit.
 - (i) The Director may require any person authorized by a general permit to apply for and obtain an individual NPDES permit. Any interested person may petition the Director to take action under this rule. Cases where an individual NPDES permit may be required include the following:

- (I) The discharge(s) is a significant contributor of pollution as determined by the Director. In making this determination, the Director may consider the following factors:
 - I. The location of the discharge with respect to the waters of the State;
 - II. The size of the discharge;
 - III. The quantity and nature of the pollutants discharged to waters of the State; and
 - IV. Other relevant factors.
 - (II) The discharger is not in compliance with the conditions of the general permit;
 - (III) A change has occurred in the availability of demonstrated technology or practices for the control or abatement or pollutants applicable of the point source;
 - (IV) Effluent limitation guidelines are promulgated for point sources covered by the general permit;
 - (V) A Water Quality Management plan containing requirements applicable to such point sources is approved;
 - (VI) The requirements of subparagraph (3)(a) of this section are not met; or
 - (VII) Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary.
- (ii) Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual NPDES permit. The owner or operator shall submit an application under paragraph [391-3-6-.06\(5\)](#), with reasons supporting the request, to the Director.
 - (iii) When an individual NPDES permit is issued to an owner or operator otherwise subject to a general permit, the applicability of

the general permit to the individual NPDES permittee is automatically terminated on the effective date of the individual NPDES permit.

- (iv) A source excluded from a general permit solely because it already has an individual NPDES permit may request that the individual NPDES permit be revoked, and that it be covered by the general permit. Upon revocation of the individual NPDES permit, the general permit shall apply to the source.
- (v) Whenever the Director decides an individual NPDES permit is required, the Director shall notify the discharger in writing of the decision and the reasons for it, and shall send an application form with the notice. The discharger must apply for a permit under paragraph [391-3-6-.06\(5\)](#) and [40 C.F.R. 122.21](#) within sixty (60) days of notice unless a later date is granted by the Director. Public notice and public participation shall be in accordance with paragraph [391-3-6-.06\(7\)](#).

(4) **Degree of Waste Treatment Required.** All pollutants shall receive such treatment or corrective action so as to ensure compliance with the terms and conditions of the issued permit and with the following, whenever applicable:

- (a) Effluent limitations established by the EPA pursuant to Sections 301, 302, 303, 306, 307, 308, 318, and 405 of the Federal Act;
- (b) Criteria and standards for Best Management Practices established by EPA pursuant to Section 304(e) of the Federal Act;
- (c) Notwithstanding the above, more stringent effluent limitations may be required as deemed necessary by the Division (a) to meet any other existing Federal laws or regulations, or (b) to ensure compliance with any applicable State water quality standards, effluent limitations, treatment standards, or schedules of compliance;
- (d) Calculations and specification of effluent limits and standards shall be made in accordance with the provisions of Federal Regulations, [40 CFR 122.45](#).

(5) **Notice of Intent (NOI).**

- (a) A NOI shall be on forms as may be prescribed and furnished from time to time by the Division. A NOI shall be accompanied by all pertinent information as the Division may require in order to establish, where applicable, effluent limitations in accordance with paragraph [391-3-6-.06\(4\)](#), which may include but is not limited to, complete engineering reports, schedule of progress, plans, specifications, maps,

measurements, quantitative and qualitative determinations, records, and all related materials.

- (b) Engineering reports, plans, specifications, and other similar material submitted to the Division shall be prepared by or under the direct supervision or review of, and bear the seal of, a Professional Engineer competent in the field of storm water, sewage, or industrial waste treatment, consistent with the type of wastewater involved. At no time shall this requirement be in conflict with O.C.G.A. Section 43-15 governing the practices of professional engineering and surveying.
- (c) Material submitted shall be complete and accurate.
- (d) Any NOI form, NOT form, and permit application submitted to the Division shall be signed as follows in accordance with the Federal Regulations, [40 C.F.R. 122.22](#):
 - 1. For a corporation, by a responsible corporate officer. For this subparagraph a responsible corporate officer means:
 - (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - (b) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - 2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
 - 3. For a municipality, State, Federal, or other public facility, by either a principal executive officer or ranking elected official.
- (e) All other reports, engineering reports, plans, specifications, similar materials, or requests for information required by the permit issuing authority shall be signed by a person designated in (d) above or a duly authorized representative of such person, if:
 - 1. The representative so authorized is responsible for the overall operation of the facility from which the discharge originates, e.g., a plant manager, superintendent or person of equivalent responsibility;

2. The authorization is made in writing by the person designated under (d) above; and
 3. The written authorization is submitted to the Director.
- (f) Any changes in the written authorization submitted to the permitting authority under (e) above which occur after the issuance of a permit shall be reported to the permitting authority by submitting a copy a new written authorization which meets the requirements of (e)1. and (e)2. above.
- (g) Any person signing any document under (d) or (e) above shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- (6) **Receipt and Use of Application and Data** shall be in accordance with paragraph [391-3-6.06\(6\)](#) of this Chapter. Notice of intent forms shall not be required to be transmitted to the Regional Administrator for comments unless requested to do so by the Regional Administrator.
- (7) **Notice and Public Participation.** The notice and public participation procedures of Rule 391-3-6-.26 shall apply.
- (8) **Prohibitions.**
- (a) No permit shall be issued authorizing any of the following discharges:
 1. The discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste into navigable waters;
 2. Any discharge which in the judgement of the Secretary of the Army would substantially impair anchorage and navigation in or on any of the waters of the United States;
 3. Any discharge to which the Regional Administrator has objected in writing in accordance with Federal Regulations, [40 C.F.R. 123.44](#), pursuant to any right to object provided the Administrator of EPA under Section 402(d) of the Federal Act;

4. Any discharge from a point source is in conflict with a plan or amendment thereto approved pursuant to Section 208(b) of the Federal Act;
5. Any discharge to the territorial sea, the waters of the contiguous zone, or the oceans in the following circumstances:
 - (i) Prior to the promulgation of the guidelines under section 403(c) of the Act, unless the Director determines permit issuance to be in the public interest; or
 - (ii) After promulgation of guidelines under section 403(c) of the Act, where insufficient information exists to make a reasonable judgement as to whether the discharge complies with any such guidelines.
6. To a facility which is a new source or a new discharge, if the discharge from the construction or operation of the facility will cause or contribute to the violation of water quality standards, except as in accordance with Federal Regulations, [40 C.F.R. 122.4\(i\)](#).

(b) The issuance of a permit does not:

1. Convey any property rights of any sort, or any exclusive privileges;
2. Authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations;
3. Release the permittee of any responsibility or requirement under other environmental statutes or regulations.

(9) Monitoring, Recording, and Reporting Requirements.

- (a) Monitoring, recording and reporting requirements shall be in accordance with those outlined in paragraph [391-3-6-.06\(11\)](#) of this Chapter.
- (b) General permits that do not require submittal of monitoring reports at least annually shall report to the Director in writing all instances of noncompliance at least annually. These annual reports are due the first working day of each January unless otherwise specified in a permit.

(10) Control of Disposal of Pollutants into Wells shall be in accordance with paragraph [391-3-6-.06\(14\)](#).

(11) Modification, Revocation and Reissuance, and Termination of Permits.

The Director in accordance with the provisions of Federal Regulations, [40 C.F.R. 122.61](#), [122.62](#), [122.63](#), [122.64](#), and [124.5](#), may modify, revoke and reissue, or terminate an issued permit in whole or in part during its term for cause, including, but not limited to, the causes listed in Federal Regulations, [40 CFR 122.62](#) and [122.64](#), or the cause listed in the Act or regulations promulgated pursuant thereto. Prior to any such modification, revocation and reissuance, or termination of an issued permit by the Director (other than modification in accordance with the provision of [40 CFR 122.63](#)), the Director will give public notice in accordance with the procedures set forth in subparagraph 391-3-6-.15(7)(b) and an opportunity for public hearing in accordance with the procedures set forth in subparagraph 391-3-6-.15(7)(c).

(12) Duration, Continuation, and Transferability of Permits.

- (a) Any permit issued under O.C.G.A. Section [12-5-30](#) shall have a fixed term not to exceed five (5) years. Upon expiration of such permit, a new permit may be issued by the Director in accordance with O.C.G.A. Section [12-5-30](#) and [40 C.F.R. 122.6](#), [122.28](#), [122.46](#), and [122.61](#). The issuance of such new permit shall likewise have a fixed term not to exceed five (5) years.
- (b) Any owner or operator authorized by a general permit may request that coverage under the general permit be terminated by submitting a written Notice of Termination. The contents of the Notice of Termination shall be specified in the general permit and shall be signed in accordance with subparagraph 391-3-6-.15(5)(d).
- (c) When the permittee has submitted a timely and sufficient application for a new individual NPDES permit or a Notice of Intent for a general permit and the Director is unable, through no fault of the permittee, to issue the new permit before the expiration date of the existing permit, then the Director shall extend the existing permit until a new permit is issued.
- (d) For those industrial categories for which EPA will establish effluent limitations based on best available technology, permits will be issued to ensure compliance with the effluent limits by the statutory deadline. This will be accomplished by utilizing short-term permits and/or reopener clauses that will allow the permit to be modified, revoked, reissued to comply with limitations promulgated pursuant to the Act and subsequent regulations.
- (e) Notwithstanding subparagraph (a) above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in a discharge and such standard prohibition is more stringent than any limitation for such pollutant in a permit, the permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

- (13) **Enforcement.** Any person who violates any provision of the Act, any rule promulgated and adopted pursuant thereto, or any term, condition, schedule of compliance or other requirement contained in a permit issued pursuant to the Act shall be subject to enforcement proceedings pursuant to the Act.
- (14) **NPDES Electronic Reporting.** The federal NPDES Electronic Reporting rule, 40 CFR Part 127 and associated amendments, became effective on December 21, 2015. The requirements of this rule relating to the submission of Notices of Intent, Notices of Termination and reports may include the electronic submission of such items and electronic signature for such items, as applicable and approved by EPD. The use of the terms "in writing" or "written" in the rule may include such electronic submissions.
- (15) **Effective Date.** This Rule shall become effective twenty days after filing with the Secretary of State's Office.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.15

Authority: O.C.G.A. § [12-5-20](#)*et seq.*

History. Original Rule entitled "General Permit Requirements" adopted. F. Apr. 3, 1990; eff. Apr. 23, 1990.

Amended: F. May 9, 1994; eff. May 29, 1994.

Amended: F. Aug. 30, 1995; eff. Sept. 19, 1995.

Repealed: ER. 391-3-6-0.32-.15, entitled "Non-Storm Water General Permit Requirements" adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. is adopted, as specified by the Agency.

Amended: Permanent Rule of same title adopted. F. Jul. 10, 1996; eff. July 30, 1996.

Amended: Mar. 3, 2011; eff. Mar. 23, 2011.

Amended: F. Oct. 13, 2017; eff. Nov. 2, 2017.

Amended: F. May 13, 2020; eff. June 2, 2020.

Rule 391-3-6-.16. Storm Water Permit Requirements.

- (1) **Purpose.** The purpose of this Rule 391-3-6-.16 is to provide for the uniform procedures and practices to be followed relating to the application for issuance, modification, revocation and reissuance, and termination of permits for the discharge of any storm water into the waters of the State. Unless specifically adopted by reference herein, no other part of this Chapter 391-3-6 shall govern the issuance of any storm water permit.
- (2) **Definitions.** All terms used in this Rule shall be interpreted in accordance with the definitions as set forth in the Act and in [40 C.F.R. 122.26\(b\)](#) unless otherwise defined in this Paragraph or in any other Rules of this Chapter:
- (a) "Area Wide Permit" means either an individual or a general permit issued to a municipality or a group of municipalities.
 - (b) "Associated with Industrial Activity" means any industrial activity or industrial facility identified in [40 C.F.R. 122.26\(b\)\(14\)](#).

- (c) "Storm Water Point Source" means a conveyance or system of conveyances (including pipes, conduits, ditches, and channels or sheet flow which is later conveyed) primarily used for collecting and conveying storm water runoff excluding conveyances that discharge storm water runoff combined with municipal sewage.
- (d) "Associated with Small Construction Activity" means any construction activity identified in [40 C.F.R. 122.26\(b\)\(15\)](#).
- (e) "Small Municipal Storm Sewer System" means all separate storm sewers identified in [40 C.F.R. 122.26\(b\)\(16\)](#).

(3) Permit Requirements.

- (a) Authorization to Discharge. Storm water point sources, as defined in this Rule, are point sources subject to the NPDES permit program. The Director may issue an NPDES permit or permits for discharges into waters of the State from a storm water source covering all conveyances which are part of that storm water point source. Where there is more than one owner or operator of a storm water point source, any or all discharges into that storm water point source may be identified in the application submitted by the owner or operator of the portion of the storm water point source that discharges directly into waters of the State. Any such application shall include all information regarding discharges into the storm water point source that would be required if the dischargers submitted separate applications. Dischargers so identified shall not require a separate permit unless the Director specifies otherwise. Any permit covering more than one owner or operator shall identify the effluent limitations, if any, which apply to each owner or operator. Where there is more than one owner or operator, no discharger into the storm water point source may be subject to a permit condition for discharges into the storm water source other than its own discharges into that system without his consent. All dischargers into a storm water point source must either be covered by an individual permit, an area wide permit or a general permit issued to the owner or operator of that portion of the system that directly discharges into waters of the State.
- (b) Applicability. The following discharges composed entirely of storm water are required to obtain an NPDES permit for the storm water discharge:
 - 1. Associated with industrial activity;
 - 2. Large municipal separate storm sewer systems;
 - 3. Medium municipal separate storm sewer systems; and
 - 4. Any storm water point source that the Director determines to contribute to a violation of a water quality standard or is a significant contributor of

pollutants to the waters of the State as provided in [40 C.F.R. 122.26](#). In making this determination the Director shall consider the following factors:

- (i) The location of the storm water point source with respect to waters of the State;
 - (ii) The size of the storm water point source;
 - (iii) The quantity and nature of the pollutants reaching waters of the State; and
 - (iv) Other relevant factors.
5. Case-by-case designation of storm water point sources. The Director may designate a conveyance or system of conveyances primarily used for collecting and conveying storm water runoff as a storm water point source. This designation may be made to the extent allowed or required by effluent limitations guidelines for point sources in the storm water discharge category or when a Water Quality Management Plan under Section 208 of the Federal CWA Act which contains requirements applicable to such point sources is approved.
 6. Associated with Small Construction Activity.
 7. Small Municipal Separate Storm Sewer Systems which are required to be regulated pursuant to [40 C.F.R. 122.32](#).
 8. Any storm water point source for which the Director determines that storm water controls are needed based on wasteload allocations that are part of total maximum daily loads that address the pollutant(s) of concern.
 9. Any municipal separate storm sewer system that the Director determines based on a petition pursuant to [40 C.F.R. 122.26\(f\)](#).
 10. The Director may allow certain industrial activities to receive a conditional exclusion for "no exposure" of industrial activities and materials to storm water based on [40 C.F.R. 122.26\(g\)](#).

(c) General provisions.

1. General and area wide permits may be issued, modified, revoked and reissued, or terminated in accordance with applicable requirements of Rule 391-3-6-.16. Public notice and public participation for issuance, modification, revocation and reissuance, and termination of general permits shall be in accordance with paragraph 391-3-6-.16(7).

2. The contents of the notice of intent shall be specified in the general permit and shall conform to the requirements specified in [40 C.F.R. 122.28](#). The notice of intent shall be signed in accordance with subparagraph 391-3-6-.16(5)(a) 6.
3. General permits shall specify the deadline for submitting notices of intent to be covered and the date(s) when a discharge is authorized under the permit.
4. General permits shall specify whether a discharger that has submitted a timely notice of intent to be covered in accordance with a general permit and that is eligible for coverage under the general permit, is authorized to discharge in accordance with the general permit either upon receipt of the notice of intent by the Director, after a waiting period specified in the general permit, on a date specified in the general permit, or upon receipt of notification of inclusion by the Director. Coverage may be revoked in accordance with subparagraph 391-3-6-.16(3)(c)(5).
5. Requiring an individual permit for storm water discharges.
 - (i) The Director may require any person authorized by a general permit for storm water discharges to apply for and obtain an individual NPDES permit. Any interested person may petition the Director to take action under this paragraph. Cases where an individual NPDES permit may be required include the following:
 - (I) The discharge(s) is a significant contributor of pollution as determined by the Director. In making this determination, the Director may consider the following factors:
 - (1) The location of the discharge with respect to the waters of the State;
 - (2) The size of the discharge;
 - (3) The quantity and nature of the pollutants discharged to waters of the State; and
 - (4) Other relevant factors.
 - (II) The discharger is not in compliance with the conditions of the general permit;
 - (III) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

- (IV) Effluent limitation guidelines are promulgated for point sources covered by the general permit;
 - (V) A total maximum daily load containing additional requirements applicable to such point sources is approved; or
 - (VI) Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary.
- (ii) Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual NPDES permit. The owner or operator shall submit an application under paragraph [391-3-6-.06\(5\)](#), with reasons supporting the request, to the Director.
 - (iii) When an individual NPDES permit is issued to an owner or operator otherwise subject to a general permit, the applicability of the general permit to the individual NPDES permittee is automatically terminated on the effective date of the individual NPDES permit.
 - (iv) A source excluded from a general permit solely because it already has an individual NPDES permit may request that the individual NPDES permit be revoked, and that it be covered by the general permit. Upon revocation of the individual NPDES permit, the general permit shall apply to the source.
 - (v) Whenever the Director decides an individual NPDES permit is required, the Director shall notify the discharger in writing of the decision and the reasons for it, and shall send an application form with the notice. The discharger must apply for a permit under paragraph [391-3-6-.06\(5\)](#) and [40 C.F.R. 122.21](#) within sixty (60) days of notice unless a later date is granted by the Director. Public notice and public participation shall be in accordance with paragraph [391-3-6-.06\(7\)](#).
- (4) **Degree of Waste Treatment Required.** All pollutants shall receive such treatment or corrective action so as to ensure compliance with the terms and conditions of the issued permit and with the following, whenever applicable:

- (a) Effluent limitations established by the EPA pursuant to Sections 301, 302, 303, 306, 307, 308, 318, and 405 of the Federal Act;
- (b) Criteria and standards for Best Management Practices established by EPA pursuant to Section 304(e) of the Federal Act;
- (c) Notwithstanding the above, more stringent effluent limitations may be required as deemed necessary by the Division (a) to meet any other existing Federal laws or regulations, or (b) to ensure compliance with any applicable State water quality standards, effluent limitations, treatment standards, or schedules of compliance; and
- (d) Calculations and specifications of effluent limits and standards shall be made in accordance with the provisions of Federal Regulations, [40 CFR 122.44\(k\)](#) and [122.45](#); provided, however, that in regard to [40 CFR 122.44\(k\)\(2\)](#), the feasibility of establishing numeric effluent limitations shall be made by the Director based upon best professional judgment.

(5) Applications.

- (a) Application Requirements.
 - 1. Large and medium municipal separate storm sewer systems shall submit an application in accordance with the requirements specified in [40 C.F.R. 122.26\(d\)](#) and [40 C.F.R. 122.26\(g\)](#) unless otherwise modified by the Director.
 - 2. Small municipal separate storm sewer systems shall submit an application in accordance with the requirements specified in [40 C.F.R. 122.33](#) unless otherwise modified by the Director.
 - 3. Discharges associated with industrial activity and discharges associated with small construction activity shall either submit an application for an individual NPDES permit in accordance with Rule [391-3-6-.06](#) or apply for coverage under a general permit in accordance with Rule 391-3-6-.16. Application for an individual NPDES permit shall be made in accordance with Rule [391-3-6-.06](#) and [40 C.F.R. 122.26\(c\)](#) and [40 C.F.R. 122.26\(g\)](#). A discharger who fails to submit a notice of intent in accordance with the terms of the general permit is not authorized to discharge under the terms of the general permit. A complete and timely notice of intent to be covered in accordance with the general permit requirements, fulfills the requirements for permit applications for purposes of [40 C.F.R. 122.6](#), [122.21](#) and [122.26](#).
 - 4. Notice of Intent (NOI). A NOI shall be on forms as may be prescribed and furnished from time to time by the Division. A NOI shall be accompanied by all pertinent information as the Division may require in order to

establish, where applicable, effluent limitations in accordance with paragraph [391-3-6-.06\(4\)](#), which may include but is not limited to, complete engineering reports, schedule of progress, plans, specifications, maps, measurements, quantitative and qualitative determinations, records, and all related materials.

5. Engineering reports, plans, specifications, and other similar material submitted to the Division shall be prepared by or under the direct supervision or review of, and bear the seal of, a Professional Engineer competent in the field of storm water, sewage, or industrial waste treatment, consistent with the type of wastewater involved. At no time shall this requirement be in conflict with O.C.G.A. Section 43-15 governing the practices of professional engineering and surveying. Storm water pollution prevention plans, erosion and sediment control plans, best management plans and similar reports shall be prepared in accordance with the applicable storm water permit.
6. Material submitted shall be complete and accurate.
7. Any NOI form, NOT form, and permit application submitted to the Division shall be signed as follows in accordance with the Federal Regulations, [40 C.F.R. 122.22](#):
 - (i) For a corporation, by a responsible corporate officer. For this subparagraph a responsible corporate officer means:
 - (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - (b) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (ii) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
 - (iii) For a municipality, State, Federal, or other public facility, by either a principal executive officer or ranking elected official.

8. All other reports, engineering reports, plans, specifications, similar materials, or requests for information required by the permit issuing authority shall be signed by a person designated in 6. above or a duly authorized representative of such person, if:
 - (i) The representative so authorized is responsible for the overall operation of the facility from which the discharge originates, e.g., a plant manager, superintendent or person of equivalent responsibility;
 - (ii) The authorization is made in writing by the person designated under 6. above; and
 - (iii) The written authorization is submitted to the Director.
9. Any changes in the written authorization submitted to the permitting authority under 7. above which occur after the issuance of a permit shall be reported to the permitting authority by submitting a copy of a new written authorization which meets the requirements of 7.(i) and 7.(ii) above.
10. Any person signing any document under 6. or 7. above shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(b) Application Deadlines.

1. Application for an individual NPDES permit for storm water discharges associated with industrial activity shall be submitted at least 180 days before the day that the facility commences industrial activity which may result in a discharge of storm water associated with industrial activity, unless permission for a later date is granted by the Director.
2. Facilities with storm water discharges associated with industrial activity that are applying for coverage under a general permit shall comply with the Notice of Intent submittal requirements specified in the general permit.

3. Facilities with stormwater discharges associated with small construction activity that are applying for coverage under a general permit shall comply with the Notice of Intent requirements specified in the general permit.
4. In municipalities with a population of less than 100,000, municipality owned or operated facilities with storm water discharges associated with industrial activity shall submit an application in accordance with [40 C.F.R. 122.26\(e\)\(1\)](#) except for airports, power plants, uncontrolled sanitary landfills, and those designated by the Director, which shall follow the application deadlines designated under (1.) above.
5. Large municipal separate storm sewer systems shall submit an application to the Director in accordance with [40 C.F.R. 122.26\(e\)\(3\)](#).
6. Medium municipal separate storm sewer systems shall submit an application to the Director in accordance with [40 C.F.R. 122.26\(e\)\(4\)](#).
7. Facilities identified in subparagraph 391-3-6-.16(3)(b) 4., 5. or 6. shall submit an application to the Director within 180 days of notice, unless permission is granted for a later date.
8. Small municipal separate storm sewer systems shall submit an application to the Director in accordance with [40 C.F.R. 122.26\(e\)\(9\)](#).
9. Small construction shall apply in accordance with [40 C.F.R. 122.26\(e\)\(8\)](#).

(6) **Receipt and Use of Application and Data** shall be in accordance with paragraph [391-3-6-.06\(6\)](#) of this Chapter. Notice of Intent and Notice of Termination forms shall not be required to be transmitted to the Regional Administrator for comments unless requested to do so by the Regional Administrator.

(7) **Notice and Public Participation.** The notice and public participation procedures of Rule 391-3-6-.26 shall apply to the tentative determination to issue individual or general permits.

(8) **Prohibitions.**

(a) No permit shall be issued authorizing any of the following discharges:

1. The discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste into navigable waters;
2. Any discharge which in the judgment of the Secretary of the Army would substantially impair anchorage and navigation in or on any of the waters of the United States;

3. Any discharge to which the Regional Administrator has objected in writing in accordance with Federal Regulations, [40 C.F.R. 123.44](#), pursuant to any right to object provided the Administrator of EPA under Section 402(d) of the Federal Act;
4. Any discharge from a point source which is in conflict with a plan or amendment thereto approved pursuant to Section 208(b) of the Federal Act;
5. Any discharge to the territorial sea, the waters of the contiguous zone, or the oceans in the following circumstances:
 - (i) Prior to the promulgation of the guidelines under section 403(c) of the Act, unless the Director determines permit issuance to be in the public interest; or
 - (ii) After promulgation of guidelines under section 403(c) of the Act, where insufficient information exists to make a reasonable judgment as to whether the discharge complies with any such guidelines.
6. To a facility which is a new source or a new discharger, if the discharge from the construction or operation of the facility will cause or contribute to the violation of water quality standards, except as in accordance with Federal Regulations, [40 C.F.R. 122.4\(i\)](#).

(b) The issuance of a permit does not:

1. Convey any property rights of any sort, or any exclusive privileges;
2. Authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations.
3. Release the permittee of any responsibility or requirement under other environmental statutes or regulations.

(9) **Schedules of Compliance.** Any person who obtains a permit who is not in compliance with the applicable standards shall be required to achieve compliance with the standards in accordance with a schedule of compliance as set forth in subparagraphs [391-3-6-.06\(10\)\(a\), \(b\), \(c\), and \(e\)](#) of this Chapter. This provision is not applicable to general permits.

(10) **Monitoring, Recording, and Reporting Requirements.**

Except as provided below, monitoring, recording, and reporting requirements shall be in accordance with those outlined in paragraph [391-3-6-.06\(11\)](#) of this Chapter.

- (a) Inspection, monitoring, recording, and reporting requirements for general permits for storm water discharges associated with industrial activity, which do not contain numeric effluent limitations, shall, at the discretion of the Director, be established for each general permit on a case-by-case basis with a frequency dependent on the nature and effect of the discharge. At a minimum, the permit must require:
 - 1. an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity and evaluate whether measures to reduce pollutant loadings identified in a storm water pollution prevention plan are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed;
 - 2. maintaining for a period of three years a record summarizing the results of the inspections and a certification that the facility is in compliance with the storm water pollution prevention plan and the permit, and identifying any incidents of non-compliance;
 - 3. reports and certifications be signed in accordance with [40 CFR 122.22](#); and
 - 4. where annual inspections are impracticable at inactive mining operations, a certification once every three years by a Georgia Registered Professional Engineer that the facility is in compliance with the permit.
 - (b) Requirements for area wide permits for storm water discharges from municipal separate storm water sewer systems shall be established for each permit on a case-by-case basis.
 - (c) General permits that do not require submittal of monitoring reports at least annually shall report to the Director in writing all instances of noncompliance at least annually. These annual reports are due the first working day of each January unless otherwise specified in a permit.
- (11) **Control of Disposal of Pollutants into Wells** shall be in accordance with paragraph [391-3-6-.06\(14\)](#).
- (12) **Modification, Revocation and Reissuance, and Termination of Permits.**
- (a) The Director may revise or modify the schedule of compliance set forth in an issued permit if the permittee requests such modification or revision in writing and such modification or revision will not cause an interim date in the compliance schedule to be extended more than one hundred twenty (120) days or affect the final date in the compliance schedule. The Director may grant requests in accordance with this subparagraph if he determines after documented showing by the permittee that good and valid cause (including Acts of God, strikes,

floods, material shortages or other events over which the permittee has little or no control) exists for such revision. This provision is not applicable to general permits.

- (b) The Director in accordance with the provisions of Federal Regulations, [40 CFR 122.61](#), [122.62](#), [122.63](#), [122.64](#), and [124.5](#), may modify, revoke and reissue, or terminate an issued permit in whole or in part during its term for cause, including, but not limited to, the causes listed in Federal Regulations, [40 CFR 122.62](#) and [122.64](#), or the cause listed in the Act or regulations promulgated pursuant thereto. Prior to any such modification, revocation and reissuance, or termination of an issued permit by the Director (other than modification or revision of a compliance schedule pursuant to subparagraph (a) above, or modification in accordance with the provisions of [40 CFR 122.63](#)), the Director will give public notice in accordance with the procedures set forth in subparagraph 391-3-6-.16(7)(b) and an opportunity for public hearing in accordance with the procedures set forth in subparagraph 391-3-6-.16(7)(c).

(13) Duration, Continuation, and Transferability of Permits.

- (a) Any permit issued under O.C.G.A. Section [12-5-30](#) shall have a fixed term not to exceed five (5) years. Upon expiration of such permit, a new permit may be issued by the Director in accordance with O.C.G.A. Section [12-5-30](#) and [40 C.F.R. 122.6](#), [122.28](#), [122.46](#), and [122.61](#). The issuance of such new permit shall likewise have a fixed term not to exceed five (5) years.
- (b) Any owner or operator authorized by a general permit may request that coverage under the general permit be terminated by submitting a written Notice of Termination. The contents of the Notice of Termination shall be specified in the general permit and shall be signed in accordance with subparagraph 391-3-6-.16(5)(a) 6.
- (c) A general permit may not be transferred to another party. The new owner or operator must submit a new Notice of Intent in accordance with paragraph 391-3-6-.16(5).
- (d) Any owner or operator authorized by an individual permit for a storm water discharge may request the permit be transferred to another party in accordance with subparagraph [391-3-6-.06\(15\)\(b\)](#).
- (e) When the permittee has submitted a timely and sufficient application for a new individual NPDES permit or a Notice of Intent for a general permit and the Director is unable, through no fault of the permittee, to issue the new permit before the expiration date of the existing permit, then the Director shall extend the existing permit until a new permit is issued.

- (f) For those industrial categories for which EPA will establish effluent limitations based on best available technology, permits will be issued to ensure compliance with the effluent limits by the statutory deadline. This will be accomplished by utilizing short-term permits and/or reopener clauses that will allow the permit to be modified, revoked, reissued to comply with limitations promulgated pursuant to the Act and subsequent regulations.
 - (g) Notwithstanding subparagraph (a) above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in a discharge and such standard prohibition is more stringent than any limitation for such pollutant in a permit, the permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.
- (14) **Enforcement.** Any person who violates any provision of the Act, any rule promulgated and adopted pursuant thereto, or any term, condition, schedule of compliance or other requirement contained in a permit issued pursuant to the Act shall be subject to enforcement proceedings pursuant to the Act.
- (15) **NPDES Electronic Reporting.** The federal NPDES Electronic Reporting rule, 40 CFR Part 127 and associated amendments, became effective on December 21, 2015. The requirements of this rule relating to the submission of applications, Notices of Intent, Notices of Termination and reports may include the electronic submission of such items and electronic signature for such items, as applicable and approved by EPD. The use of the terms "in writing" or "written" in the rule may include such electronic submissions.
- (16) **Effective Date.** This Rule shall become effective twenty days after filing with the Secretary of State's Office.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.16

Authority: O.C.G.A. § [12-5-20](#)*et seq.*

History. Original Rule entitled "Storm Water Requirements" adopted. F. May 9, 1994; eff. May 29, 1994.

Amended: ER. 391-3-6-0.32-.16, adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.

Amended: Permanent Rule adopted. F. July 10, 1996; eff. July 30, 1996.

Amended: F. Mar. 30, 2001; eff. Apr. 19, 2001.

Amended: F. Oct. 13, 2017; eff. Nov. 2, 2017.

Amended: F. May 13, 2020; eff. June 2, 2020.

Rule 391-3-6-.17. Sewage Sludge (Biosolids) Requirements.

- (1) **Purpose.** The purpose of Rule 391-3-6-.17 is to establish requirements for the beneficial use of sewage sludge through land application. This rule includes general requirements,

pollutant limits, pathogen and vector attraction reduction requirements, operational standards, management practices, monitoring, record keeping reporting, and permitting requirements.

- (2) **Definitions.** All terms used in this Rule shall be interpreted in accordance with the definitions as set forth in the Act unless otherwise defined in this Paragraph or in any other Rules of this Chapter:
- (a) "Aerobic digestion" is the biochemical decomposition of organic matter in sewage sludge into carbon dioxide and water by microorganisms in the presence of air.
 - (b) "Agricultural land" is land on which a food crop, feed crop, or a fiber crop is grown. This includes land used as pasture.
 - (c) "Agronomic rate" is the sludge application rate based on a dry weight basis determined:
 - 1. to provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop or vegetation grown on the land; and
 - 2. to minimize the amount of nitrogen in the sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the groundwater.
 - (d) "Anaerobic digestion" is the biochemical decomposition of organic matter in sewage sludge into methane gas and carbon dioxide by microorganisms in the absence of air.
 - (e) "Annual pollutant loading rate" is the maximum amount of a pollutant that may be applied to a unit area of land during a 365-day period.
 - (f) "Annual sludge application rate" is the maximum amount of sewage sludge (dry weight basis) that may be applied to a unit area of land during a 365-day period.
 - (g) "Applier" is the person who applies bulk sewage sludge to the land.
 - (h) "Biosolids" means any sewage sludge, as defined in 391-3-6-.17(2)(gg), that fulfills all requirements under this chapter, and is used in a beneficial manner.
 - (i) "Bulk sewage sludge" or "bulk biosolids" is sewage sludge that is not sold or given away in a bag or other container for application to the land.
 - (j) "Cover crop" is a temporary crop, such as winter rye or clover, planted to protect the soil from erosion and to provide humus or nitrogen when plowed under.
 - (k) "Cumulative pollutant loading rate" is the maximum amount of an inorganic pollutant that may be applied to an area of land.

- (l) "Density of microorganisms" is the number of microorganisms per unit mass of total solids (dry weight) in the sewage sludge.
- (m) "Domestic sewage" is water waste and wastewater from humans or from household operations that are discharged to or that otherwise enter a treatment works.
- (n) "Dry weight basis" means calculated on the basis of having been dried at 105 degrees Celsius until reaching a constant mass (i.e., essentially 100 percent solids content).
- (o) "Exceptional quality sludge" is sewage sludge that meets the pollutant concentrations in 391-3-6-.17(5) Table 3, one of the Class A pathogen requirements in 391-3-6-.17(7)(a) and one of the vector attraction reduction requirements in 391-3-6-.17(8)(a) through (h).
- (p) "Facility" means any NPDES point source or any other system or activity that may be regulated by the Water Protection Branch of the EPD, including land application systems regulated under [391-3-6-.11](#), and industrial pretreatment systems regulated under [391-3-6-.08](#).
- (q) "Feed crops" are crops produced primarily for consumption by animals.
- (r) "Fiber crops" are crops such as flax and cotton.
- (s) "Food crops" are crops consumed by humans. These include, but are not limited to, fruits, vegetables, and tobacco.
- (t) "Forest" is a tract of land thick with trees and underbrush.
- (u) "Land application" or "applied to the land" means the spraying or spreading of sewage sludge on the land surface; the injection of sewage sludge below the land surface; or the incorporation of sewage sludge into the soil at agronomic rates for the purpose of soil conditioning or fertilization of crops or vegetation grown in the soil.
- (v) "Land with a high potential for public exposure" is land that is frequently used by the public. This includes but is not limited to public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.
- (w) "Land with a low potential for public exposure" is land that the public uses infrequently. This includes, but is not limited to, agricultural land, forest, and a reclamation site located in an unpopulated area.
- (x) "Monthly average" is the arithmetic mean of all measurements taken during the month.

- (y) "Other container" is either an open or closed receptacle. This includes, but is not limited to, a bucket, a box, a carton, and a vehicle or trailer with a load capacity of 2,200 pounds or less.
- (z) "Pasture" means land on which animals feed directly on feed crops such as legumes, grasses, grain stubble, or stover.
- (aa) "Pathogenic organisms" are disease-causing organisms. These include, but are not limited to, certain bacteria, protozoa, viruses, and viable helminth ova.
- (bb) "pH" means the logarithm of the periodical of the hydrogen ion concentration.
- (cc) "Pollutant" is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or a pathogenic organism that after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food chain, could, on the basis of information available to the Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms.
- (dd) "Pollutant limit" is a numerical value that describes the amount of a pollutant allowed per unit amount of sewage sludge (e.g., milligrams per kilograms of total solids); the amount of a pollutant that can be applied to a unit area of land (e.g., pounds [per acre]; or the volume of a material that can be applied to a unit area of land (e.g., gallons per acre).
- (ee) "Preparer" is either the person who generates sewage sludge during the treatment of domestic sewage or a combination of domestic sewage and industrial wastewater in a treatment works or the person who derives a material from sewage sludge.
- (ff) "Reclamation site" means drastically disturbed land that is reclaimed using sewage sludge or product derived from sewage sludge. This includes, but is not limited to, strip mines and construction sites.
- (gg) "Sewage sludge" means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage or a combination of domestic sewage and industrial wastewater in a treatment works. Sewage sludge includes, but is not limited to scum or solids removed in primary, secondary, or advanced wastewater treatment processes. Sewage sludge does not include ash generated during the firing of sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, treated effluent, or materials excluded from definition of "sewage sludge" by O.C.G.A. § [12-5-30](#)-.3(a)(1).

- (hh) "Sludge management plan" means a detailed plan of operation for land application of sewage sludge, or any other method of sewage sludge disposal other than co-disposal in a permitted sanitary landfill. The plan shall, at a minimum, comply with the regulations and any additional requirements established by the EPD pursuant to the Federal Act Section 405(d), the Resource Conservation and Recovery Act (RCRA), and 40 CFR 503.
- (ii) "Specific oxygen uptake rate (SOUR)" is the mass of oxygen consumed per unit time per unit mass of total solids (dry weight basis) in the sewage sludge.
- (jj) "Stockpile" means to place sewage sludge on land in piles or in any other manner that does not constitute application to the land as defined in 391-3-6-.17(2)(u).
- (kk) "Total solids" are the materials in sewage sludge that remain as residue when the sewage sludge is dried at 103 to 105 degrees Celsius.
- (ll) "Treat or treatment of sewage sludge" is the preparation of sewage sludge for final use or disposal. This includes, but is not limited to, thickening, stabilization, dewatering of sewage sludge.
- (mm) "Treatment works" is either a Federally owned, publicly owned, or privately owned device or system used to treat, recycle or reclaim either domestic sewage or combination of domestic sewage and industrial wastewater.
- (nn) "Unstabilized solids" are organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.
- (oo) "Vector attraction" is the characteristic of sewage sludge that attracts rodents, flies, mosquitos, or other organisms capable of transporting infectious agents.
- (pp) "Volatile solids" is the amount of the total solids in sewage sludge lost when the sewage sludge is combusted at 550 degrees Celsius in the presence of excess air.
- (qq) "Wetlands" means those areas that are inundated or saturated by surface water or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(3) Coverage.

- (a) This rule applies to any person who prepares sewage sludge for land application or who applies sewage sludge to the land, to any sewage sludge applied to the land, and to the land on which sewage sludge is applied.
- (b) This rule does not apply to:

1. Processes used to treat sewage or processes used to treat sewage sludge before final use or disposal, except as provided in 391-3-6-.17(7) and 391-3-6-.17(8).
2. Sewage sludge determined to be hazardous in accordance with 40 CFR 261.
3. Grit and screenings generated during preliminary treatment of domestic sewage or a combination of domestic sewage and industrial wastewater in a treatment works.
4. Sludge generated during treatment of process wastewater at an industrial facility. A facility operated by the federal government is an industrial facility for the purpose of this rule if it treats any wastewater generated by an industrial process.
5. Disposal of sewage sludge by means other than land application at agronomic rates with the exception of sewage sludge applied to reclamation sites.
6. Domestic, commercial, or industrial septage, or any mixture thereof.
7. Sludge generated during treatment of drinking water.
8. Sewage sludge with a concentration of polychlorinated biphenyls (PCBs) equal to or greater than 50 milligrams per kilogram of total solids (dry weight basis).
9. The incineration of sewage sludge.
10. Ash generated during the firing of sewage sludge in a sewage sludge incinerator.

(c) Other exclusions:

1. The operator of any treatment Processes to Further Reduce Pathogens as described in 40 CFR 503 Appendix B, or any treatment process determined by the EPD to be equivalent to a Process to Further Reduce Pathogens which results in the derivation of compost from sewage sludge shall obtain a Solid Waste Handling Permit from EPD according to 391-3-4, unless the composting operation is part of a treatment works already regulated by an NPDES, LAS or other permit from EPD, in which case that permit will be modified in accordance with this rule to incorporate any necessary requirements for regulating the composting operation. The end product shall be regulated by the Georgia Department of Agriculture. Compost derived from any Processes to Significantly Reduce Pathogens as described in 40

CFR 503 Appendix B shall comply with the requirements contained in this rule.

2. The operator of any treatment process which consists of heat drying or incinerating sewage sludge shall obtain an Air Quality Permit from EPD in accordance with 391-3-1 and a processing permit by rule in accordance with [391-3-4-.06\(3\)\(d\)](#). If the heat drying process results in the derivation of a product for agricultural application, the end product shall be regulated by the Georgia Department of Agriculture.
3. Preparers proposing to sell or give away sewage sludge in a bag or other container for application to the land, must first obtain approval from the Georgia Department of Agriculture.
4. If sewage sludge is ultimately disposed of by land application or surface disposal, and is not beneficially used as a recovered material, the owner or operator of the site shall obtain a Solid Waste Handling Permit from the EPD in accordance with 391-3-4.

(4) **Permits Required.** The requirements in this Rule shall be implemented through a permit:

- (a) All facilities in Georgia which generate sewage sludge from the treatment of domestic (or industrial) sewage shall obtain either an NPDES permit as described in [391-3-6-.06](#), a land application system (LAS) permit as described in [391-3-6-.11](#), or a local or State pretreatment permit as described in [391-3-6-.08](#) through [391-3-6-.10](#), regardless of their method of handling sewage sludge.
- (b) Facilities in Georgia which handle sewage sludge by one or more of the following requirements, as applicable:
 1. If a facility intends to utilize land application or intends to sell or give sludge away as a means of sludge handling, the facility shall submit a Sludge Management Plan to the EPD for approval. The Sludge Management Plan shall, at a minimum, comply with the requirements contained in 391-3-6-.17 as well as any additional requirements as determined by the EPD. Upon approval by the EPD, the plan will become part of the facility's NPDES or LAS permit.
 2. If bulk sewage sludge from more than one permittee will be land applied to the same site or sites, or if both bulk sewage sludge from a permittee and an industrial sludge will be land applied on the same site or sites, the owner or operator of the site shall obtain an LAS permit in accordance with [391-3-6-.11](#).

- (c) If the sewage sludge is generated outside of the State of Georgia but will be transported to a site in Georgia for land application, the owner or operator of the site shall obtain an LAS permit in accordance with [391-3-6-.11](#).
- (d) Any person who prepares sewage sludge shall ensure that the applicable requirements in this part are met when the sewage sludge is land applied, fired in a sewage sludge incinerator, or disposed of by any means other than landfilling in an approved municipal solid waste landfill.
- (e) Any person who uses or disposes of sewage sludge through any practice for which requirements are established in this Rule shall comply with these requirements.

(5) Pollutant Limits.

- (a) Bulk sewage sludge and sewage sludge sold or given away in a bag or other container shall comply with the pollutant ceiling concentration limits in Table 1 as well as the following requirements:
 - 1. Bulk sewage sludge applied to agricultural land, forests, public contact sites, or reclamation sites shall comply with either the pollutant concentration limits in Table 3 or, in the event that the pollutant concentration limits in Table 3 cannot be met, with the cumulative pollutant loading rates in Table 2.
 - 2. Bulk sewage sludge applied to lawns and home gardens shall comply with the pollutant concentration limits in Table 3.
 - 3. Sewage sludge sold or given way in bags and containers as defined in 391-3-6-.17(2)(y) shall with the pollutant concentration limits in Table 3 or the annual sewage sludge application rates which are based on the annual pollutant loading rates in Table 4. Annual sewage sludge application rates shall be calculated in accordance with EPD requirements.

Table 1 -- Ceiling Concentration Limits

Pollutant	Ceiling Concentration (mg/kg)*
Arsenic	75
Cadmium	85
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
Selenium	100

Zinc 7500

* Dry weight basis

Table 2 -- Cumulative Pollutant Loading Rates

Pollutant	Cumulative Pollutant Loading Rate (lbs/acre)
Arsenic	37
Cadmium	35
Copper	1338
Lead	268
Mercury	15
Nickel	375
Selenium	89
Zinc	2498

Table 3 - Pollutant Concentration

Pollutant	Monthly Average Concentrations (mg/kg)*
Arsenic	41
Cadmium	39
Copper	1500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2800

* Dry weight basis

Table 4 - Annual Pollutant Loading Rates

Pollutant	Annual Pollutant Loading Rate (lbs/acre/year)
Arsenic	1.8
Cadmium	1.7
Copper	67
Lead	13
Mercury	0.76

Nickel	19
Selenium	4.5
Zinc	125

(6) **Operational Standards - Pathogens and Vector Attraction Reduction.**

- (a) The Class A pathogen requirements contained in 391-3-6-.17(7)(a) shall be met when bulk sewage sludge is applied to a lawn or home garden or when sewage sludge is sold or given away in a bag or other container for application to the land.
- (b) The Class A pathogen requirements contained in 391-3-6-.17(7)(a) or the Class B pathogen requirements contained in [391-3-6-.16\(7\)\(b\)](#) and the site restrictions described in 391-3-6-.17(7)(c) shall be met when bulk sewage sludge is applied to agricultural land, forests, public contact sites, or reclamation sites.
- (c) Sewage sludge that is applied to the land shall meet one of the vector attraction reduction requirements contained in 391-3-6-.17(8)(a) through (h) except that bulk sewage sludge that is applied to agricultural land, forests, public contact sites, or reclamation sites may instead meet the vector attraction reduction requirements contained in 391-3-6-.17(8)(i) or (j).

(7) **Pathogen Requirements.** This paragraph contains the requirements for a sewage sludge to be classified as either Class A or Class B with respect to pathogens as well as specific site restrictions for land application of a Class B sewage sludge.

- (a) **Class A Sewage Sludge.** To be classified as Class A with respect to pathogens the sewage sludge shall meet the requirements in 391-3-6-.17(7)(a) 1. as well as the requirements of one of the six alternatives described in 391-3-6-.17(7)(a) 2. through (a)7. The Class A pathogen requirements shall be met either before or at the same time the vector attraction reduction requirements are met, with the exception of the vector attraction reduction requirements in 391-3-6-.17(8)(f) through (h).
 - 1. Either the density of fecal coliform in the sewage sludge shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge shall be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the sewage sludge is land applied or is prepared for sale or given away in a bag or other container for application of the land.
 - 2. Alternative 1. The temperature of the sewage sludge shall be maintained at a specific value for a period of time.

- (i) When the percent solids of the sewage sludge is seven percent or higher, the temperature of the sewage sludge shall be 50 degrees Celsius or higher; the time period shall be 20 minutes or longer; and the temperature and time period shall be determined using equation (3), except when small particles of sewage sludge are heated by either warmed gases or an immiscible liquid.

$$D = \frac{131,700,000}{10^{0.1400t}}$$

Where,

D = time in days.

t = temperature in degrees Celsius.

- (ii) When the percent solids of the sewage sludge is seven percent or higher and small particles of sewage sludge are heated by either warmer gases or an immiscible liquid, the temperature of the sewage sludge shall be 50 degrees Celsius or higher, the time period shall be 15 seconds or longer, and the temperature and time period shall be determined using equation (3).
- (iii) When the percent solids of the sewage sludge is less than seven percent and the time period is at least 15 seconds, but less than 30 minutes, the temperature and time period shall be determined using equation (3).
- (iv) When the percent solids of the sewage sludge is less than seven percent; the temperature of the sewage sludge is 50 degrees Celsius or higher; and the time period is 30 minutes or longer, the temperature and time period shall be determined using equation (4).

$$D = \frac{50,070,000}{10^{0.1400t}}$$

Where,

D = time in days.

t = temperature in degrees Celsius.

3. Alternative 2. The sewage sludge pH shall be raised to above 12 standard units and shall remain above 12 standard units for 72 hours. At the end of the 72 hour period, the sewage sludge shall be air dried to achieve greater

than 50 percent solids. The temperature of the sewage sludge shall be maintained above 52 degrees Celsius for at least 12 hours while the sewage sludge pH is above 12 standard units.

4. Alternative 3. The sewage sludge shall be analyzed before pathogen treatment to determine whether the sewage sludge contains enteric viruses.
 - (i) If the density of enteric viruses is less than one Plaque-forming Unit per four grams of total solids (dry weight basis), the sewage sludge shall be considered Class A until the next monitoring episode.
 - (ii) If the density of enteric viruses is equal to or greater than one Plaque-forming Unit per four grams of total solids (dry weight basis), the sewage sludge shall be analyzed for enteric viruses after pathogen treatment. The sewage sludge shall be considered Class A if the density of enteric viruses after pathogen treatment is less than one Plaque-forming Unit per four grams of total solids and the values or range of values for the pathogen treatment process operating parameters are documented. Once the enteric virus reduction is demonstrated for the pathogen treatment process, the sewage sludge shall be considered Class A as long as the pathogen treatment operating parameters are consistent with the documented values or ranges of values.
5. Alternative 4. The sewage sludge shall be analyzed before pathogen treatment to determine if the sewage sludge contains viable helminth ova.
 - (i) If the density of viable helminth ova is less than one per four grams of total solids (dry weight basis), the sewage sludge shall be considered Class A until the next monitoring episode.
 - (ii) If the density of viable helminth ova is equal to or greater than one per four grams of total solids (dry weight basis), the sewage sludge shall be analyzed for viable helminth ova after pathogen treatment. The sewage sludge shall be considered Class A if the density of viable helminth ova after pathogen treatment is less than one per four grams of total solids and the values or range of values for the pathogen treatment process operating parameters are documented. Once the viable helminth ova reduction is demonstrated for the pathogen treatment process, the sewage sludge shall be considered Class A as long as the pathogen treatment operating parameters are consistent with the documented values or ranges of values.
6. Alternative 5. The density of enteric viruses in the sewage sludge shall be less than one Plaque-forming Unit per four grams of total solids (dry weight

basis) or the density viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis) at the time the sewage sludge is either land applied, prepared for sale, or given away in a bag or other container for application to the land.

7. Alternative 6. The sewage sludge shall be treated in one of the Processes to Further Reduce Pathogens as described in 40 CFR 503 Appendix B or treated in a process determined by the EPD to be equivalent to a Process to Further Reduce Pathogens.

(b) Class B Sewage Sludge. To be classified as Class B with respect to pathogens the sewage sludge shall meet one of the following alternatives.

1. Alternative 1. Seven samples of the sewage sludge shall be collected at the time of land application. The geometric mean of the density of fecal coliform in the samples shall be less than either 2,000,000 Most Probable Number per gram of total solids or 2,000,000 Colony Forming Units per gram of total solids.
2. Alternative 2. Sewage sludge that is to be land applied shall be treated in one of the Processes to Significantly Reduce Pathogens as described in 40 CFR 503 Appendix B or treated in a process that is equivalent to a Process to Significantly Reduce Pathogens, as determined by the EPD.

(c) Restrictions for Land Application Sites Receiving Class B Sewage Sludge.

1. Food crops with harvested parts that touch the sewage sludge/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of sewage sludge.
2. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of sewage sludge when the sewage sludge remains on the land surface for four months or longer before incorporation, or for 38 months after application when the sewage sludge remains on the land surface for less than four months before incorporation.
3. All other crops, as well as feed crops, and fiber crops shall not be harvested for 30 days after application of sewage sludge.
4. Animals shall not be allowed to graze on the land for 30 days after application of sewage sludge.
5. Turf grown on land where sewage sludge is applied shall not be harvested for one year after application of the sewage sludge when the harvested turf

is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by the EPD.

6. Public access to land with a high potential for public exposure shall be restricted for one year after application of sewage sludge.
7. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of sewage sludge.
8. Additional restrictions as may be determined by the EPD.

(8) **Vector Attraction Reduction.** Sewage sludge that is land applied, including sewage sludge sold or given away in a bag or other container for application to the land, shall meet one of the vector attraction reduction requirements contained in 391-3-6-.17(8)(a) through (8)(h) except that bulk sewage sludge that is applied to agricultural land, forests, public contact sites, or reclamation sites may instead meet the vector attraction reduction requirements contained in 391-3-6-.17(8)(i) or (8)(j).

- (a) The mass of volatile solids in the sewage sludge shall be reduced by at least 38 percent.
- (b) If the mass of volatile solids in an anaerobically digested sewage sludge cannot be reduced by at least 38 percent, vector attraction reduction can be demonstrated by anaerobically digesting a portion of the previously digested sewage sludge in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30 and 37 degrees Celsius. The volatile solids shall be measured at the beginning and end of the forty day test period. Vector attraction reduction is achieved when the volatile solids in the sewage sludge are reduced by less than 17 percent over the test period.
- (c) If the mass of the volatile solids in an aerobically digested sewage sludge cannot be reduced by at least 38 percent, vector attraction reduction can be demonstrated by aerobically digesting a portion of the previously digested sewage sludge that has a maximum of 2 percent solids in the laboratory in a bench-scale unit for thirty additional days at 20 degrees Celsius. The volatile solids shall be measured at the beginning and end of the thirty day test period. Vector attraction reduction is achieved when the volatile solids in the sewage sludge are reduced by less than 15 percent over the test period.
- (d) The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at 20 degrees Celsius.

- (e) Sewage sludge shall be treated in an aerobic process for at least fourteen days. During that time, the temperature of the sewage sludge shall be maintained above 40 degrees Celsius with the average temperature above 45 degrees Celsius.
- (f) The sewage sludge pH shall be raised to 12 standard units or higher by addition of alkaline material and shall remain at 12 standard units or higher for two hours and then 11.5 standard units or higher for an additional 22 hours without the addition or more alkaline material.
- (g) If sewage sludge does not contain unstabilized solids generated in a primary wastewater treatment process, the percent solids shall be equal to or greater than 75 percent based on the moisture content and total solids before mixing with other materials.
- (h) If sewage sludge contains unstabilized solids generated in a primary wastewater treatment process, the percent solids shall be equal to or greater than 90 percent based on the moisture content and total solids before mixing with other materials.
- (i) Injection of Sewage Sludge.
 - 1. Sewage sludge shall be injected below the surface of the land.
 - 2. No significant amount of the sewage sludge shall be percent on the land surface within one hour after the sewage sludge is injected.
 - 3. Class A sewage sludge shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.
- (j) Incorporation of Sewage Sludge.
 - 1. Sewage sludge shall be incorporated into the soil within six hours after land application.
 - 2. Class A sewage sludge that is to be incorporated into the soil shall be applied to the land within eight hours after being discharged from the pathogen treatment process.

(9) General Requirements.

- (a) No person shall land apply sewage sludge except in accordance with the requirements in this rule and the permit as well as any additional requirements as determined by the EPD.
- (b) No person shall land apply bulk sewage sludge subject to the cumulative pollutant loading rates in 391-3-6-.17(5) Table 2 to a site on which any of the cumulative pollutant loading rates in 391-3-6-.17(5) Table 2 have been reached.

- (c) No person shall land apply bulk sewage sludge to a site on which the nitrogen requirements have been met for the calendar year.
- (d) The preparer shall provide the person who land applies bulk sewage sludge written notification of the analytical results obtained in accordance with 391-3-6-.17(11) and 391-3-6-.17(13).
- (e) The person who land applies sewage sludge shall obtain information needed to comply with the requirements in this subpart.
 - 1. Before bulk sewage sludge subject to the cumulative pollutant loading rates in 391-3-6-.17(5) Table 2 is applied to the land, the applier shall contact the EPD to determine if bulk sewage sludge subject to cumulative pollutant loading rates has been previously applied to the site.
 - (i) If bulk sewage sludge has been applied to the site and the cumulative amount of each pollutant applied to the site is known, that amount shall subtracted from the cumulative pollutant loading rate for each pollutant in 391-3-6-.17(5) Table 2 to determine the additional amount of each pollutant that can be applied to the site. For arsenic, mercury, and selenium, the cumulative amount of each pollutant applies to the site since July 20, 1993 shall be utilized for the calculations. For copper, lead, zinc, nickel, and cadmium the cumulative amount of each pollution applied to the site since the first bulk sewage sludge application shall be utilized for the calculations.
 - (ii) If bulk sewage sludge subject to the cumulative pollutant loading rates in 391-3-6-.17(5) Table 2 has been applied to the site and the cumulative amounts of pollutants applied to the site are unknown, no additional amount of each pollutant shall be applied to the site.
 - 2. Before bulk sewage sludge is land applied, the applier shall contact the EPD to determine whether bulk sewage sludge has been previously applied to the site. If bulk sewage sludge has been previously applied to the site, the amount of mineralized nitrogen from previous sewage sludge applications that is available for crop uptake, as well as the amount of nitrogen from other sources that is available for crop uptake, shall be taken into account in determining the agronomic loading rate.
- (f) When a preparer provides bulk sewage sludge to an applier, the preparer shall provide the applier notice and necessary information to comply with the requirements in this subparagraph.
- (g) When a preparer provides sewage sludge to another preparer, the person who provides the sewage sludge shall provide the person who receives the sewage

sludge notice and necessary information to comply with the requirements in this subparagraph.

- (h) The applier shall provide the owner or lease holder of the land application site notice and necessary information to comply with the requirements in this subparagraph.
- (i) Any person who land applies bulk sewage sludge subject to the cumulative pollutant loading rates in 391-3-6-.17(5) Table 2 shall provide written notice to the EPD before the initial application to a site, and the EPD shall retain the notice and provide access to it. The notice shall include:
 - 1. The location, by either street address or latitude and longitude, of the land application site.
 - 2. The name, address, telephone number, and permit number (if appropriate) of the person who will apply the bulk sewage sludge.

(10) Management Practices.

- (a) Bulk sewage sludge shall not be applied to the land if it is likely to adversely affect a threatened or endangered species listed under section 4 of the Federal Endangered Species Act ([16 U.S.C. §§ 1531 - 1544](#)) or its designated critical habitat.
- (b) Bulk sewage sludge shall not be applied to an agriculture land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow covered so that the bulk sewage sludge enters a wetland or others waters of the State of Georgia except as provided in a permit issued pursuant to the Georgia Water Quality Control Act and [391-3-6-.06](#).
- (c) Site restrictions, buffer areas, and any additional EPD requirements shall apply to the land application of bulk sewage sludge. Class B sewage sludge shall also be subject to the site restrictions in 391-3-6-.17(17)(c). Reduction of buffer areas on sites where exceptional quality sludge is land applied will be considered by the EPD upon written request. However, in no case shall bulk sewage sludge be applied to areas located 35 feet or less from waters of the State of Georgia.
- (d) Bulk sewage sludge shall not land applied at greater than agronomic rates except on reclamation sites. Agronomic rates shall be calculated using the sludge application rate determination procedures as determined by the EPD. The application rate for sewage sludge on reclamation sites shall be determined on a case-by-case basis.
- (e) Sewage sludge that is sold or given away in a bag or other container for land application shall have a label affixed to the bag or other container or an

information sheet shall be provided to the person who receives the sewage sludge. The label or information sheet shall contain the following information.

1. The name and address of the person who prepared the sewage sludge.
2. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instructions on the label or information sheet.
3. The annual sludge application rate that does not cause any of the annual pollutant loading rates in 391-3-6-.17(5) Table 4 to be exceeded.
4. Any additional information required by Georgia Department of Agriculture rules.

(f) Under no conditions may sewage sludge be stockpiled at a land application site.

(11) Monitoring.

- (a) The pollutants listed in 391-3-6-.17(5), the pathogen density requirements listed in 391-3-6-.17(7) and the vector attraction reduction requirements listed in 391-3-6-.17(8)(a) through (8)(h), and any additional parameters contained in the permit, shall be monitored at the frequency listed in Table 5.

Table 5 -- Monitoring Frequency

Amount of Sewage Sludge (dry tons/year)*	Frequency
0 - 300	once/year
300 - 1600	once/quarter
1600 - 16000	once/two months
16000	once/month

*The "amount of sewage sludge" refers to either the amount of bulk sewage sludge (dry weight) applied to the land or the amount of sewage sludge (dry weight) received by a preparer that sells or otherwise distributes sewage sludge in a bag or other container for application to the land.

- (b) After the sewage sludge has been monitored at the frequency in Table 5 for two years, the EPD may reduce the monitoring frequency for the pollutants listed in 391-3-6-.17(5). In no case shall the monitoring frequency be less than once per year.

(12) Analytical Methods. Representative sewage sludge samples shall be analyzed in accordance with the methods contained in [40 CFR 503.8](#). Test methods used to determine toxicity, such as the Toxicity Characteristic Leachate Procedure, may be used

to determine whether sewage sludge is hazardous, but shall not be used for the purpose of determining compliance with any of the inorganic pollutant requirements contained in this rule.

(13) **Recordkeeping.**

(a) Persons who prepare bulk sewage sludge for land application or who sell or give away sewage sludge in a bag or other container, shall develop the following information and retain it for five years:

1. The concentration of each pollutant listed in 391-3-6-.17(5), and any additional parameters required by the permit.
2. One of the following certification statements.
 - (i) Certification statement of persons preparing bulk sewage sludge for land application: "I certify, under penalty of law, that the Class (insert "A" or "B") pathogen requirement in 391-3-6-.17(7) and the vector attraction reduction requirements in 391-3-6-.17 [8]) has been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements and the vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."
 - (ii) Certification statement for persons preparing sewage sludge that is sold or given away in a bag or other container: "I certify, under penalty of law, that the management practice in 391-3-6-.17(10)(e); the Class A pathogen requirement in 391-3-6-.17(7)(a), and the vector attraction reduction requirement in (insert one of the vector attraction reduction requirements in 391-3-6-.17(8)(a) through [h]) have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practice, pathogen requirements, and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of the fine and imprisonment."
3. A description of how either Class A or Class B pathogen requirements are met.
4. A description of how the vector attraction reduction requirement is met.

5. The annual sludge application rate that does not cause the annual pollutant loading rates in 391-3-6-.17(5) Table 4 to be exceeded shall also be retained by the preparer when the sewage sludge is sold or given away in a bag or other container.
 6. All other information required as described in the permit.
- (b) The person who land applies bulk sewage sludge shall develop the following information. The information in 391-3-6-.17(13)(b) 1. through 5. shall be retained indefinitely. The information in 391-3-6-.17(13)(b) 6. through 10. shall be retained for five years.
1. The location, by either street address or latitude and longitude, of each site on which the sewage sludge is applied.
 2. The number of acres on which sewage sludge is applied for each site.
 3. The date and time of each application of sewage sludge for each site.
 4. For bulk sewage sludge subject to the cumulative pollutant loading rates in 391-3-6-.17(5) Table 2, the cumulative amount of each pollutant listed in 391-3-6-.17(5) in pounds per acre for each site.
 5. The amount of sewage sludge, in dry tons, applied to each site.
 6. The following certification statement: "I certify, under penalty of law, that the management practices in 391-3-6-.17(10), the site restrictions in (insert 391-3-6-.17(7)(c) only if the sewage sludge is classified as Class B), the vector attraction requirements in (insert 391-3-6-.17(8)(i) or (8)(j), if one of those requirements is met), and additional requirements set forth by the EPD, have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices and site restrictions (and the vector attraction reduction requirements if applicable) have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."
 7. A description of how the management practices in 391-3-6-.17(10) and any additional management requirements set forth by the EPD, or if applicable, contained in the permit, are met for each land application site.
 8. A description of how the vector attraction reduction requirements in either 391-3-6-.17(8)(i) or (j) are met, if applicable, for each land application site.

9. A description of how the site restrictions are met for each land application site.
10. On sites where the sewage sludge is subject to the cumulative pollutant loading rates in 391-3-6-.17(5) Table 2, the following certification statement and description shall be developed:
 - (i) "I certify, under penalty of law, that the requirements to obtain information in 391-3-6-.17(9)(e) have been met for each land application site. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the requirements to obtain information have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."
 - (ii) A description of how the requirements to obtain information in 391-3-6-.17(9)(e) are met.

(14) Reporting.

- (a) Each facility or person that is permitted under this Rule shall submit to the EPD an annual report containing the information required in 391-3-6-.17(13) pertaining to the most recent calendar year. The report shall be submitted to the EPD no later than February 19 of the following year.
 - (b) Any facility permitted under this Rule that generates sewage sludge shall submit to the EPD a monthly report of the volume and concentration, or weight in dry pounds, of solids removed from the facility during that month. This report may be included with the monthly Discharge Monitoring Report described in [391-3-6-.06\(11\)](#) but in any case must be submitted to the EPD no later than the 15th day of the following month.
 - (c) The federal NPDES Electronic Reporting rule, 40 CFR Part 127 and associated amendments, became effective on December 21, 2015. The monthly and annual reporting requirements noted above may include the electronic submission of such items, as applicable and approved by EPD.
- (15) Compliance Period.** Compliance with the standards for land application of sewage sludge shall be achieved in accordance with the dates contained in [40 CFR 503.2](#).
- (16) Addition of More Stringent Requirements.** On a case-by-case basis, the EPD may impose additional or more stringent requirements when necessary to protect public health and the environment.

(17) Right to Monitor and Assess Fees.

- (a) The local governing authority in which a land application site is located may assess the generator of the sewage sludge and the owner of the land application site reasonable fees for environmental monitoring of the site and may hire persons to monitor the site. The assessed fee shall be limited to charges incurred for monitoring those parameters contained in the approved sludge management plan and the permit. Payment of the assessed fee shall be made prior to the application of sewage sludge. Failure to pay such fees, if assessed, shall be grounds for the local governing authority to seek an injunction to stop the land application of sewage sludge.

(18) Application for a Permit.

- (a) Any facility with a Georgia NPDES permit that generate sewage sludge for land application, either as bulk sewage sludge or for sale or given away in a bag or other container, or for disposal by any means other than disposal in an approved municipal landfill, shall submit the following information with a NPDES permit application at least 180 days prior to the expiration date of the existing permit.

- 1. The information required in [391-3-6-.06\(5\)](#).

- (b) Any facility with an NPDES permit that proposes to land apply bulk sewage sludge or that currently land applies sewage sludge but does not have an approved sludge management plan, shall submit the following additional information:

- 1. Description of the proposed land application site(s):

- (i) Location map(s) with the site(s) clearly denoted.

- (ii) Topographic map(s) with the following features identified and labelled:

- I. Site boundaries (including buffer areas);

- II. onsite access roads;

- III. portions of the 100-year flood plain;

- IV. location of any soil borings;

- V. location of houses;

- VI. location of wells;

- VII. surface water, including ditches and intermittent streams.

- (iii) Soil survey map(s) with application site(s) clearly denoted.
 - (iv) An aerial photograph of the site(s), if available.
 - 2. Soil series descriptions for each series represented, as described in the U.S. Department of Agriculture and University of Georgia, College of Agriculture soil survey(s) for the county(ies) in which each site is located.
 - 3. Soil analysis performed within the last six months, conducted in accordance with the requirements set forth by the EPD.
 - 4. Analysis of the sewage sludge performed within the last six months to include the parameters listed in 391-3-6-.17 as well as any additional parameters required by the EPD.
 - 5. The name of the facility generating the sewage sludge.
 - 6. The amount of sewage sludge to be applied per year. If some of the sewage sludge will be dewatered and some will be liquid, state the amount of each type.
 - 7. Whether the sewage sludge is to be dewatered, liquid, or both and the percent solids.
 - 8. The proposed method for meeting the pathogen reduction requirements in 391-3-6-.17(7) and vector attraction reduction requirements in 391-3-6-.17(8).
 - 9. The site use, crops to be grown on site and whether site will be used for grazing.
 - 10. The proposed method of application to the land and a description of operational procedures.
 - 11. A letter of agreement between the permittee and the owner of the site, if the owner is not the permittee.
 - 12. The proposed method for transporting the sludge to the application site.
 - 13. Any other information that the EPD may require.
- (c) Any facility with a LAS permit that generates sewage sludge for land application and has an approved sludge management plan, or generates sewage sludge for disposal by any means other than disposal in an approved municipal landfill shall

submit the following information with a LAS permit application at least 180 days prior to the expiration date of the existing permit:

1. The information required in [391-3-6-.11\(5\)](#).
- (d) Any facility with a LAS permit proposing to land apply sewage sludge, or that currently land applies sewage sludge but does not have an approved sludge management plan, shall submit the information listed in 391-3-6-.17(18)(b) 1. through (b)13.
- (e) Any person owning or operating a land application site or sites where bulk sewage sludge from more than one permittee is land applied, or where both bulk sewage sludge from a permittee and an industrial sludge are applied shall submit the following information with a land application system permit application:
1. The information in [391-3-6-.11\(5\)](#).
 2. The information in 391-6-.17(18)(b) 1. through (b)13.
- (f) Any person owning or operating a land application site on which bulk sewage sludge, generated outside the State of Georgia, is currently land applied, or is proposed to be land applied, shall submit the following information with a land application system permit application:
1. The information in 391-2-6-.11(5).
 2. The information in 391-3-6-.17(18)(b) 1. through (b)13.
- (19) **Notice and Public Participation.**
- (a) Notice must be provided for any planned significant changes to the permittee's sewage sludge use or disposal practices or sites.
 - (b) Notice will be made in accordance with the provisions of Rule 391-3-6-.26. The public notice for permits with an approved Sludge Management Plan will also include publication in one or more newspapers of general circulation in the area affected by the discharge.
- (20) **Terms and Conditions of Permits.** All permits, issued under Rule 391-3-6-.17 shall contain the terms and conditions required to comply with one or more of the following: [391-3-6-.06](#) and [391-3-6-.11](#).
- (21) **Schedules for Compliance.** Notwithstanding any requirements contained in Paragraph 391-3-6-.17(20), should a schedule for compliance with any requirement of 391-3-6-.17 exceed one year, the milestone dates in the schedule shall not be more than six months apart.

- (22) **Modification, Revocation, Reissuance, and Termination of Permits.** Modification, revocation, reissuance, or termination of any permit issued pursuant to this Rule shall comply with one or more of the Rules listed in 391-3-6-.17(20) above.
- (23) **Duration, Continuation and Transferability.** Any permit issued under this Rule will comply with the requirements of one of more of the following: [391-3-6-.06\(15\)](#), [391-3-6-.11\(11\)](#).
- (24) **Enforcement.** Any person who violates any provision of the Act, any rule promulgated and adopted pursuant thereto, or any term, condition, schedule or other requirements contained in a permit issued pursuant to the Act shall be subject to enforcement proceedings pursuant to the Act.
- (25) **Effective Date.** This rule shall become effective twenty days after filing with Secretary of State's Office.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.17

Authority: O.C.G.A. § [12-5-20](#)*et seq.*

History. Original Rule entitled "Sewage Sludge (Biosolids) Requirements" adopted. F. May 9, 1994; eff. May 29, 1994.

Amended: F. Aug. 30, 1995; eff. Sept. 19, 1995.

Repealed: ER. 391-3-6-0.32-.17, of the same title, adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Amended: Permanent Rule of the same title adopted. F. Jul. 10, 1996; eff. July 30, 1996.

Amended: F. Oct. 13, 2017; eff. Nov. 2, 2017.

Amended: F. May 13, 2020; eff. June 2, 2020.

Rule 391-3-6-.18. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.18

Authority: O.C.G.A. Sec. [12-5-20](#)*et seq.*

History. Original Rule entitled "General Permit for Construction Activities" adopted. F. May 25, 1995; eff. June 14, 1995.

Amended: F. Oct. 6, 1995; eff. Oct. 26, 1995.

Repealed: ER. 391-3-6-0.32-.18. F. May 1, 1996; eff. April 25, 1996; the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. is adopted, as specified by the Agency.

Amended: Permanent Rule reserved. F. Jul. 10, 1996; eff. July 30, 1996.

Rule 391-3-6-.19. General Permit - Land Application System Requirements.

- (1) **Purpose.** The purpose of Rule 391-3-6-.19 is to provide for the degree of waste treatment required and the uniform procedures and practices to be followed relating to the application for issuance, modification, revocation and reissuance, and termination of

general Land Application System (LAS) permits for the discharge of any pollutant to a LAS and then into the waters of the State.

- (2) **Definitions.** All terms used in this Rule shall be interpreted in accordance with the definitions as set forth in the Act unless otherwise defined in this paragraph or in any other Rules of this Chapter:

- (a) "Land Application System" (LAS) means any method of disposing of pollutants in which the pollutants are applied to the surface or beneath the surface of the parcel of land and which results in the pollutants percolating, infiltrating, or being absorbed into the soil and then into the waters of the State.
- (b) "General LAS Permit Application" means any application filed by any person with the Director for a general LAS permit.
- (c) A "General of LAS Permit" means a LAS permit issued under this Rule within a geographical area.
- (d) "Notice of Intent" (NOI) means a form used by a potential permittee to notify the Division, within a specified time, that they intend to comply with a general LAS permit.
- (e) "Notice of Termination" (NOT) means a form used by a permittee to notify the Division that they wish to cease coverage under a general LAS permit.

- (3) General Permit - LAS Requirements.

- (a) Coverage. The Director may issue a general LAS permit in accordance with the following:
 - 1. Area. The general LAS permit shall be written to cover a category of LAS facilities described in the permit under subparagraph (3)(a)2. of this section, except those covered by individual permits, within a geographic area. The area shall correspond to existing geographic or political boundaries.
 - 2. Sources. The general LAS permit may be written to regulate, within the area described in subparagraph 1. of this section, a category of LAS facilities if the LAS facilities all:
 - (i) Involve the same or substantially similar types of operations;
 - (ii) Land apply the same types of wastes; conditions;
 - (iii) Require the same treatment requirements or operating conditions;
 - (iv) Require the same or similar monitoring; and

- (v) In the opinion of the Director, are more appropriately controlled under a general LAS permit than under individual permits.

(b) Administration.

1. General LAS permits may be issued, modified, revoked and reissued, or terminated in accordance with applicable requirements of Rules [391-3-6-.11](#) and 391-3-6-.19. Public notice for issuance, modification, revocation and reissuance, and termination of general LAS permits shall be in accordance with paragraph [391-3-6-.11\(6\)](#).
2. Authorization to discharge.
 - (i) Any person seeking coverage under a general LAS permit shall submit to the Director a written notice of intent to be covered by the general LAS permit. Any person who fails to submit a notice of intent in accordance with the terms of the general LAS permit is not authorized to land apply under the terms of the general LAS permit. A complete and timely notice of intent to be covered in accordance with the general LAS permit requirements, fulfills the requirements for the permit applications.
 - (ii) The contents of the notice of intent shall be specified in the general LAS permit. The notice of intent shall be signed in accordance with subparagraph 391-3-6-.19(5)(d).
 - (iii) General LAS permits shall specify the deadline for submitting notices of intent to be covered and the date(s) when land application is authorized under the permit.
 - (iv) General LAS permits shall specify whether a person that has submitted a timely notice of intent to be covered in accordance with a general LAS permit and that is eligible for coverage under the general LAS permit, is authorized to land apply in accordance with the general LAS permit either upon receipt of the notice of intent by the Director, after a waiting period specified in the general LAS permit, on a date specified in the general LAS permit, or upon receipt of notification of inclusion by the Director. Coverage may be revoked in accordance with subparagraph 391-3-6-.19(3)(b)(3).
3. Requiring an individual permit.
 - (i) The director may require any person authorized by a general LAS permit to apply for and obtain an individual LAS permit. Any

interested person may petition the Director to take action under this rule.

- (ii) Any owner or operator authorized by a general LAS permit may request to be excluded from the coverage of the general LAS permit by applying for an individual LAS permit. The owner or operator shall submit an application under paragraph [391-3-6-.11\(5\)](#), with reasons supporting the request, to the Director.
- (iii) When an individual LAS permit is issued to an owner or operator otherwise subject to a general LAS permit, the applicability of the general LAS permit to the individual LAS permittee is automatically terminated on the effective date of the individual LAS permit.
- (iv) A source excluded from a general LAS permit solely because it already has an individual LAS permit may request that the individual LAS permit be revoked, and that it be covered by the General LAS permit. Upon revocation of the individual LAS permit, the general LAS permit shall apply to the source.
- (v) Whenever the Director decides an individual LAS permit is required, the Director shall notify the permittee in writing of the decision and the reasons for it, and shall send an application form with the notice. The permittee must apply for a permit under paragraph [391-3-6-.11\(5\)](#) within sixty (60) days of notice unless a later date is granted by the Director. Public notice and public participation shall be in accordance with paragraph [391-3-6-.11\(6\)](#).

(4) Degree of Waste Treatment Required.

- (a) All pollutants shall receive such treatment so as to ensure compliance with the terms and conditions of the issued permit and with the following, whenever applicable:
 - 1. The requirements established in paragraph [391-3-6-.11\(4\)](#).
 - 2. Notwithstanding the above, more stringent effluent limitations may be required as deemed necessary by the Division (a) to meet any applicable Federal laws or regulations, or (b) to ensure compliance with any applicable State water quality standards, treatment standards, or schedules of compliance.

(5) Notice of Intent (NOI).

- (a) A NOI shall be on forms as may be prescribed and furnished from time to time by the Division. A NOI shall be accompanied by all pertinent information as the Division may require in order to establish permit limitations in accordance with paragraph [391-3-6-.11\(4\)](#), which may include but is not limited to, complete engineering reports, schedule of progress, plans, specifications, maps, measurements, quantitative and qualitative determinations, records and all related materials.
 - (b) Engineering reports, plans, specifications, and other similar material submitted to the Division shall be prepared by or under the direct supervision or review of, and bear the seal of, a Professional Engineer competent in the field of storm water, sewage and industrial waste treatment. At no time shall this requirement be in conflict with O.C.G.A. Section 43-15 governing the practices of professional engineering and surveying. Storm water pollution prevention plans, erosion and sediment control plans, best management plans and similar reports shall not be subject to this requirement.
 - (c) Material submitted shall be complete and accurate.
 - (d) Any NOI form, NOT form, and permit application submitted to the Division shall be signed in accordance with the requirements contained in [391-3-6-.11\(5\)\(d\) 1. - 3.](#)
 - (e) All other reports or request for information required by the permit issuing authority shall be signed by in accordance with the requirements contained in [391-3-6-.11\(5\)\(e\).](#)
 - (f) Any changes in the written authorization submitted to the permitting authority under (e) above which occur after the issuance of a permit shall be reported to the permitting authority by submitting a copy of a new written authorization which meets the requirement of [391-3-6-.11\(5\)\(e\) 1. -2. above.](#)
 - (g) Any person signing any document under (d) or (e) above shall make the following certification: "I certify under the penalty of law that I have personally examined and am familiar with the information submitted in the attached document; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."
- (6) Notice and Public Participation. The notice and public participation procedures of Rule 391-3-6-.26 shall apply to the tentative determination to issue a general LAS permit.
- (7) Schedules of Compliance. Any person who obtains a General LAS Permit and who is not in compliance with the permit shall be required to achieve compliance in accordance with a schedule as set forth in paragraph [391-3-6-.11\(7\).](#)

(8) Monitoring, Recording, and Reporting Requirements.

- (a) Monitoring, recording, and reporting requirements shall be in accordance with those outlined in paragraph [391-3-6-.11\(8\)](#) of this Chapter.
- (b) General LAS permits that do not require submittal of monitoring reports at least annually shall report to the Director in writing all instances of noncompliance at least annually.

(9) Duration, Continuation, and Transferability of Permits.

- (a) Any general LAS permit under O.C.G.A. Section [12-5-30](#) shall have a fixed term not to exceed five (5) years. Upon expiration of such permit, a new permit may be issued by the Director in accordance with O.C.G.A. Section [12-5-30](#). The issuance of such new permit shall likewise have a fixed term not to exceed five (5) years.
- (b) Any owner or operator authorized by a general LAS permit may request that coverage under the general LAS permit be terminated by submitting a written Notice of Termination. The contents of the Notice of Termination shall be specified in the general LAS permit and shall be signed in accordance with subparagraph 391-3-6-.115(d). Subparagraph [391-3-6-.11\(11\)\(b\)](#) is not applicable to general LAS permits.
- (c) When the permittee has submitted a timely and sufficient application for a new individual LAS permit or a notice of intent for a general LAS permit and the Director is unable, through no fault of the permittee, to issue the new permit before the expiration date of the existing permit, then the Director shall extend the existing permit until a new permit is issued.

(10) **Enforcement.** Any person who violates any provision of the Act, any rule promulgated and adopted pursuant thereto, or any term, condition, schedule of compliance or other requirement contained in a permit issued pursuant to the Act shall be subject to enforcement proceedings pursuant to the Act.

(11) **Effective Date.** This rule shall become effective twenty days after filing with the Secretary of State's office.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.19

Authority: O.C.G.A. § [12-5-20](#) *et seq.*

History. Original Rule entitled "General Permit-Land Application System Requirements" adopted. F. Oct. 6, 1995; eff. Oct. 26, 1995.

Repealed: ER. 391-3-6-0.32-.19, of the same title, adopted. F. May 1, 1996; eff. April 25, 1996, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter suspending this ER is adopted, as specified by the Agency.

Amended: Permanent Rule of same title adopted. F. Jul. 10, 1996; eff. July 30, 1996.

Amended: F. May 13, 2020; eff. June 2, 2020.

Rule 391-3-6-.20. Swine Feeding Operation Permit Requirements For Operations With More Than 3000 Animal Units.

(1) Purpose.

The purpose of this paragraph 391-3-6-.20 is to provide for the uniform procedures and practices to be followed relating to the application for and the issuance or revocation of permits for swine feeding operations with more than 3000 Animal Units. Nothing in this paragraph shall be construed to preclude the modification of any requirement of this paragraph when the Division determines that the requirement is not protective of the environment.

(2) Definitions.

All terms used in this paragraph shall be interpreted in accordance with the definitions as set forth in the Act unless otherwise defined in this paragraph or in any other paragraph of these Rules:

- (a) "Act" means the Georgia Water Quality Control Act, as amended;
- (b) "Swine feeding operation" or "operation" means a lot or facility where swine have been, are, or will be stabled or confined or fed or maintained for a total of at least 45 days in any 12-month period, and the confinement areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season.
- (c) "Animal Unit" (AU) is a unit of measurement for any swine feeding operation calculated by the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4.
- (d) "Barn" means a structure where confinement feeding (feeding in limited quarters under a roof) occurs. Structures where confinement feeding does not occur are not considered "barns" for the purposes of this rule.
- (e) "Certified operator" means any person who has been trained and certified by the Georgia Department of Agriculture and has direct general charge of the day-to-day field operation of a swine feeding operation waste storage and disposal system, and who is responsible for the quality of the treated waste.
- (f) "Closure plan" means the plan approved by the Division for clean up and closure of the swine feeding operation and associated waste storage and disposal facilities.
- (g) "Concentrated Animal Feeding Operation," or "CAFO," means a swine feeding operation which is defined as a Large CAFO or Medium CAFO by [40 CFR 122.23\(4\) and \(6\)](#), or that is designated as a CAFO.

- (h) "Existing" applies to that which existed prior to the effective date of this rule. "Existing operation" means a swine feeding operation that was in operation prior to September 15, 2003.
- (i) "Freeboard" is the extra depth added to a waste storage lagoon or structure as a safety factor between the designed full depth and the overflow depth. This is the vertical distance below the lowest point of the lagoon or structure berm above which the liquid level must never rise except in the case of a storm event exceeding the design maximum precipitation event.
- (j) "Natural Resources Conservation Services" (NRCS) is an agency within the United States Department of Agriculture.
- (k) "New" applies to that which existed on or after September 15, 2003. "New or expanding operation" or "new swine feeding operation" means a swine feeding operation the construction or expansion of which is commenced on or after September 15, 2003.
- (l) "NRCS guidance" means the latest editions of the Natural Resources Conservation Service (NRCS) Agricultural Waste Management Field Handbook, Part 651, Field Office Technical Guidance Section IV Georgia, and other applicable publications of the NRCS. A certified specialist or trained person may use NRCS guidance to develop or modify a NMP.
- (m) "Nutrient Management Plan" (NMP) is a plan which identifies actions or priorities that will be followed to meet clearly defined nutrient management goals at an agricultural operation. Defining nutrient management goals and identifying measures and schedules for attaining the goals are critical to reducing threats to water quality and public health. The NMP should address activities related to compliance with effluent limitations and other permit requirements, including manure handling and storage, land application of manure and wastewater, site management, record keeping, and management of other utilization options. For a swine feeding operation with a liquid manure handling system, the NMP must be developed or modified by a "certified specialist" as defined by the Division. The Division will specify the requirements for certification. For a swine feeding operation that handles dry manure, the NMP must be developed by a person trained in the subject by an academic or trade organization; it should include emergency response planning and a closure plan for abandonment of any facility used for the treatment or storage of animal waste. The requirements for submittal and approval of the NMP are specified in the following paragraphs.
- (n) "Owner" means any person owning any system for waste treatment and disposal at a swine feeding operation. "Owner or operator" means any person who owns, leases, controls, or supervises a swine feeding operation. For the purpose of paragraph 391-3-6-.20(4) of these rules, if a person intends to operate a swine feeding operation with another entity that owns the swine, directs the manner in

which the swine will be housed, or controls the inputs or the other material aspects of the operation, this person shall be the operator and the owner shall be the entity that owns the swine, directs the manner in which the swine will be housed, or controls the inputs or the other material aspects of the operation.

- (o) "Permit" means a permit applied for and issued in accordance with the terms and conditions for paragraphs [391-3-6-.06](#), Waste Treatment and Permit Requirements (individual NPDES permits), or [391-3-6-.11](#), Land Disposal and Permit Requirements (non-NPDES individual land application system or "LAS" permit), or [391-3-6-.15](#), Non-Storm Water General Permit Requirements (general NPDES permit), or [391-3-6-.19](#), General Permit - Land Application System Requirements (non-NPDES general LAS permit), of this Chapter.
- (p) "Removed from service" means:
 - 1. The waste storage and disposal facilities no longer receive swine wastes and the facilities are not being serviced or maintained; or
 - 2. The owner or operator informs the Division that the swine feeding operation has been closed and removed from service; or
 - 3. The Division has ordered the facilities closed; or
 - 4. An order has been issued by a court to cease operation and close the facilities.
- (q) "Wetted area" or "disposal area" is the land area where swine waste is sprayed, spread, incorporated, or injected so that the waste can either condition the soil or fertilize crops or vegetation grown in the soil.
- (r) "100-year, 24-hour storm event" is the maximum 24-hour precipitation event expressed in inches with a probable recurrence interval of once in 100 years, as defined by the National Weather Service of the United States Department of Commerce in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States," May 1961, and subsequent amendments.
- (s) "100-year flood plain" is the land inundated from a flood whose peak magnitude would be experienced on an average of once every 100 years. The 100-year flood has a 1% probability of occurring in one given year.
- (t) "3000 AU" means three thousand animal units. Paragraph 391-3-6-.20(2)(c) notwithstanding, the numbers of animals in any of the following categories are equivalent to 3000 AU:
 - 1. 7,500 swine each weighing 55 pounds or more,

2. 30,000 swine each weighing less than 55 pounds (immature swine or nursery pigs).

(3) Basic Permit Requirement.

- (a) Any person who owns or operates a swine feeding operation with greater than 3000 AU shall obtain a permit from the Division in accordance with the following:
 1. Any person who is the owner of a swine feeding operation with more than 3000 AU and uses liquid manure handling must apply for an LAS permit from the Division, unless an NPDES permit is required by 391-3-6-.20(3)(a)(2).
 2. Any person who is the owner of a swine feeding operation with more than 3000 AU and uses liquid manure handling is required to obtain an NPDES permit per 40 CFR 122 if there are discharge(s) to a water of the State excluding subsurface water (groundwater).
- (b) Two or more swine feeding operations under common ownership are considered to be a single operation subject to this paragraph if they adjoin each other (are contiguous) or if they use a common area system for the disposal of wastes.
- (c) Discharges from a CAFO include discharges of manure, litter, or process wastewater from land application areas under the control of the CAFO that are not exempt as "agricultural storm water discharges." Precipitation-related discharges qualifying as agricultural storm water discharges are not subject to these permit requirements. For discharges from the land application area to qualify as agricultural storm water, manure and wastewater must be applied in accordance with site-specific practices that ensure appropriate agricultural utilization of nutrients [under [40 CFR 122.23\(e\)](#)].
- (d) The Division will notify the public of a proposal to grant coverage under a general NPDES permit or a proposed individual NPDES permit and make available for public review and comment the permit application, the notice of intent, the NMP, and the draft terms of the NMP to be incorporated into the permit.
- (e) The sale, lease, or other transfer of ownership or operating control of any swine feeding operation with greater than 3000 AU to any other corporate or partnership entity or to any individual person or persons unrelated by blood, marriage, or adoption to the existing operator shall require that a new permit be applied for, in accordance with the applicable paragraph or paragraphs of this rule.
- (f) Exclusions from all permit requirements of this paragraph are made for the following facilities unless they are defined as a concentrated animal feeding operation per 40 CFR 122, or the Division has made a case-by-case designation as

a concentrated animal feeding operation, and they discharge, in which cases NPDES permitting is required by [40 CFR 122.23](#):

1. A livestock market, sale barn, stockyard, or auction house where animals are assembled from at least two sources to be publicly auctioned or privately sold on a commission basis and that is under state or federal supervision. However, these facilities are defined as swine feeding operations if they meet the definition of a swine feeding operation in 391-3-6-20(2)(b).
- (g) Any person who removes and transports animal waste from its point of origin shall conform to the animal manure handler rules of the Georgia Department of Agriculture.

(4) Permit for Swine Feeding Operations with more than 3000 AU.

- (a) New swine feeding operations with more than 3000 AU, or existing operations that are expanding production so that they will have more than 3000 AU, which propose to commence operation after September 15, 2003 must obtain an individual permit in accordance with this paragraph prior to commencing construction for the operation. Permit applications should be submitted 180 days in advance. Any existing swine feeding operation which proposes to expand to more than 3000 AU must obtain an individual permit and comply with the requirements of this paragraph prior to any such expansion or operation of such an expanded facility.
- (b) There shall be no discharge of pollutants from the operation into the surface waters of the State, as defined in the Act, §O.C.G.A. [12-5-22\(13\)](#). There shall be no discharge of pollutants into ground water which would cause ground water quality not to comply with the maximum contaminant levels established in Georgia's Rules for Safe Drinking Water 391-3-5.
- (c) The permit applicant shall have waste storage and disposal systems designed by a professional engineer registered in Georgia, at least as stringently as NRCS guidance, and shall implement an NMP approved by the Division prior to startup. The permittee shall not start feeding any swine at the permitted operation before obtaining written approval from the Division for startup, subsequent to a final construction inspection by the Division.
- (d) The operation must have a certified operator prior to startup. The operator must be trained and certified in accordance with 391-3-6-.20(9).
- (e) The owner or operator shall, after completing a site evaluation and before any site preparation or construction commences, notify all adjoining property owners and all property owners who own property located within one mile of any boundary of the swine feeding operation of that person's intent to construct the swine feeding operation. This notice shall be by certified mail sent to the address on record at the

property tax office in the county in which the land is located. The written notice shall include all of the following:

1. The name and address of the person intending to construct a swine feeding operation.
2. The type of swine feeding operation and the design capacity (in number of swine) of the proposed swine waste management system.
3. The name and address of the technical specialist preparing the waste management plan.
4. The address of the local Soil and Water Conservation District office.
5. A statement informing the adjoining property owners and the property owners who own property located within one mile of the proposed swine feeding operation that they may submit written comments or questions to the Division.

In addition, the owner or operator must conduct a minimum of one public meeting to present to the public the proposed project, its purpose, design, and environmental impacts. The meeting date and time must be advertised at least 30 days in advance in local newspapers with circulation covering all areas impacted by the project. Provisions to receive written comments should also be made. Evidence of notification of adjoining property owners, minutes of the public meeting, proof of advertisement, and opinions derived from the meeting must be submitted to the Division. Prior to making a decision on whether to issue a permit, the Division will require the permit applicant to run a notice in the largest newspaper of general circulation in the affected county and will provide a 30-day public comment period. Furthermore, the Division may conduct a public hearing on the application prior to making any final decision.

- (f) The system must be designed to handle the runoff from a 100-year, 24-hour storm event without an overflow from the waste storage lagoon or structure or storm water runoff from the disposal fields.
- (g) Any waste storage lagoon or structure shall be provided with a synthetic liner such that the vertical hydraulic conductivity does not exceed 5×10^{-7} cm/sec. Individual waste storage lagoons or structures shall not exceed 100 acre-feet in volume.
- (h) It is required that a minimum of 2 feet of freeboard be maintained in the waste storage lagoons or structures at all times.
- (i) Barns, waste storage lagoons or structures, and wastewater disposal systems shall not be located within a 100-year flood plain.

- (j) The following buffers shall be maintained:
1. 750 feet between disposal area and any residence or places of public assembly under separate ownership,
 2. 200 feet between disposal area and property lines,
 3. 200 feet between disposal area and water wells,
 4. 150 feet between disposal area and drainage ditches, surface water bodies, or wetlands,
 5. 1,750 feet between waste storage lagoons, structures, or barns and any occupied residence,
 6. 1,750 feet between waste storage lagoons, structures, or barns and any public use area, church, picnic area, playground, school, hospital, outdoor recreational facility, national park, state park, historic property or child care center,
 7. 1,750 feet between waste storage lagoons, structures, or barns and any property boundary,
 8. 1,750 feet between waste storage lagoons, structures, or barns and any wells that supply water to a public water system, or any other well that supplies water for human consumption, and
 9. 2,640 feet between waste storage lagoons, structures, or barns and waters of the State (not including ephemeral and intermittent streams).
- (k) At least one up-gradient and at least two down-gradient ground water monitoring wells shall be installed for each drainage basin intersected by the disposal field and for each waste storage lagoon or structure. The number, location, design, and construction specifications of the monitoring wells shall be reviewed and approved by the Division prior to permit issuance. The wells must be properly installed prior to the beginning of feeding of swine.
- (l) The permit will contain specific requirements for monitoring the effluent and ground water monitoring wells. This will usually consist of quarterly monitoring of the effluent for BOD₅, TSS, TKN, NH₃, NO₃ and pH, as well as quarterly monitoring of the wells for specific conductivity, NO₃, pH and depth to ground water. Monitoring will also be required to determine soil phosphorus adsorption, sodium adsorption ratio, cation exchange capacity, and cumulative loading of copper and zinc.

- (m) The permit may require periodic monitoring of any wet weather ditches or perennial streams which are in close proximity to disposal fields.
- (n) The permittee must submit an annual report to the Division. The annual report must include the items specified in the permit.
- (o) The owner or operator shall provide the evidence of financial responsibility in accordance with paragraph 391-3-6-.20(7) prior to permit issuance. A closure plan in accordance with paragraph 391-3-6-.20(8) shall be provided with the permit application. The sum of the following costs must also be included in the evidence of financial responsibility:
 - 1. Ten percent of the initial capital costs for construction of the entire hog-growing facility swine feeding operation (barns, pens, feed storage, waste management, etc.)
 - 2. \$100,000 to cover the costs of any fines that may be imposed by the Division for violations of the laws, rules, regulations, and permits associated with the facility.
- (p) These operations are prohibited from using open lagoons or structures. Lagoons and waste storage facilities must be provided with airtight covers. Air pollution control devices using best available technology must be installed on all lagoon or structure cover vents and openings to remove ammonia, hydrogen sulfide, methane, formaldehyde, and any other organic and inorganic air pollutants which may be required by the Division. Such air pollution control devices must meet all requirements of the Division and Georgia's Rules for Air Quality Control (391-3-1), and no swine feeding operation permit for new or expanding operations with more than 3000 AU shall be issued by the Division unless an appropriate air quality control permit can be issued simultaneously.
- (q) These operations are prohibited from using spray irrigation of lagoon or structure effluent. Lagoon effluent must be incorporated into the disposal fields using subsurface injection at a depth not less than 6 inches.
- (r) These operations shall be assessed penalties for failure to comply with the terms of this paragraph, the Act, or the individual permit according to the following schedule:
 - 1. Lagoon or structure breach or loss of containment, \$50,000 for the first day and \$100,000 per day for each day within a 12 month period thereafter during which a release occurs.
 - 2. Land disposal field runoff, \$25,000 per day.

3. Discharge to ground water on site causing ground water to exceed any maximum contaminant limits in Georgia's Rules for Safe Drinking Water, \$5,000 per day.
 4. Discharge to ground water causing increases of pollutant concentrations at the property line above ambient levels, \$5,000 per day and immediate cessation of land disposal.
 5. Second occurrence of any of the failures to comply specified above in paragraph 391-3-6-.20(4)(r)(1), (2), (3), or (4), immediate revocation of the individual permit and assessment of the appropriate penalty.
- (s) These operations shall submit a compliance history and other information with the permit application in accordance with paragraph (6) of this rule.

(5) Degree of Pollutant Treatment Required and Alternative Technology.

- (a) The owner or operator of any swine feeding operation covered by rule 391-3-6-.20 shall ensure that all wastes from a swine feeding operation shall receive such treatment or corrective action so as to ensure compliance with the terms and conditions of the permit.
- (b) If retrofitting the waste handling storage and disposal system of any swine feeding operation covered by 391-3-6-.20 with alternative technology becomes economically achievable, the Director may require any swine feeding operation to eliminate lagoons or structures or spray fields. Alternative technologies may include, but are not limited to:
 1. Drying/dewatering in greenhouse - type facilities,
 2. Composting by in-vessel method,
 3. Mechanical separation,
 4. Biogas production,
 5. Soil incorporation, and
 6. Soil injection.

(6) Refusal to Grant Certain Permits in accordance with §O.C.G.A. 12-5-23(d), (e), (f), and (g).

- (a) An applicant for a permit for a new or expanding swine feeding operation with more than 3000 AU shall submit the following information to the Director as it pertains to the applicant and, in the case of a corporation or partnership, to the

corporation, partnership, officer, director, manager, partner, and each shareholder of five percent or more of the stock or financial interest in the corporation or partnership:

1. The name, social security number, taxpayer identification number, and business address.
2. Background information and a three-year environmental compliance history of any facility associated with any of the above individuals in any state. The information and compliance history shall be sufficient to address the following:
 - (i) intentionally misrepresented or concealed any material fact in permit application submitted;
 - (ii) obtained or attempted to obtain another permit by misrepresentation or concealment;
 - (iii) pleaded guilty or been convicted by final judgment, and all appeals have been exhausted, in this state or any other state or federal court of any felony involving moral turpitude;
 - (iv) pleaded guilty or been convicted by final judgment and all appeals have been exhausted to a third or subsequent material violation of any federal environmental law or any environmental law of this state or of any other state that presented a substantial endangerment to human health or the environment;
 - (v) adjudicated in contempt of any court order enforcing any federal environmental laws or any environmental laws of this state or of any other state;
 - (vi) the holder of any permit required for the discharge of pollutants as defined by this article, under the laws of this state, any other state, or the Federal Water Pollution Control Act Amendments of 1972, as amended, which permit has been revoked for reasons of noncompliance;
 - (vii) denied for reasons of noncompliance the issue of any permit required for the discharge of pollutants, as defined by this article, under the laws of this state, any other state, or the Federal Water Pollution Control Act Amendments of 1972, as amended, which permit has been revoked for reasons of noncompliance;
 - (viii) fish kills caused by any facility;

(ix) facility compliance status for the past three years including all violations of environmental permits, rules or statutes; and

(x) other information determined by the Director.

(b) The Director shall deny a permit application for a new or expanding swine feeding operation if the applicant or any person identified in (a) above:

1. intentionally misrepresented or concealed any material fact in the application submitted to the Director or an environmental permit application in any other state;
2. has obtained or attempted to obtain another permit from the Director or from any other state by misrepresentation or concealment;
3. has pleaded guilty or been convicted by final judgment and all appeals have been exhausted, in this state or any other state or federal court of any felony involving moral turpitude within the three years preceding the date of the application for such permit;
4. has pleaded guilty or been convicted by final judgment and all appeals have been exhausted to a third or subsequent material violation of any federal environmental law or any environmental law of this state or of any other state that presented a substantial endangerment to human health or the environment within three years preceding the date of the application for such a permit;
5. has been adjudicated in contempt of any court order enforcing any federal environmental laws or any environmental laws of this state or of any other state within three years preceding the date of the application for such permit;
6. was the holder of any permit required for the discharge of pollutants, as defined by this article, under the laws of this state, any other state, or the Federal Water Pollution Control Act Amendments of 1972, as amended, which permit has been revoked for reasons of noncompliance within three years preceding the date of the application for a permit under this article; and
7. was denied for reasons of noncompliance the issuance of any permit required for the discharge of pollutants, as defined by this article, under the laws of this state, any other state, or the Federal Water Pollution Control Act Amendments of 1972, as amended, within three years preceding the date of the application for a permit.

- (c) The Director shall deny a permit application for a new or expanding swine feeding operation if a facility operated by or associated with any person identified in (a) above has failed to operate in full compliance with applicable environmental permits, rules, or statutes for less than eighty percent of the time during the three-year period preceding the date of the application for a permit or if the facility caused more than one fish kill during that period.
- (d) The Director shall not deny a permit as stated in (b) above, if the Director finds that affirmative actions taken by the applicant mitigate the impact of any such material misrepresentations, concealment, convictions, adjudication, or violations. Such affirmative actions to be considered by the Director as mitigating factors shall include, but not be limited to, information or documentation related to the following:
 - 1. Implementation by the applicant of formal policies, training programs, or other management controls to minimize the occurrence of future unlawful activities;
 - 2. Installation by the applicant of environmental auditing or compliance programs; and
 - 3. The discharge from employment of any individual who was convicted of a crime associated with environmental violations.

(7) Financial Requirements

Owners of new swine feeding operations with more than 3000 AU at any one time shall establish and maintain evidence of financial responsibility to provide for the closure of their waste treatment facilities and the proper disposal of their contents after closure of the facility.

- (a) The owner must have a detailed written estimate, in current dollars, of the cost of hiring a third party to clean up and close the swine feeding operation. The owner must obtain a letter from the Division stating its concurrence that the owner's estimate of clean up and closure costs is reasonable. The owner must notify the Director that the estimate has been placed in the operating record.
 - 1. During the active life of the facility, the owner must annually adjust the closure cost estimate for inflation.
 - 2. The owner must increase the closure cost estimate and the amount of financial assurance provided under paragraph (b) of this section if changes to the closure plan increase the maximum cost of closure at any time during the remaining active life.

3. The owner may reduce the closure cost estimate and the amount of financial assurance provided under paragraph (b) of this section if the cost estimate exceeds the maximum cost of closure. The owner must notify the Director that the justification for the reduction of the closure cost estimate and the amount of financial assurance has been placed in the operating record.
- (b) Financial assurance for closure: The owner of each swine feeding operation with an annual average of greater than 3000 AU must establish financial assurance for closure of the facility. The owner must provide continuous coverage for closure until released from financial assurance requirements by the Director. The owner must choose from the options as specified in paragraphs (c) through (f) of this section. The mechanism for financial assurance must be submitted to the Division for approval and must also allow the Director access to the funds in the event of failure of the owner to close the facility.
- (c) Closure trust fund.
1. An owner may satisfy the requirements of this section by establishing a closure trust fund and submitting an originally signed duplicate of the trust agreement to the Director. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.
 2. After the trust fund is established, whenever the current closure cost estimate changes, the owner must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner, within 60 days after the change in the cost estimate, must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or obtain other financial assurance as specified in this section to cover the difference.
 3. If the value of the trust fund is greater than the total amount of the current closure cost estimate, the owner may submit a written request to the Director for release of the amount in excess of the current closure cost estimate.
 4. If an owner substitutes other financial assurance as specified in this section for all or part of the trust fund, he may submit a written request to the Director for release of the amount in excess of the current closure cost estimate covered by the trust fund.
 5. After beginning partial or final closure, an owner or another person authorized to conduct partial or final closure may request reimbursements for partial or final closure expenditures by submitting itemized bills to the

Director. The owner may request reimbursements for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its remaining operating life. No later than 60 days after receiving bills for partial or final closure activities, the Director will instruct the trustee to make reimbursements in those amounts as the Director specifies in writing, if the Director determines that the partial or final closure expenditures are in accordance with the approved closure plan, or otherwise justified. If the Director does not instruct the trustee to make such reimbursements, he will provide to the owner or operator a detailed written statement of reasons.

6. The Director will agree to termination of the trust when:
 - (i) An owner substitutes alternate financial assurance as specified in this section; or
 - (ii) The Director releases the owner from the requirements of this section.

(d) Closure letter of credit.

1. An owner may satisfy the requirements of this section by obtaining an irrevocable standby letter of credit and submitting the letter to the Director. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a Federal or state agency.
2. The letter of credit must be accompanied by a letter from the owner referring to the letter of credit by number, issuing institution, and date, and providing the following information: The type of facility, name, and address of the facility, and the amount of funds assured for closure of the facility by the letter of credit.
3. The letter of credit must be irrevocable and issued for a period of at least 1 year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least 1 year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Director by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Director have received the notice, as evidenced by the return receipts.
4. The letter of credit must be issued in an amount at least equal to the current closure cost estimate.

5. Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current closure cost estimate and submit evidence of such increase to the Director, or obtain other financial assurance as specified in this section to cover the increase. Whenever the current closure cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure cost estimate following written approval by the Director.
6. Following a final administrative determination that the owner has failed to perform final closure in accordance with the approved closure plan when required to do so, the Director may draw on the letter of credit.
7. The Director will return the letter of credit to the issuing institution for termination when:
 - (i) An owner substitutes alternate financial assurance as specified in this section; or
 - (ii) The Director releases the owner from the requirements of this section.

(e) Closure insurance.

1. An owner may satisfy the requirements of this section by obtaining closure insurance which conforms to the requirements of this paragraph and submitting a certificate of such insurance to the Director. By the effective date of these rules the owner or operator must submit to the Director a letter from an insurer stating that the insurer is considering issuance of closure insurance conforming to the requirements of this paragraph to the owner or operator. Within 90 days after the effective date of these rules, the owner or operator must submit the certificate of insurance to the Director or establish other financial assurance as specified in this section. At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.
2. The closure insurance policy must be issued for a face amount at least equal to the current closure cost estimate. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

3. The closure insurance policy must guarantee that funds will be available to close the facility whenever final closure occurs. The policy must also guarantee that once final closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Director, to such party or parties as the Director specifies.
4. After beginning final closure, an owner or any other person authorized to conduct closure may request reimbursements for closure expenditures by submitting itemized bills to the Director. Within 60 days after receiving bills for closure activities, the Director will instruct the insurer to make reimbursements in such amounts as the Director specifies in writing if the Director determines that the final closure expenditures are in accordance with the approved closure plan or otherwise justified. If the Director has reason to believe that the maximum cost of closure over the remaining life of the facility will be significantly greater than the face amount of the policy, he may withhold reimbursement of such amounts as he deems prudent until he determines that the owner is no longer required to maintain financial assurance for final closure of the particular facility. If the Director does not instruct the insurer to make such reimbursements, he will provide to the owner a detailed written statement of reasons.
5. The owner must maintain the policy in full force and effect until the Director consents to termination of the policy by the owner. Failure to pay the premium, without substitution of alternate financial assurance as specified in this section, will constitute a significant violation of these rules, warranting such remedy as the Director deems necessary. Such violation will be deemed to begin upon receipt by the Director of a notice of future cancellation, termination, or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.
6. Each policy must contain a provision allowing assignment of the policy to a successor owner. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.
7. The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Director. Cancellation, termination, or failure to renew may not occur, however, during the 120 days beginning with the date of receipt

of the notice by both the Director and the owner, as evidenced by the return receipts.

Cancellation, termination, or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:

- (i) The Director deems the facility abandoned; or
 - (ii) Closure is ordered by the Director or a U.S. district court or other court of competent jurisdiction; or
 - (iii) The owner is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or
 - (iv) The premium due is paid.
8. Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Director, or obtain other financial assurance as specified in this section to cover the increase. Whenever the current closure cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the Director.
9. The Director will give written consent to the owner or operator that he may terminate the insurance policy when:
- (i) An owner or operator substitutes alternate financial assurance; or
 - (ii) The Director releases the owner or operator from the requirements of this section.

(f) Surety Bond Guaranteeing Closure.

1. An owner or operator may demonstrate financial assurance for closure by obtaining a payment or performance surety bond which conforms to the requirements of this paragraph. The owner or operator must notify the Director that a copy of the bond has been placed in the operating record. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

2. The penal sum of the bond must be in an amount at least equal to the current closure cost estimate.
 3. Under the terms of the bond, the surety will become liable on the bond obligation when:
 - (i) The owner or operator fails to perform as guaranteed by the bond; or
 - (ii) The Director notifies the owner or operator that they have failed to meet the requirements of these rules.
 4. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner and operator and to the Director 120 days in advance of cancellation. If the surety cancels the bond, the owner or operator must obtain alternate financial assurance as specified in this section.
 5. The Director will give written consent to the owner or operator that he may terminate the surety bond when:
 - (i) An owner or operator substitutes alternate financial assurance; or
 - (ii) The Director releases the owner or operator from the requirements of this section.
 - (g) Release of the owner from the requirements of this section: Within 60 days after receiving certifications from the owner and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Director will notify the owner in writing that he is no longer required by this section to maintain financial assurance for final closure of the facility, unless the Director has reason to believe that final closure has not been in accordance with the approved closure plan. The Director shall provide the owner a detailed written statement of any such reason to believe that closure has not been in accordance with the approved closure plan.
 - (h) Failure of the owner to close the facility in accordance with 391-3-6-.20(8) of this rule shall constitute forfeiture of the funds retained in the financial assurance mechanism and the Director shall be allowed access to the funds to close the facility.
- (8) **Closure.**
- (a) Closure for new swine feeding operations with more than 3000 AU shall include, but may not be limited to the following:

1. The sampling, analysis, and reporting of results of all remaining livestock waste, including any sludge and the top 6 inches of any lagoon or structure soil liner;
 2. The removal of all remaining livestock waste, including sludge, and the removal of a minimum 6-inch thickness of soil throughout all lagoon or structure interiors;
 3. The application of all such wastes to cropland or pasture at agronomic rates;
 4. The removal of all associated appurtenances, including but not limited to transfer lines, ramps, pumping ports, and any other waste conveyance structures;
 5. The management of any impounded precipitation in any remaining excavations if the excavations are not immediately filled and returned to the pre-construction condition; and
 6. Any monitoring wells will be filled, plugged, and sealed in accordance with procedure approved by the Division.
- (b) For new swine feeding operations with more than 3000 AU, the owner shall submit a detailed closure plan for clean up and closure of the swine management facility with the permit application. This plan shall include a schedule for completion of closure within six months after the facility is removed from service. This plan shall be updated with future subsequent renewals of the permit.

(9) Operator Training and Certification Requirements.

- (a) Swine feeding operations are required to have certified operators prior to the feeding of swine.
- (b) Swine feeding operators shall be trained and certified by the Georgia Department of Agriculture. Proof of such training, certification, and continuing education shall be maintained by the Department of Agriculture and records provided to the Georgia Environmental Protection Division.
- (c) Certification training, agenda, and topics will be determined by the Georgia Department of Agriculture; but will include, at a minimum, best management practices, nutrient management planning, understanding regulations and water quality laws, standards, and practices, siting, pollution prevention, monitoring, and record keeping. Training programs will be structured to address the needs of the operators of differing sizes and various waste management technologies. Continuing education will be required to maintain this certification.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.20

Authority: O.C.G.A. Section [12-5-20](#), et. seq.

History. Original Rule entitled "Swine Feeding Operation Permit Requirements" adopted. F. June 16, 1999; eff. July 6, 1999.

Amended: F. June 26, 2000; eff. July 16, 2000.

Amended: F. Sept. 12, 2001; eff. Oct. 2, 2001.

Amended: F. Aug 26, 2003; eff. September 15, 2003.

Amended: Rule entitled "Swine Feeding Operating Permit Requirements for Operations with More than 3000 Animal Units. Amended". F. Jul. 18, 2012; eff. Aug. 7, 2012.

Rule 391-3-6-.21. Animal Feeding Operation Permit Requirements.

(1) Purpose.

The purpose of this paragraph 391-3-6-.21 is to provide for the uniform procedures and practices to be followed relating to the application for and the issuance or revocation of permits for animal feeding operations with more than 300 Animal Units (AU). This paragraph only includes swine feeding operations with more than 300 AU but equal to or less than 3000 AU. The requirements for swine feeding operations with more than 3000 AU are at paragraph [391-3-6-.20](#). Nothing in this paragraph shall be construed to preclude the modification of any requirement of this paragraph when the Division determines that the requirement is not protective of the environment.

(2) Definitions.

All terms used in this paragraph shall be interpreted in accordance with the definitions as set forth in the Act unless otherwise defined in this paragraph or in any other paragraph of these Rules:

- (a) "Act" means the Georgia Water Quality Control Act, as amended.
- (b) "Animal feeding operation," "operation," or "AFO" means a lot or facility (other than an aquatic animal production facility or swine feeding operation with more than 3000 AU) where animals have been, are, or will be stabled or confined and fed or maintained for a total of at least 45 days in any 12-month period, and the confinement areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season.
- (c) "Animal Unit" (AU) is a unit of measurement for any AFO calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

- (d) "Barn" means a structure where confinement feeding (feeding in limited quarters under a roof) occurs. Structures where confinement feeding does not occur are not considered "barns" for the purposes of this rule.
- (e) "Certified operator" means any person who has been trained and certified by the Georgia Department of Agriculture and has direct general charge of the day-to-day field operation of an AFO waste storage and disposal system, and who is responsible for the quality of the treated waste.
- (f) "Closure plan" means the plan approved by the Division for clean up and closure of the AFO and associated waste storage and disposal facilities.
- (g) "Concentrated Animal Feeding Operation," or "CAFO," means an AFO which is defined as a Large CAFO or Medium CAFO by [40 CFR 122.23\(4\) and \(6\)](#), or that is designated as a CAFO.
- (h) "Existing" applies to that which existed prior to September 15, 2003. "Existing operation" means an AFO that was in operation prior to September 15, 2003.
- (i) "Freeboard" is the extra depth added to a waste storage lagoon or structure as a safety factor between the designed full depth and the overflow depth. This is the vertical distance below the lowest point of the lagoon or structure berm above which the liquid level must never rise except in the case of a storm event exceeding the design maximum precipitation event.
- (j) "Natural Resources Conservation Service" (NRCS) is an agency within the United States Department of Agriculture.
- (k) "New" applies to that which existed on or after September 15, 2003. "New or expanding operation" or "new AFO" means an AFO the construction or expansion of which is commenced on or after September 15, 2003.
- (l) "NRCS guidance" means the latest editions of the Natural Resources Conservation Service (NRCS) Agricultural Waste Management Field Handbook, Part 651, FOTG Section IV Georgia, and other applicable publications of the NRCS. A certified specialist or trained person may use NRCS guidance to develop or modify an NMP.
- (m) "Nutrient Management Plan" (NMP) is a plan which identifies actions or priorities that will be followed to meet clearly defined nutrient management goals at an agricultural operation. Defining nutrient management goals and identifying measures and schedules for attaining the goals are critical to reducing threats to water quality and public health. The NMP should address activities related to compliance with effluent limitations and other permit requirements, including manure handling and storage, land application of manure and wastewater, site management, record keeping, and management of other utilization options. For an

AFO with a liquid manure handling system, the NMP must be developed or modified by a "certified specialist" as defined by the Division. The Division will specify the requirements for certification. For an AFO that handles dry manure, the NMP must be developed by a person trained in the subject by an academic or trade organization. It should include emergency response planning and a closure plan for abandonment of any facility used for the treatment or storage of animal waste. The requirements for submittal and approval of the NMP are specified in the following paragraphs.

- (n) "Owner" means any person owning any system for waste treatment and disposal at an AFO.
- (o) "Permit" means a permit applied for and issued in accordance with the terms and conditions for paragraphs [391-3-6-.06](#), Waste Treatment and Permit Requirements (individual NPDES permits), or [391-3-6-.11](#), Land Disposal and Permit Requirements (non-NPDES individual land application system or "LAS" permit), or [391-3-6-.15](#), Non-Storm Water General Permit Requirements (general NPDES permit), or [391-3-6-.19](#), General Permit - Land Application System Requirements (non-NPDES general LAS permit), of this Chapter.
- (p) "Wetted area" or "disposal area" is the land area where AFO waste is sprayed, spread, incorporated, or injected so that the waste can either condition the soil or fertilize crops or vegetation grown in the soil.
- (q) "25-year, 24-hour storm event" is the maximum 24-hour precipitation event expressed in inches with a probable recurrence interval of once in 25 years, as defined by the National Weather Service of the United States Department of Commerce in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States," May 1961, and subsequent amendments.
- (r) "100-year flood plain" is the land inundated from a flood whose peak magnitude would be experienced on an average of once every 100 years. The 100-year flood has a 1% probability of occurring in one given year.
- (s) "300 AU" means three hundred animal units. Paragraph 391-3-6-.21(2)(c) notwithstanding, the numbers of animals in any of the following categories are equivalent to 300 AU:
 - 1. 200 mature dairy cows, whether milked or dry,
 - 2. 300 veal calves,
 - 3. 750 swine each weighing 55 pounds or more.
 - 4. 300 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls, and cow/calf pairs,

5. 150 horses,
 6. 3,000 sheep or lambs,
 7. 16,500 turkeys,
 8. 9,000 laying hens or broilers, if the AFO uses a liquid manure handling system,
 9. 1,500 ducks, if the AFO uses a liquid manure handling system.
- (t) "1000 AU" means one thousand animal units. Paragraph 391-3-6-.21(2)(c) notwithstanding, the numbers of animals in any of the following categories are equivalent to 1000 AU:
1. 700 mature dairy cows, whether milked or dry,
 2. 1,000 veal calves,
 3. 2,500 swine each weighing 55 pounds or more,
 4. 10,000 swine each weighing less than 55 pounds (immature swine or nursery pigs),
 5. 1,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls, and cow/calf pairs,
 6. 500 horses,
 7. 10,000 sheep or lambs,
 8. 55,000 turkeys,
 9. 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system,
 10. 125,000 chickens or broilers (other than laying hens), if the AFO handles dry manure only,
 11. 82,000 laying hens, if the AFO handles dry manure only,
 12. 30,000 ducks, if the AFO handles dry manure only,
 13. 5,000 ducks, if the AFO uses a liquid manure handling system.

- (u) "3000 AU" means three thousand animal units. Paragraph 391-3-6-.21(2)(c) notwithstanding, the numbers of swine in any of the following categories are equivalent to 3000 AU:

1. 7,500 swine each weighing 55 pounds or more,
2. 30,000 swine each weighing less than 55 pounds (immature swine or nursery pigs).

(3) Basic Permit Requirement.

- (a) Any person who is the owner of an AFO with more than 300 AU shall obtain a permit from the Division in accordance with this paragraph corresponding to the age and size of the AFO.
- (b) Any person who is the owner of an AFO is not required to obtain an NPDES permit unless the AFO is defined as a CAFO per 40 CFR 122 and discharges to a water of the State excluding subsurface water (groundwater), or the Division has made a case-by-case designation as a CAFO and NPDES permitting is required for discharges to a water of the State excluding subsurface water (groundwater) by [40 CFR 122.23](#). The owner of any AFO with 300 AU or less remains subject to applicable sections of the Act, including civil liability, civil penalty, and criminal penalty, §O.C.G.A. [12-5-51](#), *et seq.*
- (c) Discharges from a CAFO include discharges of manure, litter, or process wastewater from land application areas under the control of the CAFO that are not exempt as agricultural storm water discharges. Precipitation-related discharges qualifying as agricultural storm water discharges are not subject to these permit requirements. For discharges from the land application area to qualify as agricultural storm water, manure and wastewater must be applied in accordance with site-specific practices that ensure appropriate agricultural utilization of nutrients [under [40 CFR 122.23\(e\)](#)].
- (d) The Division will notify the public of a proposal to grant coverage under a general NPDES permit or a proposed individual NPDES permit and make available for public review and comment the permit application, the notice of intent, the NMP, and the draft terms of the NMP to be incorporated into the permit.
- (e) Two or more AFOs under common ownership are considered to be a single operation subject to this paragraph if they adjoin each other (are contiguous) or if they use a common area or system for the disposal of wastes.
- (f) Exclusions from all permit requirements of this paragraph are made for the following facilities unless they are defined as a CAFO per 40 CFR 122 or the Division has made a case-by-case designation as a CAFO and they discharge, in which cases NPDES permitting is required by [40 CFR 122.23](#):

1. A livestock market, sale barn, stockyard, or auction house where animals are assembled from at least two sources to be publicly auctioned or privately sold on a commission basis and that is under state or federal supervision. However, these facilities are defined as AFOs if they meet the definition of an AFO in 391-3-6-.21(2)(b).
- (g) Any person who removes and transports animal waste from its point of origin shall conform to the animal manure handler rules of the Georgia Department of Agriculture.

(4) Permit for Operations with Liquid Manure Handling Systems.

- (a) Any person who is the owner of an AFO with more than 300 AU and uses liquid manure handling must apply for an LAS permit from the Division. The Division may issue an individual or general permit. Permit applications for new or expanding AFOs should be submitted 180 days prior to beginning the AFO. Any person who owns an AFO must have waste storage and disposal systems pursuant to this rule and meet the conditions in subparagraphs (b) through (o) below.
- (b) Prior to beginning operation of the AFO, all new operations must have waste storage and disposal systems in operation that have been designed and constructed in accordance with NRCS guidance.
- (c) The owner of an existing AFO shall submit to the Division an NMP for the AFO. The NMP shall be of sufficient substance and quality as to be approvable by the Division. The owner of a new operation shall submit to the Division an NMP and obtain approval prior to beginning operation of the AFO.
- (d) All operations shall have a certified operator. New operations shall have a certified operator prior to beginning operation of the AFO. The certified operator shall be trained and certified in accordance with 391-3-6-.21(5).
- (e) Any new waste storage lagoon or structure must be constructed to ensure that seepage is limited to a maximum of 1/8 inch per day (3.67×10^{-6} cm/sec). However, new waste storage lagoons or structures located within significant ground water recharge areas which fall within the categories defined in the Georgia Department of Natural Resources Rules for Environmental Planning Criteria, Chapter [391-3-16-.02\(3\)\(e\)](#) must be provided with either a compacted clay or synthetic liner such that the vertical hydraulic conductivity does not exceed 5×10^{-7} cm/sec or other criteria as determined by the Division. If it is determined that an existing waste storage lagoon or structure is creating a ground water contamination problem, the Division may require the lagoon or structure to be repaired.

- (f) New barns and new waste storage lagoons or structures for all new AFOs shall not be located within a 100-year flood plain.
- (g) For new operations with more than 1000 AU, it is required that a minimum of 1 foot of freeboard plus storage for the 25 year 24 hour storm event be maintained in the waste storage lagoons or structures. The liquid level must not rise into this design storage level for lesser storms.
- (h) For new operations with more than 1000 AU, the following buffers and setbacks shall be maintained:
 - 1. 100 feet between wetted areas and water wells that supply water for human consumption;
 - 2. 100 feet between waste storage lagoons, waste storage structures, or barns and waters of the State excluding subsurface water;
 - 3. 500 feet between waste storage lagoons, waste storage structures, or barns and any existing wells that supply water to a public water system, or any other existing well off the owner's property that supplies water for human consumption.
- (i) For all operations with more than 1000 AU, the waste disposal system shall be designed and operated such that it does not cause Nitrate Nitrogen ($\text{NO}_3\text{-N}$) in the ground water at the operation's property line to exceed 10 mg/l. The Division will require the owner to implement corrective actions if the permitted waste disposal system has caused the Nitrate Nitrogen ($\text{NO}_3\text{-N}$) to exceed 10 mg/l as described.
- (j) For all operations with more than 1000 AU, a setback shall be maintained of 100 feet between wetted areas or waste disposal areas and waters of the State excluding subsurface water (ground water). As a compliance alternative, the owner may substitute the 100 feet setback with a 35 feet wide vegetated buffer where waste disposal is prohibited.
- (k) For all operations with more than 1000 AU, representative samples shall be collected from each major soil series present within the waste disposal field areas in a manner to be specified in the permit. One down gradient ground water monitoring well shall be installed for each waste storage lagoon or structure or series of lagoons or structures. The number, location, design, and construction specifications of the monitoring wells shall be included in the NMP. Existing wells that are approved by the Division can be used for testing. Monitoring wells shall be properly installed within 24 months of permit issuance.
- (l) For all operations with more than 1000 AU, the permit will contain specific requirements for monitoring the waste storage effluent to be land applied and for the ground water monitoring wells. This will usually consist, at a minimum, of

semiannual monitoring of the effluent for Total Kjeldahl Nitrogen (TKN), Nitrate Nitrogen (NO₃-N) and Total Phosphorus (TP) as well as semiannual monitoring of the wells for TKN and NO₃- N.

- (m) For all operations with more than 1000 AU, the permittee must submit an annual report to the Division. The annual report must include the items specified in the permit.
- (n) For all operations with more than 1000 AU, when the owner ceases operation of the AFO, he must notify the Division of that fact within three months, and he must properly close all waste storage lagoons or structures within twenty-four months. Proper closure of a lagoon or structure entails removing all waste from the lagoon or structure and land applying it at agronomic rates, and in a manner so as not to discharge to any surface water.
- (o) Any failure to comply with any condition of (a) through (n) above or any condition of any individual permit issued for the operation shall be deemed a violation of the Act and may be punishable in accordance with the penalties provided in the Act.

(5) Certified Operator - Training and Certification Requirements for Operations With Liquid Manure Handling Systems.

- (a) AFOs shall have certified operators prior to beginning the AFO.
- (b) AFO certified operators shall be trained and certified by the Georgia Department of Agriculture. Proof of such training, certification, and continuing education may be maintained by the Department of Agriculture and records provided to the Georgia Environmental Protection Division.
- (c) Certification training, agenda, and topics will be determined by the Georgia Department of Agriculture; but will include, at a minimum, best management practices, nutrient management planning, understanding regulations and water quality laws, standards and practices, siting, pollution prevention, monitoring, and record keeping. Training programs will be structured to address the needs of the certified operators of differing sizes and various waste management technologies. Continuing education will be required to maintain this certification.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.21

Authority: O.C.G.A. Section [12-5-20](#), et. Seq.

History. Original Rule entitled "Animal (Non-Swine) Feeding Operation Permit Requirements" adopted. F. Feb. 8, 2001; eff. Feb. 28, 2001.

Amended: Aug 26, 2003; eff. September 15, 2003.

Amended: Rule entitled "Animal Feeding Operation Permit Requirements. Amended." F. Jul. 18, 2012; eff. Aug. 7, 2012.

Rule 391-3-6-.22. NPDES General Permit for Construction Activity Fees.

- (1) **Exclusions.** Those land disturbing activities not subject to regulation under the State General Permit are exempt from the fees required by this section.
- (2) **NPDES General Permit for Construction Activity Fees.** The requirements of this subsection are applicable to primary permittees that own or operate a site at which land disturbing activities occur in the State of Georgia.
 - (a) For the purpose of determining the disturbed acreage to which the fees of this subsection apply, the primary permittee shall use the erosion, sedimentation and pollution control plan created in compliance with the State General Permit showing the activities to be undertaken by any person at the site. This acreage shall be measured by methods that provide an appropriate measurement of the land area to the closest tenth (1/10th) of an acre of land disturbing activity proposed.
 - (b) Any Primary Permittee who has submitted a Notice of Intent to disturb land under a State General Permit, or who submits a Notice of Intent to disturb land under a State General Permit, shall submit a fee on the schedules described below which will cover the fee requirements for all stages or phases of development or land disturbing activity described in the Notice of Intent.
- (3) **Fee Schedule for Land Disturbing Activities in a Jurisdiction that is not Regulated by a Local Issuing Authority, after December 31, 2003.**
 - (a) Determination of applicable fee. Each Primary Permittee shall determine the proposed extent of land disturbing activities to be performed at the site covered by the permit in number of acres or fraction of acres to the nearest tenth (1/10th) acre to be disturbed. When a Primary Permittee pays the applicable fee of this subsection, that Primary Permittee shall not pay any additional State General Permit fees to the State unless the scope of work covered under the permit so paid for is increased. For each acre of proposed land disturbing activity, each Primary Permittee shall pay the fee established by this section prior to the commencement of any land disturbing activity.
 - (b) Primary Permittees shall pay the State of Georgia, as described in section 391-3-6-.22(7) below, \$80.00 per acre of land disturbed in a jurisdiction that is not regulated by a local issuing authority.
- (4) **Fee Schedule for Land Disturbing Activities in a Jurisdiction that is Regulated by a Local Issuing Authority, after December 31, 2003.**
 - (a) Determination of applicable fee. Each Primary Permittee shall determine the proposed extent of land disturbing activities to be performed at the site covered by the permit in number of acres or fraction of acres to the nearest tenth (1/10th) acre to be disturbed. When a Primary Permittee pays the applicable fee of this

subsection, that Primary Permittee shall not pay any additional State General Permit fee to the State unless the scope of work covered under the permit so paid for is increased. For each acre of land disturbed, each Primary Permittee shall pay the fee established by this section prior to the commencement of any land disturbing activity.

- (b) Primary Permittees shall pay the State of Georgia, as described in section 391-3-6-.22(7) below, \$40.00 per acre of land disturbed in a jurisdiction that is regulated by a local issuing authority.
- (c) Primary Permittees shall pay to the local issuing authority, as described in section 391-3-6-.22(7) below, \$40.00 per acre of land disturbed in a jurisdiction that is regulated by a local issuing authority.

(5) Fee Schedule for Land Disturbing Activities Performed by Permittees Exempt from Local Issuing Authority Regulation pursuant to O.C.G.A. [12-7-17](#), after December 31, 2003.

- (a) Determination of applicable fee. Each Primary Permittee shall determine the proposed extent of land disturbing activities to be performed at the site covered by the permit in number of acres or fraction of acres to the nearest tenth (1/10th) acre to be disturbed. When a Primary Permittee pays the applicable fee of this subsection, that Primary Permittee shall not pay any additional State General Permit fee to the State unless the scope of work covered under the permit so paid for is increased. For each acre of land disturbed, each Primary Permittee shall pay the fee established by this section prior to the commencement of any land disturbing activity.
- (b) Primary Permittees shall pay the State of Georgia, as described in section 391-3-6-.22(7) below, \$80.00 per acre of land disturbed regardless of jurisdiction.

(6) Fee Schedule for Land Disturbing Activities from August 13, 2003 through December 31, 2003.

- (a) For on-going or completed projects that have submitted a Notice of Intent to disturb land under a State General Permit the Primary Permittee shall pay a fee based on the following:
 - (i) the number of acres or fraction of acres to the nearest tenth (1/10th) acre that have not reached final stabilization before August 13, 2003; and
 - (ii) the proposed extent of land disturbing activities yet to be performed at the site covered by the permit in number of acres or fraction of acres to the nearest tenth (1/10th) acre to be disturbed.

- (b) For projects that did begin or will begin land disturbing activity during the period of August 13, 2003 through December 31, 2003, the Primary Permittee shall pay a fee based on the proposed extent of land disturbing activities to be performed at the site covered by the permit in number of acres or fraction of acres to the nearest tenth (1/10th) acre to be disturbed.
- (c) The dollar amount of the fees paid under this subsection shall be the same as the dollar amounts due in the applicable subsections 391-3-6-.22(3) through (5).
- (d) Said payment is due and payable no later than January 31, 2004. Failure to pay outstanding fees under this provision on or before January 31, 2004 is a violation of these rules.

(7) Payment of Land Disturbing Activity Fees.

- (a) Payment due date. Except as described in subsection 391-3-6-.22(6), all land disturbing activity fees required by this section shall be paid to the Division or to the local issuing authority, as appropriate, prior to the commencement of land disturbing activities at the site. Persons who fail to make appropriate payments and who commence work without payment shall be in violation of the State General Permit and the Georgia Water Quality Control Act, O.C.G.A. [12-5-20](#)*et seq.*
- (b) Payment remittance. Payments required to be made to the State of Georgia, whether in a jurisdiction covered by a local issuing authority or a jurisdiction not covered by a local issuing authority shall be made payable to Georgia Dept. of Natural Resources and submitted on a form provided by the division. Payments required to be made to a local issuing authority shall be made in the manner specified by the local issuing authority and shall not be made to the division.
- (c) Failure to pay. Failure to make payments required under these rules is a violation of these rules for each day on which land disturbing activity occurs on the site.

- (8) Fees for Land Disturbing Activities by Out-of-State Businesses.** The requirements of this subsection are applicable to any person performing land disturbing activities in the state of Georgia. Out-of-state businesses shall comply with all applicable state and local laws, rules and regulations.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.22

Authority: O.C.G.A. Secs. [12-5-23](#), [12-5-30](#)*et seq.*

History. Original Rule entitled "NPDES General Permit for Construction Activity Fees" adopted. F. Nov. 5, 2003; eff. Nov. 25, 2003.

Rule 391-3-6-.23. Land Disposal of Septage.

(1) Purpose.

The purpose of Rule 391-3-6-.23 is to establish procedures:

- (a) For the regulation and permitting of any land disposal site that receives septic tank waste (septage) that is applied via subsurface injection or incorporation into the soil;
- (b) To be followed by persons submitting to the Division engineering reports, plans and specifications, and related materials for the construction of any system for the storage and/or pretreatment of septage; and
- (c) To provide for public participation during the permitting process for any land disposal site that receives septic tank waste (septage).

This Rule includes general requirements, pollutant limits, pathogen and vector attraction reduction requirements, pretreatment standards, management practices, monitoring, record keeping, reporting, and permitting requirements.

(2) Definitions.

All terms used in this Rule shall be interpreted in accordance with the definitions as set forth in this Paragraph, in Rule [391-3-6-.17](#), or in any other Rules of this Chapter:

- (a) "Agronomic Rate" is the septage application rate based on a dry weight basis determined to provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop or vegetation grown on the land; and to minimize the amount of nitrogen in the domestic septage that passes below the root zone of the crop or vegetation grown on the land to the groundwater.
- (b) "Annual septage application rate" is the maximum amount of septage (dry weight basis) that may be applied to a unit area of land during a 365-day period.
- (c) "Applicant" means the owner of the site or the operator of the site.
- (d) "Applier" is the person who applies septage to the land.
- (e) "Certification" means the procedure by which an accreditation or certification agency, a state, or a Federal agency evaluates and acknowledges a person as meeting certain qualifications or standards. The certification shall be valid only for the time period specified by the agency.
- (f) "Closure Plan" means a plan approved by the Division for the clean up and closure of a Tier 2 operation and associated waste storage and pretreatment facilities.

- (g) "County Board of Health" means the County Board of Health established by the Official Code of Georgia Annotated, Title 31-3-1 or its designee.
- (h) "DPH" means the Department of Public Health of the State of Georgia.
- (i) "Domestic Septage" is the liquid or solid material removed from a septic tank, cesspool, portable toilet, type III marine sanitation device, or a similar system that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank or similar treatment works that receives either commercial wastewater or industrial wastewater. Domestic septage does not include grease removed from a grease trap.
- (j) "Domestic Sewage" means water and wastewater from humans or household operations that is discharged to a treatment works. This includes wastes derived from a toilet, bath, shower, sink, garbage disposal, dishwasher, and/or washing machine. Domestic sewage may include household sewage as well as sewage from establishments such as schools, restaurants, businesses and motels as long as the sewage does not contain other types of waste than those listed above.
- (k) "EPA" or "US EPA" means the United States Environmental Protection Agency and any of its authorized personnel.
- (l) "Existing Site" means any site that was in operation on January 1, 2002.
- (m) "Land disposal" or "applied to the land" means the spraying or spreading of septage on the land surface; the injection of septage below the land surface; or the incorporation of septage into the soil at agronomic rates for the purpose of soil conditioning or fertilization of crops or vegetation grown in the soil.
- (n) "Land with a low potential for public exposure" is land that the public uses infrequently. This includes, but is not limited to, agricultural land, forest, and a reclamation site located in an unpopulated area.
- (o) "Monitoring well" means a well purposely installed, in accordance with Division guidelines, to ensure monitoring results that provide an accurate representation of groundwater quality.
- (p) "New Site" means any site that was not in operation on January 1, 2002.
- (q) "Operator" or "Certified Operator" means the person who has direct general charge of the day-to-day field operation of the septage storage, pretreatment, and disposal system and who is responsible for the quality of the treated septage; and who holds a valid certification acceptable to the Division.
- (r) "Owner" means any person owning land where septage or septic tank waste will be land applied.

- (s) "Permit" means a land disposal system permit issued to an applicant by the Division for a land disposal site that receives septage.
- (t) "Person" means any owner or operator who applies septage to land.
- (u) "Septage" means the same as "domestic septage".
- (v) "Septage management plan" means a detailed plan of operation for land disposal of septage. The plan shall, at a minimum, comply with these regulations, the Federal Code of Regulations, Title 40, Part 503, and any additional requirements established by the Division.
- (w) "Septage Removal and Disposal Permit" is a permit issued by a county board of health under the Rule for Onsite Sewage Management Systems of the Department of Public Health. The permit authorizes a business to remove and dispose of the contents of the on-site sewage management system.
- (x) "Septic Tank Pumping and Hauling Business" is a business that has been issued a septage removal and disposal permit by a county board of health for the removal and/or disposal of domestic septage.
- (y) "Soil Fertility Test" shall mean a test to determine the nitrogen, phosphorous and potassium requirements for a crop grown on a unit of land.
- (z) "Soil Report and Map" means a site specific soil interpretative table that identifies as a minimum the following: the name of the soil series, the percent slope, the seasonal high groundwater table, the depth of any impervious layer, and the absorption rate for each horizon.
- (aa) "Stockpile" means to place septage on land in piles or in any other manner that does not constitute application to the land as defined in land disposal above.
- (bb) "Tier 1 operation" means a land disposal site that receives and land applies septic tank waste from a single permitted septic tank pumping and hauling business.
- (cc) "Tier 2 operation" means a land disposal site that receives septic tank waste from more than one permitted septic tank pumping and hauling business.
- (dd) "Total solids" are the materials in septage that remain as residue when the septage is dried at 103 to 105 degrees Celsius.
- (ee) "Treat, treatment, or pretreatment of septage" is the preparation of septage for final use or disposal. This includes, but is not limited to, thickening, stabilization, and dewatering of septage. This does not include storage of septage.

- (ff) "Vector attraction" is the characteristic of septage that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.
- (gg) "Volatile solids" is the amount of the total solids in septage lost when the septage is combusted at 550 degrees Celsius in the presence of excess air.
- (hh) "Well" means an excavation or opening into the ground by which groundwater is sought for use. This term shall not include monitoring wells used to sample for groundwater quality.

(3) Coverage.

- (a) This Rule applies to any site that receives septage, to any person who prepares septage for land application, or to any person who applies septage to the land for subsurface injection or incorporation into soil. Any Tier 2 operation shall be required to adhere to the additional requirements specified in Paragraphs (10), (17), (20), and (21).
- (b) This Rule does not apply to:
 - 1. Grit and screenings generated during pretreatment of septage.
 - 2. Disposal of septage by means other than land application at agronomic rates via subsurface injection or incorporation into soil with the exception of septage applied to reclamation sites.
 - 3. The incineration of septage.
 - 4. Ash generated during the firing of septage in a septage incinerator.
 - 5. Persons proposing to sell or give away septage in a bag or other container for application to the land. Approval to sell or give away such bagged or contained septage must be obtained from the Georgia Department of Agriculture.

(4) Permit Required.

The requirements in this Rule shall be implemented through a permit issued or reissued to an applicant. If the applicant is not the owner of the site, then the applicant must submit a letter of agreement between the applicant and the owner of the site.

- (a) It shall be unlawful for any person to operate a land disposal site without having first obtained a valid permit from the Division pursuant to this Rule; provided however, that any site that as of June 30, 2007, operated under a valid permit issued on or before such date by the Department of Public Health under Code

Section [31-2-8](#) may continue to operate under such Code Section until July 1, 2014, but a permit shall be obtained from EPD prior to such date in order to continue such operation thereafter as a Tier 1 operation in accordance with this Rule.

- (b) Disposal of domestic septage by land disposal shall only occur on land with a low potential for public exposure.
- (c) Prior to the issuance of a land disposal permit, the applicant shall have submitted and the Division shall have approved a septage management plan. The application for a permit and information for the septage management plan shall be on forms provided by the Division. All information required for the septage management plan must be submitted prior to Division review. For Tier 1 operations the septage management plan shall include an identified section specifying details for the clean up and closure of the operation.

(5) Monitoring, Recording and Reporting Requirements.

Any pollutant discharged into a land disposal system authorized by a permit shall be subject to such monitoring, recording and reporting requirements as may be reasonably required by the Director. These requirements may include: the installation of monitoring wells or other equipment; the monitoring of surface waters; the use and maintenance of such monitoring equipment; specific requirements for recording of monitoring activities and results; and periodic reporting of monitoring results to the Division. The monitoring, recording and reporting requirements shall be specified in a permit when issued, provided, however, the Director may modify or require additional monitoring, recording and reporting by written notification to the permittee. Any Tier 1 operations covered under this Rule will have twenty-four (24) months after date of initial permit issuance to comply with any groundwater or surface water monitoring, recording and reporting requirements that may be specified in a permit.

- (a) The frequency of sampling and reporting shall be specified in the permit, but in no case shall the frequency be less than once per year.
- (b) The permittee shall retain any records of monitoring activities and results for a minimum of five (5) years, unless otherwise required or extended by the Director upon written notification.
- (c) Any holder of a permit that requires monitoring of the authorized pollutant discharged into a land disposal system shall report periodically to the Division results of all required monitoring activities.

(6) Buffer Criteria.

The following buffer distance requirements must be met as a minimum. The Division may require additional buffer distances, on a case-by-case basis.

- (a) Land disposal sites shall not be located within 300 feet of a residence or other facility or land frequently used by the general public.
- (b) Domestic septage shall not be applied within 300 feet from the normal water level of any impoundment, tributary, stream, or other body of water considered waters of the State; within 300 feet of a sinkhole; within 300 feet of a marsh, wetland or coastal waters.
- (c) Domestic septage shall not be applied within 500 feet of a public, non-public, or individual well.
- (d) An undisturbed vegetative buffer strip of at least 50 feet wide shall be maintained along all streams and drainage ditches within or adjacent to the land disposal site.

(7) Management of Land Disposal Sites.

- (a) Only domestic septage shall be applied to the site. No grease, industrial, solid or hazardous waste shall be applied on the site.
- (b) Land disposal of domestic septage shall not be permitted unless an approved pretreatment process has properly treated such septage. Proper pretreatment includes screening and stabilization of all septage. Such pretreatment must occur at the land disposal site.
- (c) The pH of the soil in the land disposal area shall be maintained at a pH amenable for growing the cover crop. The pH shall be measured by annual soil tests.
- (d) Public access to the land disposal site shall be restricted by fencing or other means approved by the Division. The method of public access control shall be specified in the permit.
- (e) Each site entrance shall be posted with a "No Trespassing" sign identifying the area as a land disposal site. The sign shall include the name and address of the person or business engaging in the land disposal of septage and the site permit number.
- (f) An annual soil fertility test shall be required and utilized to determine the agronomic application rate. No person shall land apply domestic septage to a site on which the nitrogen requirements have been met for the calendar year.

- (g) No person shall land apply domestic septage to a site at a rate that exceeds the annual pollutant loading rate limit in Table 1 for arsenic, cadmium, chromium, copper, lead, mercury, nickel, selenium and zinc.
- (h) No person shall land apply domestic septage to a site that exceeds the cumulative pollutant loading rate limit in Table 1 for arsenic, cadmium, chromium, copper, lead, mercury, nickel, selenium and zinc.
- (i) The Division shall maintain current minimum requirements for a septage management plan.
- (j) The Division shall maintain a list of all acceptable certification agencies and certifications.
- (k) All application of septage shall be under the general supervision of certified operator unless no acceptable certification process exists.

(8) Vector Attraction Reduction Management.

Land application of domestic septage must meet one of the following two vector attraction reduction management practices.

- (a) Subsurface injection: Domestic septage shall be injected below the surface of the land and no significant amount of septage shall be present on the land surface within one hour after septage is injected. Injection may be accomplished by any device(s) that place the septage beneath the soil in a narrow trench at a depth of no greater than 18 inches and promptly replaces the cover soil in the same action of trenching and placing septage. Excavation of a trench followed by placement of septage and later covering of the trench is not considered injection.
- (b) Incorporation: Domestic septage applied to the surface of the land shall be incorporated into the soil within six hours after septage application.

(9) Pathogen Control Requirements.

The following management practices must be met for compliance with pathogen control requirements.

- (a) Food crops with harvested parts that touch the land surface or that develop above the land surface shall not be harvested for fourteen (14) months after domestic septage application.
- (b) Feed crops or fiber crops shall not be harvested for thirty (30) days after domestic septage application.

- (c) Food crops with harvested parts below the land surface shall not be harvested for thirty-eight (38) months after domestic septage application.
- (d) Turf grown on land where domestic septage is applied shall not be harvested for one (1) year after domestic septage application.
- (e) Animals shall not be allowed to graze on the land for thirty (30) days after the application of domestic septage.
- (f) Public access shall be restricted for thirty (30) days after the application of domestic septage.
- (g) Domestic septage shall not be applied to soils saturated with water or during rain events.

(10) **Monitoring.**

The pollutants listed in Table 1, and any additional parameters contained in the permit, shall be monitored at least once per year for Tier 1 operations and once per quarter for Tier 2 operations. Representative septage samples shall be analyzed in accordance with the analytical methods contained in [40 CFR 503.8](#) (or as revised by EPA). All samples shall be analyzed by a certified wastewater laboratory analyst or in a commercial environmental laboratory that is approved under the Division's Rules for Commercial Environmental Laboratories.

(11) **Application Rate.**

The annual application rate for domestic septage applied to a land disposal site shall be based on the Division approved septage management plan.

(12) **Septage Holding Facilities.**

All septage land disposal systems shall have an alternative method for the temporary holding of domestic septage during periods of adverse weather. Such method(s) shall comply with Division requirements and shall be part of the septage management plan.

(13) **Record Keeping.**

Individuals involved in the land disposal of domestic septage shall maintain the following information for five (5) years. The information shall be available for inspection at the place of business by the Division, the DPH, the local County Board of Health, or the US EPA. A septage application record form shall be used to record the following information:

- (a) The location, by street address (if available) and either latitude and longitude or GIS coordinates, of each site on which domestic septage is applied.
- (b) The number of acres of each site on which domestic septage is applied.
- (c) The date, time, and quantity of domestic septage applied to each site.
- (d) The crop or vegetation grown on each site.
- (e) The rate in gallons per acre per year at which domestic septage is applied to each site.
- (f) The cumulative loading of the parameters in Table 1 per acre for the site(s).
- (g) A description of how management requirements for pathogen control and vector reduction requirements are met.
- (h) The name and signature of the person who land applied the domestic septage.
- (i) The person supervising the land disposal of domestic septage at the site shall sign the following certification statement: "I certify under penalty of law, that the pathogen control requirements and the vector reduction requirements have been met. This determination has been made under my direction and supervision and I am aware that there are significant penalties for the false certification including the possibility of fine or imprisonment".

(14) Inspection.

- (a) Representatives of the Division, the Department of Public Health, the local County Health Department and or the US Environmental Protection Agency, after proper identification, shall be permitted to enter any property permitted as a land disposal site at any reasonable time for the purpose of making inspections to determine compliance with this Rule or the permit.
- (b) Representatives of the Division, the Department of Public Health, the local County Health Department and or the US Environmental Protection Agency, during inspections of the land disposal site, may review records to determine compliance with provisions of these regulations.

(15) Compliance.

Except as described in 391-3-6-.23(4)(a), a land disposal site that receives septic tank waste shall not operate until such time as the Division has issued a valid permit and the permit becomes effective.

(16) Modification, Revocation, Suspension and Termination of Permits.

- (a) The Director shall have the power and authority to modify, suspend, or revoke permits for good cause, including failure to provide accurate information in the permit application or septage management plan, or failure to comply with any provisions of the permit or this Rule. Suspension is effective upon service of a written notice and operation must cease immediately. The notice must state the basis for the suspension and advise the permit holder of the right to a preliminary hearing on request within 72 hours. If a hearing is not requested, upon correction of all violations, the permit holder may request an inspection to reinstate the permit.
- (b) Prior to any such modification, suspension or termination of an issued permit by the Director (other than modification of the monitoring, recording or reporting requirements), the Director will provide public notice and an opportunity for public hearing in accordance with the procedures set forth in this Rule.

(17) Application for a Permit.

The Division may issue individual permits or coverage under a general permit. Any person seeking coverage under an individual permit shall submit an application for an individual permit to the Director. Any person seeking coverage under a general permit shall submit a notice of intent, or NOI, to the Director.

- (a) Applications for a permit required under O.C.G.A. [12-8-41](#) shall be on forms as may be prescribed and furnished from time to time by the Division. Applications shall be accompanied by all pertinent information as the Division may require, including but not limited to complete engineering reports, closure plan, schedule of progress, plans and specifications, maps, measurements, quantitative and qualitative determinations, records, local ordinances applicable to the land disposal of septage and all related materials.
- (b) Engineering reports, plans, and specifications submitted to the Division in support of a Tier 2 operation permit application shall be prepared by a professional engineer, competent in the field of sewage and industrial waste treatment. Other materials in support of engineering reports, plans, specifications, and permit applications may be prepared by other persons competent in their field.
- (c) Materials submitted shall be complete and accurate.
- (d) Any permit application form or any other form submitted to the Division shall be signed in accordance with the following:
 - 1. For a corporation, by a responsible corporate officer. For this subparagraph a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function,

or any other person who performs similar policy- or decision-making functions for the corporation; or

2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
3. For a municipality, State, Federal, or other public facility, by either a principal executive officer or ranking elected official.

(e) All other reports or requests for information required by the permit issuing authority shall be signed by a person designated in (d) above or a duly authorized representative of such person, if:

1. The representative so authorized is responsible for the overall operation of the facility, e.g., a manager, superintendent or person of equivalent responsibility; and
2. The authorization is made by the person designated under (d) above and written authorization of such is submitted to the Director.

(f) Any changes in the written authorization submitted to the permitting authority under (e) above which occur after the issuance of a permit shall be reported to the permitting authority by submitting a copy of a new written authorization which meets the requirements of (e) above.

(g) Any person signing any document under (d) or (e) above shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(h) A complete NOI for coverage under a general permit shall, at a minimum, meet the requirements of paragraph [391-3-6-.19\(5\)](#).

(18) Notice and Public Participation. The notice and public participation provisions of Rule 391-3-6-.26 shall apply. The public notice for permits with an approved Septage Management Plan will also include publication in one or more newspapers of general circulation in the area affected by the discharge.

(19) Authorization Under a General Permit

- (a) Authorization to operate under a general permit shall be effective upon receipt of notification of inclusion from the Division, except for any site that as of June 30, 2007, operated under a valid permit issued on or before such date by the Department of Public Health under Code Section [31-2-8](#). For such sites, initial coverage shall be effective upon submission of an NOI.
- (b) The Director may revoke such authorization if the conditions of the general permit are not met, if the septage management plan is not approvable, if the closure plan, if required, is not approvable, or as otherwise provided for by State law.

(20) Trust Indenture for Non-governmentally Owned Septage Systems.

For non-governmentally owned Tier 2 operations, a trust indenture or other legal contract or agreement, acceptable to the Division, must be filed with the application for a permit. The trust indenture or other legal contract must establish and maintain evidence of financial responsibility to provide for the clean up and closure of the septage treatment facilities and the proper disposal of any remaining septage after closure of the facility. Available financial responsibility mechanisms include but are not limited to insurance, trust funds, surety bonds, letters of credit, personal bonds, certificates of deposit, financial tests, and corporate guarantees.

(21) Closure Plans for Non-governmentally Owned Septage Systems.

Prior to the issuance of a land disposal permit to a Tier 2 operation, the applicant shall have submitted and the Division shall have approved a detailed closure plan for clean up and closure of the facility. The closure plan shall include a schedule for completion of closure within six months after the facility is removed from service. This plan shall be updated with future reissuances of the permit.

(22) Duration, Transferability, and Reissuance of Permits.

- (a) Any permit issued shall have a fixed term not to exceed five years. Upon expiration of such permit a new permit may be issued by the Director, provided that an application for renewal is filed with the Director at least 180 days prior to the expiration date of the existing permit. The issuance of such new permit shall likewise have a fixed term not to exceed five years.
- (b) A permit may be transferred to another person by a permittee if:
 - 1. The permittee notifies the Director of the proposed transfer;
 - 2. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgment that the existing permittee is liable for

violations up to that date, and that the new permittee is liable for violations from that date on) is submitted to the Director; and

3. The Director within thirty (30) days does not notify the current permittee and the new permittee of the Division's intent to modify, revoke and reissue, or terminate the permit and to require that new application be filed rather than agreeing to the transfer of the permit. A new application will be required when the change of ownership is accompanied by a change or proposed change in process or wastewater characteristics or a change or a potential change in any circumstances that the Director believes will affect the conditions or restrictions in the permit.

(23) **Enforcement.**

Any person who violates any provision of the Act, any rule promulgated and adopted pursuant thereto, or any term, condition, schedule of compliance or other requirement contained in a permit issued pursuant to the Act shall be subject to enforcement proceedings pursuant to the Act.

(24) **Effective Date.**

This Rule shall become effective twenty days after filing with the Secretary of State's office.

Table 1

Land Application Pollutant Limits for Domestic Septage

Pollutant	Annual Pollutant Loading Rate Limits (kilograms per hectare per 365-day period)	Cumulative Pollutant Loading Rate Limits (kilograms per hectare)
Arsenic	2.0	41
Cadmium	1.9	39
Chromium	150	3,000
Copper	75	1,500
Lead	15	300
Mercury	0.85	17
Nickel	21	420
Selenium	5.0	100
Zinc	140	2,800

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.23

Authority: O.C.G.A. § [12-5-20](#)*et seq.*

History. Original Rule entitled "Land Disposal of Septage" adopted. F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Feb. 7, 2008; eff. Feb. 27, 2008.

Amended: F. May 30, 2014; eff. June 19, 2014.

Amended: F. May 13, 2020; eff. June 2, 2020.

Rule 391-3-6-.24. Regulation of Commercial Waste Originators, Pumpers, Transporters, Processors, and Disposal Facilit.

- (1) **Purpose.** The purpose of Paragraph 391-3-6-.24 is to provide minimum uniform statewide regulations for the purpose of regulating transporters that collect and/or dispose of commercial waste; to prevent the improper disposal of commercial wastes; to provide a commercial waste transporter permit that is accepted statewide; and to provide for fees for the cost of permitting and inspecting transporter vehicles.
- (2) **Definitions.** All terms used in this Paragraph shall be interpreted in accordance with the definitions as set forth in this Paragraph, or in any other Paragraph of these Rules:
 - (a) "Commercial facilities" means a facility constructed and intended to produce commercial, domestic, or industrial wastewaters, including facilities intended to collect, transport, and treat storm water runoff.
 - (b) "Commercial Wastes" means:
 - (i) Non-toxic, non-hazardous liquid wastewater from commercial facilities;
 - (ii) Grease interceptor contents generated by a commercial food operation or institutional food preparation facility, including without limitation, fats, grease, and food scraps; or
 - (iii) Any oil waste residue produced from vehicle maintenance or washing that discharge to an oil-water separator or sand trap;
 - (c) "Commercial Waste Transporter Permit" is a permit issued by a local governing authority for an individual tank truck.
 - (d) "FOG" means fats, oils, and grease.
 - (e) "Hazardous Waste" means any solid waste that has been defined as a hazardous waste in regulation promulgated by the Board of Natural Resources, Chapter 391-3-11.
 - (f) "Grease interceptor" means a structure or device designed to collect and retain oils, grease, and fatty substances usually found in kitchen or similar wastes.

- (g) "Grit Trap" means a structure or device designed primarily for the accumulation and removal of grit.
- (h) "LGA" means local governing authority.
- (i) "Local Governing Authority" means the governing authority of a county or municipality, or the designee of any county or municipality in this state. The local governing authority for a county would typically be the County Board of Commissioners and for a municipality would typically be the City Council.
- (j) "Oil-water separator" means a structure or device designed primarily to collect and retain oily substances.
- (k) "On-site Sewage Management System" means any system that has been permitted by the local county board of health under rules promulgated by the Department of Human Resources.
- (l) "Originator" means the owner or operator of the grease interceptor, grit trap, oil-water separator, or sand trap from which commercial wastes are removed.
- (m) "Registration" means acceptance by the Division of a transporter.
- (n) "Registered Commercial Waste Transporter" is a business/owner registered by the Division and whose tank trucks are permitted by a local governing authority.
- (o) "Sand Trap" means a receptacle designed for the accumulation and removal of sand, grit, rocks and other similar debris.
- (p) "Septic Wastes" means the contents of a septic tank.
- (q) "Transporter" means any person or firm, which owns or operates one or more waste tank trucks that receive or dispose of commercial waste in this state.
- (r) "Tank truck" means any vehicle that removes and transports commercial wastes.

(3) Coverage.

- (a) This Paragraph applies to any facility that generates commercial wastes, to any person who removes commercial wastes, to any person who processes commercial wastes, and to any person who accepts commercial wastes for final disposal.
- (b) This Paragraph applies only within the geographical boundaries of the State of Georgia. However, any transporter or disposal site operator within the State of Georgia, who receives commercial wastes (whether such wastes originate within or outside the State), must still comply with the registration, permitting, and manifest requirements.

(4) Registration Required.

- (a) Any transporter, owning or operating one or more waste tank trucks that receive or dispose of commercial waste in this state, must submit a registration form to the Division for the purposes of receiving a registration number. Such registration number shall be prefaced with FOG.
- (b) This registration number shall be part of the commercial waste transporter permit number issued by the local governing authority.
- (c) The registration form shall be on a standard form prescribed by the Division.

(5) Commercial Waste Transporter Permit Required.

- (a) The requirements in this Paragraph shall be implemented through a commercial waste transporter permit issued to a transporter by a local governing authority in which such tank truck receives or disposes of such wastes.
- (b) The local governing authority shall inspect each tank truck prior to the issuance of a commercial waste transporter permit. Such inspection shall verify that the tank truck is substantially leak proof, durable, of easily cleaned construction, and is maintained in good repair. The local governing authority shall maintain records of each inspection.
- (c) No commercial waste transporter permit shall be issued except on a form prescribed by the Division. The transporter shall include the location of the disposal site(s) on the commercial waste transporter permit application.
- (d) No commercial waste transporter permit shall be issued if the owner of the tank truck(s) is not registered with the Division.
- (e) A commercial waste transporter permit shall be required for each individual tank truck owned and operated by a transporter.
- (f) The local governing authority shall charge a fee in the amount of \$250.00 for the first tank truck and \$100.00 for each additional tank truck.
- (g) Any commercial waste transporter permit issued by a local governing authority for operation of a tank truck shall be valid throughout the state.
- (h) A transporter, who has trucks permitted by a local governing authority, and who decides to have additional trucks permitted by another local governing authority, must provide copies of the current commercial waste transporter permits with the new commercial waste transporter permit application.
- (i) A transporter cannot have two tank trucks permitted with the same commercial waste transporter permit number.

- (j) A LGA may adopt a standard in their local ordinance defining reasons for declining to issue or reissue a commercial waste transporter permit.
- (k) A LGA shall issue or deny a request for a commercial waste transporter permit within 30 days of receipt of the initial permit application.

(6) Transporters.

- (a) No transporter shall pump grease interceptors, grit traps, sand traps, or oil-water separators, which are not connected to an on-site sewage management system, without a valid commercial waste transporter permit issued by a local governing authority.
- (b) A transporter must remove the entire contents of any tank that is serviced and dispose of such contents, unmingled with hazardous wastes or septic wastes, only at a facility authorized to receive and process such waste.
- (c) A transporter of commercial waste shall maintain copies of all manifests of tank pumping at their principal place of business for a period of three (3) years; except that the transporters manifest (or a copy thereof) covering not less than the immediately preceding 30 day period for a particular tank truck shall be kept in the transporter's tank truck. All such records shall be available for inspection.
- (d) A transporter shall provide a copy of the commercial waste transporter permit for the tank truck to each disposal site where the transporter disposes of commercial wastes.

(7) Originators.

- (a) An originator of commercial waste shall have such waste removed from their facility only by a transporter who holds a valid commercial waste transporter permit.
- (b) An originator of commercial waste shall maintain copies of all manifests of tank pumping at their principal place of business for a period of three (3) years and make such records available for inspection.

(8) Approved Commercial Waste Processing and Disposal Facilities. The following types of processing and disposal operations are approved to accept commercial wastes.

- (a) All facilities that have been issued an NPDES, LAS, or industrial pretreatment permit by the Division, and those who have been issued an industrial pretreatment permit by a delegated pretreatment authority, are approved to accept commercial wastes.

- (b) All facilities permitted under the Solid Waste Management Rules are approved for processing and disposal operations.
 - (c) All facilities that are not covered by any of the above shall request approval from the Division on a case-by-case basis. Such approval shall be in the form of a letter authorizing the facility to accept such wastes and shall be signed by the Director or his/her representative.
 - (d) The above approval does not require any such facility to accept such commercial wastes. The facility must be willing to accept the commercial wastes, be capable of receiving the commercial wastes in a sanitary manner, and have the appropriate technology to treat the commercial wastes.
 - (e) A receiver of commercial waste shall maintain copies of all manifests of tank pumping at their principal place of business for a period of three (3) years and make such records available for inspection.
- (9) **Manifest Record Keeping.** All originators, transporters, and disposal site operators in this state, involved in the removal, transport, and final disposal, of commercial wastes shall participate in the proper maintenance of manifests. A manifest shall be used as follows:
- (a) A transporter shall utilize a manifest for each location being serviced.
 - (b) A manifest shall consist of an originator section, a receiver section, and the transporter section.
 - (c) The transporter shall sign the transporter portion of the manifest and shall present the manifest to the disposal operator to complete and sign the receiver section, and shall leave one copy of the manifest with the disposal site operator.
 - (d) The transporter shall send a copy of the manifest to the originator with the signature of the disposal site operator within 30 days. The originator will sign the received manifest form and maintain such record for a period of three years.
 - (e) The transporter shall keep one copy of the completed manifest form demonstrating delivery to the disposal site operator for their records and shall maintain such records for a period of three years.
- (10) **Manifest Contents.** A commercial waste transporter shall ensure that the manifest contains all the information required on the manifest form prescribed and furnished from time to time by the Division.
- (11) **Inspection.**

- (a) Representatives of the Division or a local governing authority, after proper identification, shall be permitted to enter the premises of any originator, transporter, processor, or disposal site at any reasonable time for the purpose of making inspections to determine compliance with this Paragraph or the commercial waste transporter permit.
- (b) Representatives of the Division, or a local governing authority, during inspections of the originator, transporter, processor, and the disposal site operator, may review records to determine compliance with provisions of these regulations.

(12) Application for a Commercial Waste Transporter Permit.

- (a) Applications for a commercial waste transporter permit shall be on forms prescribed and furnished from time to time by the Division.
- (b) Applications shall be accompanied by all pertinent information as the Division may require.
- (c) Materials submitted shall be complete and accurate.
- (d) Any commercial waste transporter permit application form or any other form submitted to the local governing authority shall be signed as follows in accordance with the following:
 - 1. For a corporation, by a responsible corporate officer. For this subparagraph a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - 2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
 - 3. For a municipality, county, authority, State, Federal, or other public facility, by either a principal executive officer or ranking elected official.
- (e) All other reports or requests for information required by the local governing authority shall be signed by a person designated in (d) above or a duly authorized representative of such person, if:
 - (i) The representative so authorized is responsible for the overall operation of the facility, e.g., a manager, superintendent or person of equivalent responsibility; and

- (ii) The authorization is made by the person designated under (d) above and written authorization of such is submitted to the Director.
 - (f) Any changes in the written authorization submitted to the local governing authority under (e) above which occur after the issuance of a commercial waste transporter permit shall be reported to the local governing authority by submitting a copy of a new written authorization which meets the requirements of (e) above.
 - (g) Any person signing any document under (d) or (e) above shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- (13) **Duration, Transferability, and Reissuance of Commercial Waste Transporter Permits.**
- (a) Any commercial waste transporter permit issued shall have a fixed term not to exceed one year.
 - (b) Upon expiration of such commercial waste transporter permit a new commercial waste transporter permit may be issued by the local governing authority, provided that an application for renewal is filed with the local governing authority at least 60 days prior to the expiration date of the existing commercial waste transporter permit. A LGA shall reissue or deny a request for a commercial waste transporter permit within 30 days of the permit application.
- (14) **Local Ordinance.**
- (a) A local governing authority may enact and enforce any local ordinance to regulate the removal, transport, and disposal of commercial wastes, as long as such local ordinance is not in conflict with these rules and O.C.G.A. [12-15-21](#) thru 12-15-24.
 - (b) A local governing authority adopting such a local ordinance shall be required to provide timely written notice to the division of any enforcement action taken pursuant to such an ordinance against an operator permitted under this article who is alleged to be in violation of such local ordinance. The division shall be notified of the initiation of any such local enforcement action and of the final conclusions or ultimate outcome of any such action.

(15) **Enforcement.**

- (a) The respective local governing authority is authorized to enforce these rules.
- (b) Any person who violates any provision of the Act, any rule promulgated and adopted pursuant thereto, or any term, condition, schedule of compliance or other requirement contained in a commercial waste transporter permit issued pursuant to the Act shall be subject to enforcement proceedings by the local governing authority pursuant to the Act.
- (c) Notwithstanding any other provision of law, or any municipal charter to the contrary, municipal courts shall have jurisdiction in cases of violations committed within municipalities, and magistrate courts shall have jurisdiction in cases of violations within unincorporated areas of counties. Either court shall be authorized to impose a civil penalty not to exceed \$2500.00 for each violation.

(16) **Effective Date.** This Paragraph shall become effective on June 1, 2005.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.24

Authority: O.C.G.A. Sec. [12-5-20](#) *et seq.*

History. Original Rule entitled "Regulation of Commercial Waste Originators, Pumpers, Transporters, Processors, and Disposal Facilities" adopted. F. Nov. 5, 2004; eff. Nov. 25, 2004.

Rule 391-3-6-.25. Permitting Based on Regional Water Development and Conservation Plans.

- (1) **Purpose.** The purpose of Section 391-3-6-.25 is to provide minimum uniform statewide regulations for the issuance of any permit for the use of water based on Regional Water Development And Conservation Plans. As authorized by O.C.G.A. §§ [12-5-31](#) and [12-5-96](#), in a manner consistent with O.C.G.A. § [12-5-520](#), *et seq.*, and as provided in the Comprehensive State-wide Water Management Plan, Regional Water Development And Conservation Plans shall promote the sustainable use of Georgia's waters through the selection of an array of management practices, to support the State's economy, to protect public health and natural systems, and to enhance the quality of life for all citizens.
- (2) **Policy.** As provided in the Comprehensive State-wide Water Management Plan, the characteristics of water resources and water users vary significantly in differing regions across Georgia. Protecting the ability of the State's water resources to meet needs for water supply and assimilation of waterborne contaminants requires regional, resource-based plans that identify the management practices appropriate to the resources and users in each region.
- (3) **Definitions.** All terms used in this Section shall be interpreted in accordance with the definitions as set forth in this Paragraph, or in any other Paragraph of this Section:

- (a) "Comprehensive State-wide Water Management Plan" is the plan provided for by O.C.G.A. §§ [12-5-520](#) *et seq.* whose purpose is to help guide the stewardship of Georgia's water resources to ensure that those resources continue to support the State's economy while maintaining healthy natural systems. The Comprehensive State-wide Water Management Plan mandates preparation of regional Water Development and Conservation Plans;
 - (b) "Instream uses" means all those human and ecological uses of water which occur within the banks of rivers and streams, including, without limitation, waste assimilation, hydropower production, recreation, maintenance of aquatic habitats, and support of biological integrity;
 - (c) "Offstream uses" means the purposes for which water is withdrawn from streams, rivers, lakes, or aquifers;
 - (d) "Water Development and Conservation Plan," as provided in O.C.G.A. §§ [12-5-31\(h\)](#) and [12-5-96\(e\)](#), means a regional resource-based plan, developed in accordance with O.C.G.A. §§ [12-5-520](#) *et seq.*, that promotes the efficient use of water resources, promotes the conservation and reuse of water, guards against a shortage of water, and is consistent with the public welfare of the state, or an addendum to any statutorily required water management plan(s) prepared to satisfy the purposes of this rule and the Comprehensive State-wide Water Management Plan. Such plans include water development, conservation, and sustainable use and are based upon detailed scientific analysis of water sources, the projected future condition of the resources, current demand, and estimated future demands on the resources. Furthermore, as provided in the Comprehensive State-wide Water Management Plan, such plans identify the water management practices to be employed in each Water Planning Region to ensure that current and future needs for water supply and assimilative capacity are met within the capacity of the water resources;
 - (e) "Water Planning Region" is a defined area that includes one or more water quantity and/or quality resources;
 - (f) "Water resource" is a body of surface water or groundwater that is available or potentially available for offstream and/ or instream use, including, without limitation, agricultural, industrial, residential, recreational, or environmental activities, among others. Water resources may include freshwater bodies, brackish waters, and ocean water;
- (4) Use by Division of adopted Regional Water Development and Conservation Plans.
- (a) As provided in O.C.G.A. §§ [12-5-31](#), [12-5-96](#), and [12-5-522](#), the Director shall ensure that the issuance of any permit for the use of water is based upon the Comprehensive State-wide Water Management Plan and all applicable Water Development and Conservation Plans. Additionally, any political subdivision or

local water authority not in compliance with the Comprehensive State-wide Water Management Plan shall be ineligible for state grants or loans for water projects, except for those projects designed to bring such political subdivision or local water authority into compliance with the plan.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.25

Authority: Authority O.C.G.A. Secs. [12-5-20](#) *et seq.*, 12-5-31, 12-5-90 *et seq.*, 12-5-96, 12-5-520 *et seq.*

History. Original Rule entitled "Permitting Based on Regional Water Development and Conservation Plans" adopted. F. Jan. 29, 2009; eff. Feb. 18, 2009.

Rule 391-3-6-.26. Notice and Public Participation.

(1) Tentative Determination and Draft Permits:

- (a) When the Division is satisfied that a permit application is complete, a tentative determination will be made to issue or deny the permit. If the tentative determination is to issue the permit, a draft permit will be prepared in accordance with applicable Federal regulations and State laws prior to the issuance of a public notice. If the tentative determination is to deny the permit, the Division will public notice the denial in accordance with applicable Federal regulations and State laws.
- (b) If the Division makes a tentative determination to issue a general permit, a draft permit and fact sheet will be prepared in accordance with applicable Federal regulations and State laws prior to issuance of a public notice.

(2) Public Notice: Public notice of every complete permit application will be prepared and circulated in a manner designated to inform interested and potentially interested persons of the proposed permit and of the proposed determination to issue or deny a permit. Procedures for circulation of the public notice shall include the following:

- (a) A copy of the public notice will be provided to the permit applicant, will be available at the EPD office in Atlanta, and will be posted to the EPD website;
- (b) Electronic mailing (e-mail) notification of the public notice to any persons or groups included on the electronic mailing list to receive such notices. The EPD shall maintain an electronic mailing list for distribution of public notices. Any person or group may request that their e-mail address be added to the electronic mailing list or they may sign-up through the EPD website;
- (c) The EPD shall provide a period of not less than thirty (30) days following the date of the public notice in which interested persons may submit their written views on the tentative determination with respect to the permit application. All written comments submitted during the thirty (30) day comment period will be retained by the EPD and considered in the final determination with respect to the permit

application and shall be responded to in accordance with Federal Regulations, [40 C.F.R. 124.17](#), and applicable State laws. The comment period may be extended at the discretion of the Director;

- (d) The contents of the public notice will be in accordance with Federal Regulations, [40 C.F.R. 124.10\(d\)](#) and applicable State laws;
 - (e) The EPD will prepare a fact sheet in accordance with Federal Regulations, [40 C.F.R. 124.8](#) and [124.56](#), and applicable State laws. A copy of the permit application, draft permit, and fact sheet will be available for public inspection at the EPD office in Atlanta and information on how to access electronic copies of these materials will be included in the contents of the public notice. Any person may request in writing a copy of the permit application, draft permit, and fact sheet and it will be provided;
 - (f) The Director will provide a copy of the public notice to the U.S. Army Corps of Engineers, Federal and State agencies with jurisdiction over fish, shellfish and wildlife resources and to other appropriate governmental authorities and will provide such agencies an opportunity to submit their written views and recommendations in accordance with Federal Regulations, [40 C.F.R. 124.10](#) and applicable State laws. The comments of the District Engineer of the Corps of Engineers, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, or any State or Federal Agency with jurisdiction over fish, wildlife, or public health shall be considered in accordance with Federal Regulations, [40 C.F.R. 124.59](#);
 - (g) Copies of draft, proposed, and issued NPDES and applicable UIC permits shall be transmitted to the Regional Administrator for review and comments in such manner as the Director and Regional Administrator agree, and in accordance with applicable Federal regulations, and the Memorandum of Agreement between the agencies pursuant to [40 C.F.R. 123.24](#).
- (3) Public Hearings:
- (a) The Director shall provide an opportunity for an applicant, any affected state or interstate agency, the Regional Administrator or any other interested agency, person or group of persons to request a public hearing with respect to a permit application. Any such request for a public hearing shall be filed within the 30-day comment period prescribed in subparagraph (2)(c) and shall indicate the interest of the party filing such a request, the reasons why a hearing is requested, and those specific portions of the application or other form or information to be considered at the public interest in holding such a hearing;
 - (b) Any public hearing held pursuant to this paragraph shall be held in the geographical area of the draft permit or other appropriate location at the discretion of the Director;

- (c) The Director may hold one public hearing on related groups of permit applications;
 - (d) Public notice of any hearing held pursuant to this paragraph shall be provided at least thirty (30) days in advance of the hearing date and shall be circulated in accordance with the public notification procedures in paragraph (2) and in accordance with Federal Regulations, [40 C.F.R. 124.10](#), or applicable State law.
- (4) Public Access to Information:
- (a) A copy of the permit application, public notice, applicable fact sheet and draft permit, and other forms related thereto, including written public comments and comments of all governmental agencies thereon and other reports, files and information not involving methods or processes entitled to protection as trade secrets, may be available online and will be available for public inspection and copying during normal business hours at the EPD office in Atlanta. Effluent data, Notice of Intent forms, and information regarding Class I, II and III injection wells that deals with the existence, absence, or level of contaminants in drinking water shall not be considered as information entitled to protection. Public access to NPDES and applicable UIC information shall be in accordance with Federal Regulations, [40 C.F.R. 122.7](#);
 - (b) Any information submitted with reports, records or plans that is considered confidential by the permittee (applicant), and that is not specifically excluded in subparagraph (4)(a) above, should be clearly labeled "Confidential" and be supported by a statement as to the reason that such information should be considered confidential. If the Director, with the concurrence of the Regional Administrator, determines that such information is entitled to confidential protection, he shall label and handle same accordingly;
 - (c) Any information accorded confidential status whether or not contained in an application form shall be made available, upon written request, to the Regional Administrator or his authorized representative who shall maintain the information as confidential.

Cite as Ga. Comp. R. & Regs. R. 391-3-6-.26

Authority: O.C.G.A. § [12-5-20](#)*et seq.*

History. Original Rule entitled "Notice and Public Participation" adopted. F. May 13, 2020; eff. June 2, 2020.

Subject 391-3-7. EROSION AND SEDIMENTATION CONTROL.

[Rule 391-3-7-.01. Definitions.](#)

The following definitions shall apply in the interpretation and enforcement of these rules and regulations unless otherwise specifically stated.

- (a) "Best Management Practices" means a collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control and are designed in accordance with the design specifications contained in the "Manual for Erosion and Sediment Control in Georgia." Best Management Practices also include, but are not limited to, design specifications from the most recent publications of the Georgia Stormwater Management Manual and Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.
- (b) "Buffer" and "Buffer Area" each mean the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
- (c) "Certification" means an action by the Division that states in writing that a local issuing authority has met the criteria established in these rules and regulations.
- (d) "Certified Personnel" means any person who meets or exceeds the education and training requirements of Code Section [12-7-19](#).
- (e) "Coastal Marshlands" shall have the same meaning as in Code Section [12-5-282](#).
- (f) "Complaint Investigation Process" means a process followed by a local issuing authority or the Division when dealing with inquiries, complaints or concerns about land disturbing activities.
- (g) "Decertification" means an action by the Division that states in writing that a local issuing authority has failed to meet the criteria established in these rules and regulations.
- (h) "Department" means the Department of Natural Resources of the State of Georgia.
- (i) "Director" means the Director of the Environmental Protection Division.
- (j) "District" means the appropriate local Soil and Water Conservation District.
- (k) "Division" means the Environmental Protection Division of the Department of Natural Resources.
- (l) "Erosion" means the process by which land surface is worn away by the action of wind, water, ice, or gravity.
- (m) "Erosion, Sedimentation and Pollution Control Plan" or "Plan" means a plan for the control of soil erosion and sediment resulting from a land disturbing activity.
- (n) "Infrastructure Project" means construction activities that are not part of a common development that include the construction, installation and maintenance of roadway and

railway projects and conduits, pipes, pipelines, substations, cables, wires, trenches, vaults, manholes, and similar or related structures or devices for the conveyance of natural gas (or other types of gas), liquid petroleum products, electricity, telecommunications (telephone, data television, etc.), water or sewage.

- (o) "Land Disturbing Activity" means any activity which may result in soil erosion and the movement of sediments into State waters or onto lands within the State, including but not limited to clearing, dredging, grading, excavating, transporting, and filling of land, but not including those practices to the extent described in O.C.G.A. [12-7-17](#).
- (p) "Local Issuing Authority" means the governing authority of any county, municipality, water authority, or water and sewer authority that is certified pursuant to these rules and regulations and pursuant to the requirements of O.C.G.A. [12-7-8\(a\)](#).
- (q) "Maintenance" means actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design.
- (r) "Major Buffer Impact" means any impact that does not meet the definition of "Minor Buffer Impact."
- (s) "Minor Buffer Impact" means an impact that upon completion yields no additional above ground, man-made materials or structures within the buffer, maintains the original grade, and results in less than 5,000 square feet of buffer impacts per stream crossing and/or less than 5,000 square feet of buffer impacts per individual area of encroachment for each project.
- (t) "Permit" means the authorization necessary to conduct a land disturbing activity under the provisions of these rules and regulations.
- (u) "Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, State agency, municipality or other political subdivision or the State, any interstate body or any other legal entity.
- (v) "Project" means the entire area of the proposed development site, regardless of the size of the area to be disturbed.
- (w) "Sediment" means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.
- (x) "Sedimentation" means the action or process of forming or depositing sediment.

- (y) "Serviceable" means usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.
- (z) "Soil and Water Conservation District Approved Plan" means an erosion, sedimentation and pollution control plan approved in writing by the Soil and Water Conservation District in which the proposed land disturbing activity will take place.
- (aa) "Stabilization" means the process of establishing an enduring soil cover of vegetation and/or mulch or other ground cover and/or installing temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
- (bb) "State Waters" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation, except as may be defined in O.C.G.A. [12-7-17\(7\)](#).
- (cc) "Stream Bank" means the confining cut of a stream channel and is usually identified as the point where the normal stream flow has wrested the vegetation. For nontrout waters, the normal stream flow is any stream flow that consists solely of base flow or consists of both base flow and direct runoff during any period of the year. Base flow results from groundwater that enters the stream channel through the soil. This includes spring flows into streams. Direct runoff is the water entering stream channels promptly after rainfalls or snow melts.
- (dd) "Trout Streams" means all streams or portions of streams within the watershed as designated by the Division under the provisions of the Georgia Water Quality Control Act, O.C.G.A. [12-5-20](#) et seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.
- (ee) "Water authority" or "water and sewer authority" means a "local government authority", as that term is defined in O.C.G.A. § [36-80-16](#), that has been properly formed in accordance with applicable Georgia law and that provides water services or water and sewer services to the public.
- (ff) "Watercourse" means any natural or artificial waterway, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, gully, ravine, or wash in which water flows either continuously or intermittently, having a definite channel, bed and bank, and includes any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.
- (gg) "Water Quality" means the chemical, physical, and biological characteristics of the State's water resources.

Cite as Ga. Comp. R. & Regs. R. 391-3-7-.01

Authority: O.C.G.A. § [12-7-1](#) *et seq.*

History. Original Rule entitled "Definitions" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Amended: F. July 16, 1981; eff. August 5, 1981.

Amended: F. Dec. 12, 1989, eff. Jan. 1, 1990.

Amended: F. Nov. 2, 2000, eff. Nov. 22, 2000.

Amended: F. Nov. 5, 2003; eff. Nov. 25, 2003.

Amended: F. Dec. 9, 2003; eff. Dec. 29, 2003.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Nov. 19, 2010; eff. Dec. 9, 2010.

Amended: F. Aug. 16, 2013; eff. Sept. 5, 2013.

Amended: F. Mar. 31, 2016; eff. Apr. 20, 2016.

Amended: F. June 25, 2021; eff. July 15, 2021.

Amended: F. May 10, 2022; eff. May 30, 2022.

Rule 391-3-7-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-7-.02

Authority: O.C.G.A. Secs. [12-2-24](#), [12-7-5](#).

History. Original Rule entitled "Scope and Exclusions" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Amended: F. July 16, 1981; eff. August 5, 1981.

Amended: F. Dec. 12, 1989, eff. Jan. 1, 1990.

Amended: F. Nov. 2, 2000, eff. Nov. 22, 2000.

Repealed: F. Nov. 5, 2003; eff. Nov. 25, 2003.

Rule 391-3-7-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-7-.03

Authority: O.C.G.A. Secs. [12-2-24](#), [12-7-5](#).

History. Original Rule entitled "Land Disturbing Activity Permits" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Amended: F. July 16, 1981; eff. August 5, 1981.

Amended: F. Dec. 12, 1989; eff. Jan. 1, 1990.

Amended: F. Nov. 2, 2000; eff. Nov. 22, 2000.

Repealed: F. Nov. 5, 2003; eff. Nov. 25, 2003.

Rule 391-3-7-.04. Georgia Department of Transportation Minimum Requirements and Buffer Variance Criteria.

- (1) For road construction or maintenance projects disturbing one or more contiguous acres of land, the Georgia Department of Transportation must abide by and follow the minimum requirements set forth within O.C.G.A. § [12-7-6\(a\) and \(b\)](#) and all requirements and procedures described in Sections 391-3-7-.05 and [391-3-7-.11](#).
- (2) In addition to the criteria for buffer variances described in Rule [391-3-7-.05\(2\)](#) and Rule [391-3-7-.11\(2\)](#), variance applications will be reviewed by the Director for road construction and maintenance projects undertaken by the Georgia Department of

Transportation only where the Georgia Department of Transportation provides reasonable evidence that impacts to the buffer have been avoided or minimized to the fullest extent practicable, the projects include required mitigation in accordance with the current EPD "Stream Buffer Variance Mitigation Guidance" document, and in the following cases:

- (a) The proposed land disturbing activity within the buffer is part of a project that will require a permit issued by the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act of 1972, as amended, or Section 10 of the Rivers and Harbors Act of 1899, contingent upon approval by the Corps of Engineers of that permit; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or
- (b) The proposed land disturbing activity within the buffer is part of a project that is not eligible for a permit issued by the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act of 1972, as amended, and involves the piping, filling, or rerouting of waters that are not jurisdictional waters of the United States regardless as to whether or not such waters have been classified as primary or secondary trout waters.

Cite as Ga. Comp. R. & Regs. R. 391-3-7-.04

Authority: O.C.G.A. § [12-7-1](#)*et seq.*

History. Original Rule entitled "Erosion and Sediment Control Plans Required" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Amended: F. July 16, 1981; eff. August 5, 1981.

Amended: Rule retitled "Erosion and Sedimentation Control Plan Requirements". F. Dec. 12, 1989; eff. Jan. 1, 1990.

Amended: F. Nov. 2, 2000; eff. Nov. 22, 2000.

Repealed: F. Nov. 5, 2003; eff. Nov. 25, 2003.

Adopted: New Rule entitled "Georgia Department of Transportation Minimum Requirements and Buffer Variance Criteria" adopted. F. May 10, 2022; eff. May 30, 2022.

Rule 391-3-7-.05. Buffer Variance Procedures and Criteria.

- (1) Buffers on state waters are valuable in protecting and conserving land and water resources; therefore, buffers should be protected. The buffer variance process will apply to all projects legally eligible for variances and to all state waters having vegetation wrested from the channel by normal stream flow, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. Rule 391-3-7-.05 does not apply to coastal marshlands. The following activities do not require application to or approval from the Division:
 - (a) stream crossings for water lines or stream crossing for sewer lines that occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer; or

- (b) where drainage structures must be constructed within the twenty-five (25) foot buffer area of any state water not classified as a trout stream; or
 - (c) where roadway drainage structures must be constructed within the twenty-five (25) foot buffer area of any state waters or the fifty (50) foot buffer of any trout stream; or
 - (d) construction of bulkheads or sea walls on Lake Oconee and Lake Sinclair where required to prevent erosion at the shoreline; or
 - (e) construction of public water system reservoirs.
- (2) Variance applications will be reviewed by the Director only where the applicant provides reasonable evidence that impacts to the buffer have been avoided or minimized to the fullest extent practicable and only in the following cases:
- (a) The project involves the construction or repair of an existing infrastructure project or a structure that, by its nature, must be located within the buffer. Such structures include, but are not limited to, dams, public water supply intake structures, detention/retention ponds, waste water discharges, docks including access ways, boat launches including access ways, and stabilization of areas of public access to water; or
 - (b) The project will result in the restoration or enhancement to improve water quality and/or aquatic habitat quality; or
 - (c) Buffer intrusion is necessary to provide reasonable access to a property or properties; or
 - (d) The intrusion is for water and sewer lines that cannot reasonably be placed outside the buffer, and stream crossings and vegetative disturbance are minimized; or
 - (e) Crossing for utility lines, including but not limited to gas, liquid, power, telephone, and other pipelines, provided that the number of crossings and the amount of vegetative disturbance are minimized; or
 - (f) Recreational foot trails and viewing areas, providing that impacts to the buffer are minimal; or
 - (g) The project involves construction of one (1) single family home for residential use by the owner of the subject property and, at the time of adoption of this rule, there is no opportunity to develop the home under any reasonable design configuration unless a buffer variance is granted. Variances will be considered for such single family homes only if construction is initiated or local government approval is obtained prior to January 10, 2005; or

- (h) For non-trout waters, the proposed land disturbing activity within the buffer is part of a project that will require a permit from the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act Amendment of 1972, [33 U.S.C. Section 1344](#), contingent upon approval by the Corps of Engineers of that permit; or
 - (i) For non-trout waters, a plan is provided for buffer intrusion that shows that, even with the proposed land disturbing activity within the buffer, the completed project will result in maintained or improved water quality downstream of the project; or
 - (j) For non-trout waters, the project with a proposed land disturbing activity within the buffer is located in, or upstream and within ten linear miles of, a stream segment listed as impaired under Section 303(d) of the federal Water Pollution Control Act Amendment of 1972, [33 U.S.C. Section 1313\(d\)](#) and a plan is provided that shows that the completed project will result in maintained or improved water quality in such listed stream segment and that the project has no adverse impact relative to the pollutants of concern in such stream segment; or
 - (k) The proposed land disturbing activity within the buffer is part of a project that is not eligible for a permit from the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act Amendment of 1972, [33 U.S.C. Section 1344](#), but includes required mitigation in accordance with current EPD "Stream Buffer Variance Mitigation Guidance" document, and involves:
 - 1. piping, filling, or re-routing of non-trout waters that are not jurisdictional Waters of the U.S.; or
 - 2. stream buffer impacts due to new infrastructure projects adjacent to state waters (jurisdictional and non-jurisdictional Waters of the U.S.). This criterion shall not apply to maintenance and/or modification to existing infrastructure, which are covered under 391-3-7-.05(2)(a).
- (3) If the buffer impact will be minor, the buffer variance request shall include the following information at a minimum:
- (a) Site map that includes locations of all state waters, wetlands, floodplain boundaries and other natural features, as determined by field survey.
 - (b) Description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.
 - (c) Dated and numbered detailed site plan that shows the locations of all structures, impervious surfaces, and the boundaries of the area of soil disturbance, both inside and outside of the buffer. The exact area of the buffer to be impacted shall be accurately and clearly indicated.

- (d) Description of the project, with details of the buffer disturbance, including estimated length of time for the disturbance and justification for why the disturbance is necessary.
 - (e) Calculation of the total area and length of the buffer disturbance.
 - (f) Letter from the issuing authority (if other than the Division and as applicable) stating that the issuing authority has visited the site and determined the presence of state waters that require a buffer and that a stream buffer variance is required as per the local erosion and sedimentation control ordinance.
 - (g) Erosion, sedimentation and pollution control plan.
 - (h) Re-vegetation plan as described in the most recent publication of the Division's guidance book, "Streambank and Shoreline Stabilization" and/or a plan for permanent vegetation as per the "Manual for Erosion and Sedimentation Control in Georgia."
 - (i) For projects within the buffer of or upstream and within one linear mile of impaired stream segments on Georgia's "305(b)/303(d) List Documents (Final)," documentation that the project will have no adverse impacts relative to the pollutants of concern and if applicable, documentation that the project will be in compliance with the TMDL Implementation Plan(s).
 - (j) Any other reasonable information related to the project that the Division deems necessary to effectively evaluate the variance request.
 - (k) Applications must be on the most current forms provided by the Division.
- (4) If the buffer impact will be major, the buffer variance request shall include all of the information in Sections (3)(a) thru (k) above, with the exception of (3)(h). A buffer variance request for major buffer impacts shall also include the following additional information:
- (a) For variance requests made under Section (2)(h):
 - 1. Joint Public Notice (JPN), if it is an individual permit;
 - 2. Pre-Construction Notification (PCN), if it is a Nationwide Permit;
 - 3. Mitigation calculations; and
 - 4. Permit approval from the United States Army Corps of Engineers or, if not yet received, a signed statement from the applicant certifying that the applicant will provide a copy of the permit approval upon receipt.

- (b) Buffer mitigation plan addressing impacts to critical buffer functions, including water quality and floodplain, watershed and ecological functions based on an evaluation of existing buffer conditions and predicted post construction buffer conditions pursuant to Section (7)(c) herein.
 - (c) Plan for stormwater control once site stabilization is achieved, when required by a local stormwater ordinance.
 - (d) For variance requests made under Sections (2)(i) and (2)(j), the application shall include the following water quality information:
 - 1. Documentation that post-development stormwater management systems to conform to the minimum standards for water quality, channel protection, overbank flood protection and extreme flood protection as established in the Georgia Stormwater Management Manual or the equivalent and if applicable, the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.
 - 2. Documentation that existing water quality will be maintained or improved based on predicted pollutant loading under pre- and post-development conditions as estimated by models accepted by the Division.
 - (e) For variance requests made under Section (2)(j), if the proposed project is in, or upstream and within ten linear miles of impaired stream segments on Georgia's "305(b)/303(d) List Documents (Final)," documentation that the project will have no adverse impacts relative to the pollutants of concern and if applicable, documentation that the project will be in compliance with the TMDL Implementation Plan(s).
 - (f) For variance requests made under Section (2)(k)1., the application shall include documentation from the United States Army Corps of Engineers verifying the water bodies identified in the application are non-jurisdictional waters of the United States under Section 404 of the Clean Water Act.
- (5) Upon receipt of a completed application in accordance with Sections 391-3-7-.05(3) or 391-3-7-.05(4), the Division shall consider the completed application and the following factors in determining whether to issue a variance:
- (a) Locations of state waters, wetlands, floodplain boundaries and other natural features as determined by field surveys.
 - (b) Shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.
 - (c) Location and extent of buffer intrusion.

- (d) Whether reasonable alternative project designs, such as the use of retaining walls, are possible which do not require buffer intrusion or which require less buffer intrusion.
- (e) Whether issuance of the variance, with the required mitigation plan, re-vegetation plan and/or plan for permanent vegetation, is at least as protective of natural resources and the environment (including wildlife habitat).
- (f) The current condition of the existing buffer, to be determined by:
 - 1. The extent to which existing buffer vegetation is disturbed;
 - 2. The hydrologic function of the buffer; and
 - 3. Stream characteristics such as bank vegetative cover, bank stability, prior channel alteration or sediment deposition.
- (g) The extent to which the encroachment into the buffer may reasonably impair buffer functions.
- (h) The value of mitigation activities conducted pursuant to this rule, particularly Subsections 391-3-7-.05(7)(c) and 391-3-7-.05(7)(d) herein, and shall take regional differences into consideration on-site or downstream, to be determined by development techniques or other measures that will contribute to the maintenance or improvement of water quality, including the use of low impact designs and integrated best management practices, and reduction in effective impervious surface area.
- (i) The long-term water quality impacts of the proposed variance, as well as the construction impacts. And for applications made under Subsections 391-3-7-.05(2)(i) and 391-3-7-.05(2)(j), the following criteria, which reflect regional differences in the state, shall be used by the Director to assist in determining whether the project seeking a variance will, when completed and with approved mitigation, result in maintained or improved water quality downstream of the project and minimal net impact to the buffer:
 - 1. Division will assume that the existing water quality conditions are commensurate with an undeveloped forested watershed unless the applicant provides documentation to the contrary. If the applicant chooses to provide baseline documentation, site and/or stream reach specific water quality, habitat, and/or biological data would be needed to document existing conditions. If additional data are needed to document existing conditions, the applicant may need to submit a monitoring plan and have it approved by the Division prior to collecting any monitoring data. Existing local data may be used, if available and of acceptable quality to the Division.

2. The results of the predicted pollutant loading under pre- and post-development conditions as estimated by models accepted by the Division indicate that existing water quality conditions will be maintained or improved.
- (j) For applications made under Section 391-3-7-.05(2)(j), for which a land disturbing activity is proposed within the buffer of a 303(d) listed stream, or upstream and within 10 linear miles of a 303(d) listed stream, the results of the model demonstrate that the project has no adverse impact relative to the pollutants of concern in such stream segment.
- (6) Within 60 days of receipt of a complete buffer variance application, the Division will either provide written comments to the applicant or propose to issue a variance.
 - (a) When the Division proposes to issue a variance, it will issue a public notice. The public notice shall describe the proposed buffer encroachment, the location of the project, where the public can review site plans, and where comments should be sent. The public shall have 30 days from the date of publication of the public notice to comment on the proposed buffer variance.
 - (b) If after the public comment period for a proposed buffer variance has closed or a buffer variance has been issued the applicant proposes to change the project as described in the variance application, the applicant must notify the Division in writing of those proposed changes.
 1. If the proposed changes include a change in the location of the buffer impacts, an increase in buffer impact, or change in project concept or design such that there may be a change to the applicable variance criteria described in Section 391-3-7-.05(2) and the Division approves such changes, the Division shall issue public notice in accordance with Section 391-3-7-.05(6)(a).
 2. If the proposed changes do not include changes described in 391-3-7-.05(6)(b)(1), the Division may approve those changes in writing or may elect to issue public notice in accordance with Section 391-3-7-.05(6)(a).
 - (c) If after the public comment period for a proposed buffer variance has closed or a buffer variance has been issued a person or entity other than the applicant wishes to carry out the work described in the proposed variance or variance, the new person or entity must submit an application for that variance and all other requirements and procedures described in this Section 391-3-7-.05 shall apply. A new application shall not be required where the applicant is merely changing its name or corporate structure, but the applicant must notify the Division in writing of that name or corporate structure change.

- (7) In all cases in which a buffer variance is issued, the following conditions shall apply:
- (a) The variance shall be the minimum reduction in buffer width necessary to provide relief. Streams shall not be piped if a buffer width reduction is sufficient to provide relief.
 - (b) Disturbance of existing buffer vegetation shall be minimized.
 - (c) Mitigation is required for all major buffer impacts and shall offset the buffer encroachment and any loss of buffer functions. Where lost functions cannot be replaced, mitigation shall provide other buffer functions that are beneficial. Buffer functions include, but are not limited to:
 - 1. temperature control (shading);
 - 2. streambank stabilization;
 - 3. trapping of sediments, if any;
 - 4. removal of nutrients, heavy metals, pesticides and other pollutants;
 - 5. aquatic habitat and food chain;
 - 6. terrestrial habitat, food chain and migration corridor; and
 - 7. buffering of flood flows.
 - (d) Mitigation should be on-site when possible. Depending on site conditions, acceptable forms of mitigation may include but are not limited to:
 - 1. Restoration of the buffer to a naturally vegetated state to the extent practicable, or to current existing conditions;
 - 2. Bioengineering of channels to reduce bank erosion and improve habitat;
 - 3. Creation or restoration of wetlands;
 - 4. Stormwater management systems to better maintain the pre-development flow regime (with consideration given to downstream effects) that exceeds the requirements of applicable ordinances at the time of application;
 - 5. Reduction in pollution sources, such as on-site water quality treatment or improving the level of treatment of septic systems;
 - 6. Other forms of mitigation that protect or improve water quality and/or aquatic wildlife habitat;
 - 7. An increase in buffer width elsewhere on the property;

8. Mitigation as required under a Clean Water Act Section 404 or Nationwide permit issued by the U.S. Army Corps of Engineers;
 9. Stormwater management systems described in the most recent publication of the Georgia Stormwater Management Manual and the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual;
 10. Mitigation as described in the most recent publication of the Division's guidance document, Stream Buffer Mitigation Guidance.
- (e) Forms of mitigation that are not acceptable include:
1. Activities that are already required by the Georgia Erosion and Sedimentation Act, such as the minimal use of best management practices;
 2. Activities that are already required by other federal, state and local laws, except as described in 391-3-7-.05(7)(d) above. U.S. Army Corps of Engineers mitigation is acceptable.
- (f) The Division will not place a condition on a variance that requires a landowner to deed property or the development rights of property to the state or to any other entity. The landowner may voluntarily preserve property or the development rights of property as a mitigation option with the agreement of the Division.
- (8) If the approved buffer impacts are not completed within five years of the date issued, buffer variances issued on or after the effective date of this rule will become null and void, unless an extension is granted by the Division as specifically provided herein.
- (a) The applicant may request a time extension of that buffer variance only if the approved buffer impacts will not be completed prior to the buffer variance expiration date. The buffer variance time extension, if granted, can be for a period of up to five years. If the applicant can demonstrate that a time extension for a period of greater than five years is reasonable, the Director may grant a buffer variance time extension for a reasonable period of greater than five years. A buffer variance time extension may be issued only once.
 - (b) The buffer variance time extension must be requested in writing at least 90 calendar days prior to the buffer variance expiration date with justifiable cause demonstrated. Once an approved buffer variance expires, it is no longer eligible for a time extension.
 - (c) Time extension requests will be reviewed by the Division. The Division will either provide written comments to the applicant or propose to issue a buffer variance time extension within 60 days of receipt of a time extension request. If there are

any other changes to the original buffer variance application, the Division shall issue a public notice in accordance with Section 391-3-7-.05(6)(a).

- (d) If a variance issued by the Director is acceptable to the issuing authority, the variance shall be included as a condition of permitting and therefore becomes a part of the permit for the proposed land disturbing activity project. If a stream buffer variance is not acceptable to the issuing authority, the issuing authority may issue a land disturbing permit without allowing encroachment into the buffer.
- (9) A general variance is provided for piping of trout streams with an average annual flow of 25 gpm or less.
- (10) To obtain this general variance in Section 391-3-7-.05(9) for encroaching on the buffer of a trout stream, the applicant must submit information to the issuing authority or EPD if there is no issuing authority demonstrating that the average annual flow in the stream is 25 gpm or less. There are two acceptable methods for making this determination.
- (a) The USGS unit area runoff map may be used to determine the threshold acreage that will produce an average annual flow of 25 gpm or less.
 - (b) The applicant may submit a hydrologic analysis certified by a Registered Professional Engineer or Geologist that presents information sufficient to estimate that the average annual flow of each stream to be piped is 25 gpm or less with a high level of certainty.
- (11) Any stream piping performed in accordance with this general variance in Section 391-3-7-.05(9) shall be subject to the following terms:
- (a) The total length of stream that is piped in any one property shall not exceed 200 feet.
 - (b) Any project that involves more than 200 ft of piping will require an individual variance for the entire project. The general variance may not be applied to a portion of a project; e.g., it is not permissible to pipe 200 ft of a stream under the general variance and seek an individual variance for an additional length of pipe.
 - (c) The downstream end of the pipe shall terminate at least 25 ft before the property boundary.
 - (d) The applicant for a Land Disturbing Activity Permit shall notify the appropriate issuing authority of the precise location and extent of all streams piping as part of the land disturbing activity permit application. The issuing authority (if other than the Division) shall compile this information and convey it to the Division annually.

- (e) Where piping of a stream increases the velocity of stream flow at the downstream end of the pipe, appropriate controls shall be employed to reduce flow velocity to the predevelopment level. Plans for such controls must be submitted as part of the land disturbing activity permit.

Cite as Ga. Comp. R. & Regs. R. 391-3-7-.05

Authority: O.C.G.A. §§ [12-7-1](#) *et seq.*, [50-13-9.1](#).

History. Original Rule entitled "Minimum Requirements" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Repealed: New Rule entitled "Land Disturbing Activities Within the 100 Year Flood Plain" adopted. F. Dec. 12, 1989; eff. Jan. 1, 1990.

Repealed: New Rule entitled "Buffer Variance Procedures and Criteria" adopted. F. Nov. 2, 2000; eff. Nov. 22, 2000.

Amended: F. Dec. 12, 2000; eff. Jan. 1, 2001.

Amended: F. Nov. 5, 2003; eff. Nov. 25, 2003.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Nov. 19, 2010; eff. Dec. 9, 2010.

Amended: F. Aug. 16, 2013; eff. Sept. 5, 2013.

Amended: F. Mar. 31, 2016; eff. Apr. 20, 2016.

Amended: F. June 25, 2021; eff. July 15, 2021.

Amended: F. May 10, 2022; eff. May 30, 2022.

Rule 391-3-7-.06. Turbidity Limits for Stormwater Runoff Discharges.

Turbidity of stormwater runoff discharges shall be controlled to the extent that the limits established in O.C.G.A. [12-7-6](#) shall not be exceeded.

Cite as Ga. Comp. R. & Regs. R. 391-3-7-.06

Authority: O.C.G.A. Secs. [12-2-24](#), [12-7-5](#).

History. Original Rule entitled "Inspection and Compliance" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Amended: F. July 16, 1981; eff. August 5, 1981.

Repealed: New Rule entitled "Retention of Undisturbed Vegetative Buffer" adopted. F. Dec. 12, 1989; eff. Jan. 1, 1990.

Repealed: New Rule entitled "Turbidity Limits for Stormwater Runoff Discharges" adopted. F. Nov. 2, 2000; eff. Nov. 22, 2000.

Rule 391-3-7-.07. Inspection and Compliance.

- (1) The Division may periodically inspect the site of any land disturbing activity for which a permit has been issued to determine if such activity is being conducted in accordance with the permit and to evaluate the effectiveness of the erosion and sediment control measures employed.
- (2) The Division shall have the authority to conduct such investigations as it may reasonable deem necessary to carry out its duties as prescribed by O.C.G.A. [12-7-1](#) *et seq.*, and these rules and regulations and for this purpose to enter at reasonable times upon any property,

public or private, for the purpose of investigating and inspecting the sites of land disturbing activities. The Division shall make its best efforts to contact a local issuing authority prior to any site inspection of a project within that local issuing authority's jurisdiction, provided however, that the Division shall, if contact was not prior made, contact the local issuing authority not more than five (5) business days after the site visit.

- (3) No person shall refuse entry or access to any authorized representative of the Division who requests entry for purposes of inspection and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out assigned official duties.

Cite as Ga. Comp. R. & Regs. R. 391-3-7-.07

Authority: O.C.G.A. Secs. [12-2-24](#), [12-7-5](#).

History. Original Rule entitled "Enforcement" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Repealed: New Rule of the same title adopted. F. July 16, 1981; eff. August 5, 1981.

Repealed: New Rule entitled "Land Disturbing Activities Within 100 Feet (Horizontal) of Trout Streams" adopted. F. Dec. 12, 1989; eff. Jan. 1, 1990.

Repealed: New Rule entitled "Inspection and Compliance" adopted. F. Nov. 2, 2000; eff. Nov. 22, 2000.

Amended: F. Nov. 5, 2003; eff. Nov. 25, 2003.

Rule 391-3-7-.08. Enforcement.

- (1) The administration and enforcement of these rules and regulations shall be in accordance with the Erosion and Sedimentation act of 1975, O.C.G.A. [12-7-1](#) *et seq.*; the Executive Reorganization Act of 1972, O.C.G.A. [12-2-1](#) *et seq.*, and the Georgia Administrative Procedure Act, O.C.G.A. [50-13-1](#) *et seq.*, all as amended, but also includes the authority to require corrective action and/or remediation of conditions creating adverse water quality impacts, or otherwise in violation of these rules, regulations and authorizing statutes.
- (2) When the Division seeks to enforce the requirements of these rules or the requirements of O.C.G.A. [12-7-1](#) *et seq.*, as amended, in a jurisdiction covered by a certified local issuing authority, the Division should coordinate enforcement with the local issuing authority. However, coordination with a local issuing authority is not a prerequisite for enforcement by the Division.

Cite as Ga. Comp. R. & Regs. R. 391-3-7-.08

Authority: O.C.G.A. Secs. [12-2-24](#), [12-7-5](#).

History. Original Rule entitled "Permit Revocation" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Repealed: New Rule entitled "Effective Date" adopted. F. July 16, 1981; eff. August 5, 1981.

Repealed: New Rule entitled "Turbidity Limits for Stormwater Runoff Discharges" adopted. F. Dec. 12, 1989; eff. Jan. 1, 1990.

Repealed: New Rule entitled "Enforcement" adopted. F. Nov. 2, 2000; eff. Nov. 22, 2000.

Amended: F. Nov. 5, 2003; eff. Nov. 25, 2003.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Rule 391-3-7-.09. Local Issuing Authorities.

- (1) Criteria for Certification of Municipalities or Counties as Local Issuing Authorities.
 - (A) Municipality or county has adopted an ordinance which demonstrates compliance with the provisions in Title 12, Chapter 7 of the Official Code of Georgia and related regulation.
 - (B) Municipality or county has inspection personnel, who are or will be qualified personnel (within 6 months of date of hire) in erosion and sediment control.
 - (C) Required Documentation. A municipality or county shall provide all of the following documentation to the Division:
 - 1. A letter from the municipality or county requesting certification as a Local Issuing Authority.
 - 2. A listing of the number of inspectors employed by the municipality or county that will be responsible for land disturbance activity inspections and documentation of the training for each inspector.
 - 3. Documentation of the geographic size of the jurisdiction.
 - 4. Documentation of the estimated workload and inspection frequency schedule for the inspectors.
 - 5. A copy of the ordinance which demonstrates compliance with the provisions in Title 12, Chapter 7 of the Official Code of Georgia.
 - (D) The Division shall provide written notification to the municipality or county of the Director's decision no later than 60 days after receipt of request for certification. In the case of a denial of local issuing authority certification, the Division shall explain the deficiencies causing the denial. The denial of certification by the Division shall not preclude a municipality or county from making any subsequent application for certification.
- (2) Criteria for Certification of Water Authorities or Water and Sewer Authorities as Local Issuing Authorities.
 - (A) Each municipality or county that is served by that water authority or water and sewer authority must be a certified Local Issuing Authority.
 - (B) The ordinances adopted by each municipality or county that is served by that water authority or water and sewer authority must be in compliance with the provisions of Title 12, Chapter 7 of the Official Code of Georgia and related regulations as of the date of the application by the water authority or water and sewer authority for certification as a Local Issuing Authority or, following

application, the water authority or water and sewer authority must provide documentation to the Division of the same before such water authority or water and sewer authority may be certified as a Local Issuing Authority.

- (C) Each municipality or county that is served by that water authority or water and sewer authority must have adopted ordinances or other such local law that allows the water authority or water and sewer authority the ability to enforce directly all ordinances described in Rule 391-3-7-.09(2)(B).
- (D) The water authority or water and sewer authority has inspection personnel, who are or will be qualified personnel (within 6 months of date of hire) in erosion and sediment control.
- (E) Required Documentation. A water authority or water and sewer authority shall provide all of the following documentation to the Division:
 - 1. A letter from the water authority or water and sewer authority requesting certification as a Local Issuing Authority, identifying each municipality or county that is served by that water authority or water and sewer authority, and verifying that each municipality or county that is served by that water authority or water and sewer authority has granted the same legal authority to the water authority or water and sewer authority to carry out the requirements of the provisions of Title 12, Chapter 7 of the Official Code of Georgia and related regulation.
 - 2. A letter from each municipality or county that is served by that water authority or water and sewer authority including all of the following:
 - A. A statement confirming that such municipality or county has been certified as a Local Issuing Authority.
 - B. A statement confirming that such municipality or county intends to allow the water authority or water and sewer authority to operate solely as the Local Issuing Authority within that municipality's or county's jurisdictional boundaries.
 - C. A statement that such municipality or county has adopted ordinances or other local laws that grant to the water authority or water and sewer authority the ability to enforce directly all ordinances required to implement the provisions of Title 12, Chapter 7 of the Official Code of Georgia and related regulation.
 - 3. A listing of the number of inspectors employed by the water authority or water and sewer authority that will be responsible for land disturbance activity inspections and documentation of the training for each inspector.

4. Documentation of the estimated workload and inspection frequency schedule for the inspectors.
5. A detailed boundary map for all areas in which the water authority or water and sewer authority intends to operate as a Local Issuing Authority, including but not limited to labeled street names. Such boundary map shall be provided in an electronic format that is compatible with the Division's GIS software.
6. A copy of the ordinance from each municipality or county that is served by the water authority or water and sewer authority that demonstrates compliance with the provisions in Title 12, Chapter 7 of the Official Code of Georgia and related regulation.
7. A copy of the ordinance or other local law from each municipality or county that is served by the water authority or water and sewer authority that grant to the water authority or water and sewer authority the ability to enforce directly all ordinances required to implement the provisions of Title 12, Chapter 7 of the Official Code of Georgia and related regulation.
8. A copy of the intergovernmental agreement(s) with the governing authority of each municipality or county that is served by the water authority or water and sewer authority. Such intergovernmental agreement shall:
 - A. Be executed by duly authorized representative(s) for each party; and
 - B. Specify how the municipality or county and water authority or water and sewer authority will notify one another regarding any updates to ordinances or local laws relevant to the enforcement by the water authority or water and sewer authority of ordinances required to implement the provisions of Title 12, Chapter 7 of the Official Code of Georgia and related regulation; and
 - C. Specify how changes to the service area of such water authority or water and sewer authority will affect which entity will act as Local Issuing Authority in the affected areas and describe a process by which any necessary updates to or amendments of relevant ordinances or local laws will be conducted; and
 - D. Describe in detail, with reference to and incorporation of boundary maps and customer lists as appropriate, in which areas the municipality or county will act as Local Issuing Authority and in which areas the water authority or water and sewer authority will act as Local Issuing Authority.

- (F) The Division shall provide written notification to the water authority, or water and sewer authority of the Director's decision no later than 60 days after receipt of request for certification. In the case of a denial of local issuing authority certification, the Division shall explain the deficiencies causing the denial. The denial of certification by the Division shall not preclude water authority or water and sewer authority from making any subsequent application for certification.

(3) Responsibilities of Certified Local Issuing Authorities.

- (A) Municipality, county, water authority, or water and sewer authority demonstrates adequate program administration, record keeping and enforcement as evidenced by:

1. Processing land disturbing activity applications, issuing permits and compliance with stream buffer variance requirements; and
2. Maintaining a list of open land disturbance permits; and
3. Conducting inspections and maintaining reports of inspections including violations; and
4. Enforcing the ordinance and keeping record of written notification of violations, stop-work orders, court actions, etc.

- (B) Municipality, county, water authority, or water and sewer authority must follow a Complaint Investigation Process which:

1. Includes an investigation of the complaint by the local issuing authority within 5 business days; and
2. Includes a mechanism for referral of unresolved complaints to the Division; and
3. Includes a monthly log of complaints and inquiries, including actions taken.

- (C) Municipality, county, water authority, or water and sewer authority with a Memorandum of Agreement (MOA) with the appropriate local Soil and Water Conservation District to review and approve an Erosion and Sedimentation Control Plan shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the municipality, county, water authority, or water and sewer authority to act within 35 days shall be considered an approval of the revised Plan submittal.

- (D) In the event that a water authority or water and sewer authority that has been certified as a Local Issuing Authority alters the area the water authority or water and sewer authority is acting as a Local Issuing Authority from that described in

the application and related boundary maps included in its application for certification, within thirty (30) days from that alteration the water authority or water and sewer authority must send to the Division an updated boundary map and, if any new or different municipalities or counties have been added, a letter like that described in Rule 391-3-7-.09(2)(E)(2) from each municipality or county and a copy of the intergovernmental agreement described in Rule 391-3-7-.09(2)(E)(8).

(4) De-certification of a Local Issuing Authority.

(A) Recommendation for De-certification Investigation. The Division shall begin an investigation for de-certification upon request with adequate documentation by the local Soil and Water Conservation District or Georgia Soil and Water Conservation Commission or on its own initiative if any of the following occurs:

1. Municipality, county, water authority, or water and sewer authority no longer has an ordinance which demonstrates compliance with the provisions in Title 12, Chapter 7 of the Official Code of Georgia; or
2. Municipality, county, water authority, or water and sewer authority no longer has inspection personnel who are or will be qualified personnel (within 6 months of date of hire) in erosion and sediment control; or
3. Municipality, county, water authority, or water and sewer authority does not utilize their Complaint Investigation Process pursuant to 391-3-7-.09(3)(B); or
4. Municipality, county, water authority, or water and sewer authority no longer has adequate program administration, record keeping and enforcement pursuant to 391-3-7-.09(3)(A).

(B) De-certification Investigation. Within 60 days of receipt of the de-certification request, the Division shall initiate an investigation by providing written notice of the recommendation for de-certification to the local issuing authority and detailing the perceived deficiencies enumerated in the recommendation. Prior to any de-certification of a local issuing authority, the Division must perform an on-site evaluation of the program.

The municipality, county, water authority, or water and sewer authority shall have 30 days in which to respond in writing to the Division and:

1. Acknowledge the noted deficiencies and agree to comply; or
2. Offer explanation of why deficiency or omission has occurred and establish a target deadline to comply; or

3. Disagree with some or all of the noted deficiencies and recommendations for improvement and request mediation between the municipality, county, water authority, or water and sewer authority and the Division.
 - (C) Review Local Issuing Authority Response. The Director or his/her designee will review any response received from the local issuing authority. The Director may then uphold, modify, suspend or dismiss the de-certification recommendation. The determination of the Director shall be made within 30 days from receipt of the response from the local issuing authority.
 - (D) Final Decision and Appeal. A determination made by the Director to uphold, modify, suspend or dismiss the de-certification is a final action of the Director and may be appealed in accordance with subsection (c) of Code Section [12-2-2](#).
- (5) Continuing Certification.
- A local issuing authority shall submit documentation showing continued compliance with the criteria for certification established at 391-3-7-.09(1)(A) and (B) to the Division whenever an event requiring the Division to evaluate a local issuing authority for continuing compliance with the certification requirements occurs.

Cite as Ga. Comp. R. & Regs. R. 391-3-7-.09

Authority: O.C.G.A. § [12-7-1](#) et seq.

History. Original Rule entitled "Effective Date" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Amended: Rule repealed. F. July 16, 1981; eff. August 5, 1981.

Amended: Rule entitled "Inspection and Compliance" was renumbered from [391-3-7-.06](#) to 391-3-7-.09. F. Dec. 12, 1989; eff. Jan. 1, 1990.

Repealed: F. Nov. 2, 2000; eff. Nov. 22, 2000.

Amended: New Rule entitled "Local Issuing Authorities" adopted. F. Nov. 5, 2003; eff. Nov. 25, 2003.

Amended: F. July 5, 2007; eff. July 25, 2007.

Amended: F. June 25, 2021; eff. July 15, 2021.

Rule 391-3-7-.10. Site Visit Required.

- (1) All applications shall contain a certification stating that the plan preparer or his or her designee has visited the site prior to creation of the plan.
- (2) Plans submitted shall contain the following certification:

"I certify under penalty of law that this Plan was prepared after a site visit to the locations described herein by myself or my authorized agent, under my direct supervision."

Cite as Ga. Comp. R. & Regs. R. 391-3-7-.10

Authority: O.C.G.A. Secs. [12-2-24](#), [12-7-5](#).

History. Original Rule entitled "Enforcement" was renumbered from [391-3-7-.07](#) to 391-3-7-.10. F. Dec. 12, 1989; eff. Jan. 1, 1990.

Repealed: F. Nov. 2, 2000; eff. Nov. 22, 2000.

Amended: New Rule entitled "Site Visit Required" adopted. F. Nov. 5, 2003; eff. Nov. 25, 2003.

Rule 391-3-7-.11. Coastal Marshlands Buffer Variance Procedures and Criteria.

- (1) Buffers on state waters are valuable in protecting and conserving land and water resources. Therefore, there is established a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, except:
 - (a) Where the Director determines to allow a variance that is at least as protective of natural resources and the environment under the variance criteria in 391-3-7-.11(2) through (7) or under the variance by rule criteria in 391-3-7-.11(9); or
 - (b) Where otherwise allowed by the Director pursuant to O.C.G.A. § [12-2-8](#); or
 - (c) Where an alteration within the buffer area has been authorized pursuant to O.C.G.A. § [12-5-286](#); or
 - (d) For maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or
 - (e) Where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or
 - (f) On the landward side of any currently serviceable shoreline stabilization structure; or
 - (g) For the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or
 - (h) Crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or

- (i) Any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or
 - (j) Any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
- (2) The buffer variance process will apply to all projects legally eligible for variances, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. Variance applications will be reviewed by the Director only in the following cases:
- (a) The project involves the construction or repair of an existing infrastructure project or a structure that, by its nature, must be located within the buffer. Such structures include, but are not limited to, dams, public water supply intake structures, detention/retention ponds, waste water discharges, docks including access ways, boat launches including access ways and stabilization of areas of public access to water; or
 - (b) The project will result in the restoration or enhancement to improve water quality and/or aquatic habitat quality; or
 - (c) Buffer intrusion is necessary to provide reasonable access to a property or properties; or
 - (d) The intrusion is for utility lines within or adjacent to existing utility or transportation right of ways or that cannot reasonably be placed outside the buffer, and crossings and vegetative disturbance are minimized; or
 - (e) Crossing for utility lines, including but not limited to gas, liquid, power, telephone, and other pipelines, provided that the number of crossings and the amount of vegetative disturbance are minimized; or
 - (f) Recreational foot trails and viewing areas, providing that impacts to the buffer are minimal; or
 - (g) The project involves construction of one (1) single family home for residential use by the owner of the subject property and, at the time of adoption of this rule, there is no opportunity to develop the home under any reasonable design configuration

unless a buffer variance is granted. Variances will be considered for such single family homes only if construction is initiated or local government approval is obtained prior to January 10, 2005; or

- (h) The proposed land disturbing activity within the buffer is part of a project that will require a permit from the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act Amendment of 1972, [33 U.S.C. Section 1344](#), or Section 10 of the Rivers and Harbors Act of 1899, contingent upon approval by the Corps of Engineers of that permit; or
 - (i) A plan is provided for buffer intrusion that shows that, even with the proposed land disturbing activity within the buffer, the completed project will result in maintained or improved water quality; or
 - (j) (Reserved)
 - (k) The proposed land disturbing activity within the buffer is part of a project that is not eligible for a permit from the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act Amendment of 1972, [33 U.S.C. Section 1344](#), and involves:
 - 1. Piping, filling, or re-routing of waters that are not jurisdictional Waters of the U.S.; or
 - 2. Buffer impacts due to new infrastructure projects adjacent to state waters (jurisdictional and non-jurisdictional Waters of the U.S.). This criterion shall not apply to maintenance and/or modification to existing infrastructure.
- (3) Except as provided in 391-3-7-.11(9), if the buffer impact will be minor, the buffer variance request shall include the following information at a minimum:
- (a) Site map that includes locations of all state waters, wetlands, floodplain boundaries and other natural features, as determined by field survey.
 - (b) Description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.
 - (c) Dated and numbered detailed site plan that shows the locations of all structures, impervious surfaces, and the boundaries of the area of soil disturbance, both inside and outside of the buffer. The exact area of the buffer to be impacted shall be accurately and clearly indicated.
 - (d) Description of the project, with details of the buffer disturbance, including estimated length of time for the disturbance and justification for why the disturbance is necessary.

- (e) Calculation of the total area and length of the buffer disturbance.
 - (f) Letter from the issuing authority (if other than the Division and as applicable) stating that the issuing authority has visited the site and determined the presence of coastal marshlands that require a buffer and that a buffer variance is required.
 - (g) Erosion, sedimentation and pollution control plan.
 - (h) Re-vegetation plan as described in the most recent publication of the Division's guidance book, "Streambank and Shoreline Stabilization", or the "Hydromodification Best Management Practice Manual for Coastal Georgia," and/or a plan for permanent vegetation as per the "Manual for Erosion and Sedimentation Control in Georgia."
 - (i) For projects within the buffer of or upstream and within one linear mile of an impaired water body on Georgia's "305(b)/303(d) List Documents (Final)," documentation that the project will have no adverse impacts relative to the pollutants of concern and if applicable, documentation that the project will be in compliance with the TMDL Implementation Plan(s).
 - (j) Applications must be on the most current forms provided by the Division.
- (4) If the buffer impact will be major, the buffer variance request shall include all of the information in 391-3-7-.11(3)(a) through (i) above, with the exception of 391-3-7-.11(3)(h). A buffer variance request for major buffer impacts shall also include the following additional information:
- (a) For variance requests made under 391-3-7-.11(2)(h):
 - 1. Joint Public Notice (JPN), if it is an individual permit;
 - 2. Pre-Construction Notification (PCN), if it is a Nationwide Permit;
 - 3. Mitigation calculations; and
 - 4. Permit approval from the United States Army Corps of Engineers or, if not yet received, a signed statement from the applicant certifying that the applicant will provide a copy of the permit approval upon receipt.
 - (b) Buffer mitigation plan addressing impacts to critical buffer functions, including water quality and floodplain, watershed and ecological functions based on an evaluation of existing buffer conditions and predicted post construction buffer conditions pursuant to 391-3-7-.11(7)(c) herein.
 - (c) Plan for stormwater control once site stabilization is achieved, when required by a local stormwater ordinance.

- (d) For variance requests made under 391-3-7-.11(2)(i), the application shall include the following water quality information:
 - 1. Documentation that post-development stormwater management systems to conform to the minimum standards for water quality, channel protection, overbank flood protection and extreme flood protection as established in the Georgia Stormwater Management Manual or the equivalent and if applicable, the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.
 - 2. Documentation that existing water quality will be maintained or improved based on predicted pollutant loading under pre- and post-development conditions as estimated by models accepted by the Division.
 - (e) For variance requests made under 391-3-7-.11(2)(k)1., the application shall include documentation from the United States Army Corps of Engineers verifying the water bodies identified in the application are non-jurisdictional waters of the United States under Section 404 of the Clean Water Act.
- (5) Upon receipt of a complete application, the Division shall consider the complete application and the following factors in determining whether to issue a variance:
- (a) Locations of state waters, wetlands, coastal marshlands, floodplain boundaries and other natural features as determined by field surveys.
 - (b) Shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.
 - (c) Location and extent of buffer intrusion.
 - (d) Whether reasonable alternative project designs, such as the use of retaining walls are possible which do not require buffer intrusion or which require less buffer intrusion.
 - (e) Whether issuance of the variance, with the required mitigation plan, re-vegetation plan and/or plan for permanent vegetation, is at least as protective of natural resources and the environment.
 - (f) The current condition of the existing buffer, to be determined by:
 - 1. The extent to which existing buffer vegetation is disturbed;
 - 2. The hydrologic function of the buffer; and
 - 3. Hydrologic functional characteristics such as bank vegetative cover, bank stability, or prior channel alteration.

- (g) The extent to which the encroachment into the buffer may reasonably impair buffer functions.
 - (h) The value of mitigation activities conducted pursuant to this rule, particularly 391-3-7-.11(7)(c) and (d) herein, development techniques or other measures that will contribute to the maintenance or improvement of water quality, including the use of low impact designs and integrated best management practices, and reduction in effective impervious surface area.
 - (i) The long-term water quality impacts of the proposed variance, as well as the construction impacts. And for applications made under 391-3-7-.11(2)(i), the following criteria shall be used by the Director to assist in determining whether the project seeking a variance will, when completed and with approved mitigation, result in maintained or improved water quality downstream of the project and minimal net impact to the buffer:
 - 1. The Division will assume that the existing water quality conditions are commensurate with an undeveloped maritime forested watershed unless the applicant provides documentation to the contrary. If the applicant chooses to provide baseline documentation, site specific water quality, habitat, and /or biological data would be needed to document existing conditions. If additional data are needed to document existing conditions, the applicant may need to submit a monitoring plan and have it approved by the Division prior to collecting any monitoring data. Existing local data may be used, if available and of acceptable quality to the Division.
 - 2. The results of the predicted pollutant loading under pre- and post-development conditions as estimated by models accepted by the Division indicate that existing water quality conditions will be maintained or improved.
 - (j) For applications made under 391-3-7-.11(2)(i), for which a land disturbing activity is proposed within the buffer of a 303(d) listed water body, or upstream and within one linear mile of a 303(d) listed water body, the results of the model demonstrate that the project has no adverse impact relative to the pollutants of concern.
- (6) Within 60 days of receipt of a complete buffer variance application, the Division will either provide written comments to the applicant or propose to issue a variance.
- (a) When the Division proposes to issue a variance, it will issue a public notice. The public notice shall describe the proposed buffer encroachment, the location of the project, where the public can review site plans, and where comments should be sent. The public shall have 30 days from the date of publication of the public notice to comment on the proposed buffer variance.

- (b) If after the public comment period for a proposed buffer variance has closed or a buffer variance has been issued the applicant proposes to change the project as described in the variance application, the applicant must notify the Division in writing of those proposed changes.
 - 1. If the proposed changes include a change in the location of the buffer impacts, an increase in buffer impact, or change in project concept or design such that there may be a change to the applicable variance criteria described in Section 391-3-7-.11(2) and the Division approves such changes, the Division shall issue public notice in accordance with Section 391-3-7-.11(6)(a).
 - 2. If the proposed changes do not include changes described in 391-3-7-.11(6)(b)(1), the Division may approve those changes in writing or may elect to issue public notice in accordance with Section 391-3-7-.11 (6)(a).
 - (c) If after the public comment period for a proposed buffer variance has closed or a buffer variance has been issued a person or entity other than the applicant wishes to carry out the work described in the proposed variance or variance, the new person or entity must submit an application for that variance and all other requirements and procedures described in this Section 391-3-7-.11 shall apply. A new application shall not be required where the applicant is merely changing its name or corporate structure, but the applicant must notify the Division in writing of that name or corporate structure change.
- (7) In all cases in which a buffer variance is issued, the following conditions shall apply:
- (a) The variance shall be the minimum reduction in buffer width necessary to provide relief.
 - (b) Disturbance of existing buffer vegetation shall be minimized.
 - (c) Mitigation is required for all major buffer impacts and shall offset the buffer encroachment and any loss of buffer functions. Where lost functions cannot be replaced, mitigation shall provide other buffer functions that are beneficial. Buffer functions include, but are not limited to:
 - 1. temperature control (shading);
 - 2. bank stabilization;
 - 3. trapping of sediments, if any;
 - 4. removal of nutrients, heavy metals, pesticides and other pollutants;
 - 5. aquatic habitat and food chain;

6. terrestrial habitat, food chain and migration corridor;
 7. buffering of flood flows; and
 8. maintenance of salinity through buffering of freshwater flows.
- (d) Mitigation should be on-site when possible. Depending on site conditions, acceptable forms of mitigation may include, but are not limited to:
1. Restoration of the buffer to a naturally vegetated state to the extent practicable, or to current existing conditions. Information on natural vegetation in coastal Georgia is available from the University of Georgia Marine Extension Service's website (visit <https://gacoast.uga.edu/> and search the terms "Ecoscapes" or "Native Plant Search Engine");
 2. Bioengineering of channels to reduce bank erosion and improve habitat;
 3. Creation or restoration of wetlands;
 4. Stormwater management systems to better maintain the pre-development flow regime (with consideration given to downstream effects) that exceeds the requirements of applicable ordinances at the time of application;
 5. Reduction in pollution sources, such as on-site water quality treatment or improving the level of treatment of septic systems;
 6. Other forms of mitigation that protect or improve water quality and/or aquatic wildlife habitat;
 7. An increase in buffer width elsewhere on the property;
 8. Mitigation as required under a Clean Water Act Section 404 or Nationwide permit issued by the U.S. Army Corps of Engineers; or
 9. Stormwater management systems described in the most recent publication of the Georgia Stormwater Management Manual and the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.
- (e) Forms of mitigation that are not acceptable include:
1. Activities that are already required by the Georgia Erosion and Sedimentation Act, such as the minimal use of best management practices;
 2. Activities that are already required by other federal, state and local laws, except as described in 391-3-7-.11(7)(d) above. U.S. Army Corps of Engineers mitigation is acceptable.

- (f) The Division will not place a condition on a variance that requires a landowner to deed property or the development rights of property to the state or to any other entity. The landowner may voluntarily preserve property or the development rights of property as a mitigation option with the agreement of the Division.
 - (g) If a variance issued by the Director is acceptable to the issuing authority, the variance shall be included as a condition of permitting and therefore becomes a part of the permit for the proposed land disturbing activity project. If a buffer variance is not acceptable to the issuing authority, the issuing authority may issue a land disturbing permit without allowing encroachment into the buffer.
- (8) A buffer variance will expire five years after the effective date, unless an extension is granted by the Division as specifically provided herein.
- (a) The applicant may request a time extension of that buffer variance only if the approved buffer impacts will not be completed prior to the buffer variance expiration date. The buffer variance time extension, if granted, can be for a period of up to five years. If the applicant can demonstrate that a time extension for a period of greater than five years is reasonable, the Director may grant a buffer variance time extension for a reasonable period of greater than five years. A buffer variance time extension may be issued only once.
 - (b) The buffer variance time extension must be requested in writing at least 90 calendar days prior to the buffer variance expiration date with justifiable cause demonstrated. Once an approved buffer variance expires, it is no longer eligible for a time extension.
 - (c) Time extension requests will be reviewed by the Division. The Division will either provide written comments to the applicant or propose to issue a buffer variance time extension within 60 days of receipt of a time extension request. If there are any significant changes to the original buffer variance application, the Division shall issue a public notice in accordance with 391-3-7-.11(6)(a).

(9) Variance By Rule

- (a) Notwithstanding any other provision of these Rules, the following activities have minimal impact on the water quality or aquatic habitat of the adjacent coastal marshland and therefore are deemed to have an approved buffer variance.
 - 1. Activities where the area within the buffer is not more than 500 square feet.
 - 2. Activities that have a "Minor Buffer Impact" as defined in [391-3-7-.01\(r\)](#), provided that the total area of buffer impacts is less than 5,000 square feet. A proposed development site may not be subdivided into smaller projects or phases to circumvent the 5,000 square feet limitation.

- (b) Bank and shoreline stabilization structures are not eligible for coverage under the variance by rule.
- (c) Notification shall be made at least 14 days prior to the commencement of land-disturbing activities to provide the Division an opportunity to review the activity to ensure it meets the applicable criteria. Unless notified by the Division to the contrary, an applicant who submits a notification in accordance with 391-3-7-.11(9) is authorized to encroach into the buffer 14 days after the notification form is received by the Division. A buffer variance by rule expires if the buffer impacts are not completed within two years after the notification form is received by the Division. The Director may deny coverage under this variance by rule and require submittal of an application for an individual variance based on the review of the documentation submitted or other information. Persons failing to notify the Director of such activities shall be deemed to be operating without a variance.
- (d) Notification for a variance by rule is to be submitted by return receipt certified mail (or similar service that provides confirmation of receipt) to both the Division and to the Local Issuing Authority in jurisdictions authorized to issue Land Disturbance Permits.
- (e) An individual variance will be required for any activity that does not qualify for a variance by rule.
- (f) Any notification for a variance by rule shall include the following:
 - 1. Description of the activity, with details of the buffer disturbance, including area and length of the buffer to be impacted and estimated length of time for the disturbance.
 - 2. Photographs of the area that will be affected by the proposed activity.
 - 3. Notice of a land-disturbing activity to be covered by a variance by rule must be on the most current forms provided by the Division.
- (g) Any variance by rule shall be subject to the following requirements:
 - 1. The following information shall be maintained onsite until final stabilization of the site is complete:
 - i. Site plan that shows the locations of all structures, impervious surfaces, and the boundaries of the area of soil disturbance, both inside and outside of the buffer. The exact area and length of the buffer to be impacted shall be accurately and clearly indicated.
 - ii. Documentation that adequate erosion control measures are incorporated into the project plans and specifications.

2. Disturbance of existing buffer vegetation shall be minimized.
3. Final stabilization of the site must include a re-vegetation plan as described in the most recent publication of the Division's guidance book, "Streambank and Shoreline Stabilization." It is recommended that vegetation be native riparian vegetation.
4. Temporary vegetative measures must be implemented within 14 calendar days following the completion of any soil disturbance and the site shall be stabilized at the end of every day until project completion.
5. Proper and full implementation of the erosion control measures in 391-3-7-.11(9)(g)1. ii.
6. Post construction stormwater management practices should be considered. Best management practices can be found in the latest edition of the Georgia Stormwater Management Manual or the Coastal Supplement to the Georgia Stormwater Management Manual.
7. All other applicable federal, state, and local laws, rules and ordinances, including erosion and sedimentation control must be fully complied with prior to commencement of project construction.
8. For a variance by rule under 391-3-7-.11(9)(a)1., cumulative impacts shall not exceed 500 square feet within a 5 year period.
9. Any activity that does not meet the requirements of 391-3-7-.11(9)(g) is in violation of the variance by rule.

Cite as Ga. Comp. R. & Regs. R. 391-3-7-.11

Authority: O.C.G.A. §§ [12-7-1](#) *et seq.*, 50-13-9.1.

History. Original Rule entitled "Coastal Marshlands Buffer Variance Procedures and Criteria" adopted. F. Mar. 31, 2016; eff. Apr. 20, 2016.

Amended: F. June 25, 2021; eff. July 15, 2021.

Amended: F. May 10, 2022; eff. May 30, 2022.

Subject 391-3-8. RULES FOR DAM SAFETY.

Rule 391-3-8-.01. Purpose.

The purpose of these Rules is to implement the responsibilities assigned to the Environmental Protection Division by the Georgia Safe Dams Act of 1978, (hereinafter the "Act") O.C.G.A. §§ [12-5-370](#) *et seq.* These Rules are promulgated to provide for the inventory, classification, inspection and permitting of certain dams in order to protect the health, safety and welfare of all

the citizens of the State by reducing the risk of failure of such dams to prevent death or injuries to persons.

Cite as Ga. Comp. R. & Regs. R. 391-3-8-.01

Authority: O.C.G.A. §§ [12-5-370](#) through [12-5-385](#).

History. Original Rule entitled "Purpose" was filed as Emergency Rule 391-3-8-0.5-.01 on August 28, 1978; effective July 28, 1978, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title adopted superseding Emergency Rule 391-3-8-0.5 -1. 0. Filed August 31, 1978; effective September 20, 1978.

Amended: Rule repealed and a new Rule of the same title adopted. Filed October 29, 1985; effective November 18, 1985.

Amended: F. Aug. 31, 1990; eff. Sept. 20, 1990.

Amended: Title changed from "Purpose. Amended" (as recorded in the Official Compilation, eff. Sep. 20, 1978) to "Purpose." F. Sep. 13, 2016; eff. Oct. 3, 2016.

Rule 391-3-8-.02. Definitions.

For the purpose of these rules and regulations, the term:

- (a) "abutment" means the bordering area of the dam site which functions as a support for the ends of the dam structure.
- (b) "Act" means the "Georgia Safe Dams Act of 1978" as amended (O.C.G.A. [12-5-370](#) through [12-5-385](#)).
- (c) "appurtenant works" means such structures as spillways, either in the dam or separate therefrom; the reservoir and its rims; low level outlet works; access bridges; and water conduits such as tunnels, pipelines or penstock, either through the dam or its abutments.
- (d) "Category I" means the classification where improper operation or dam failure would result in probable loss of human life. Situations constituting "probable loss of life" are those situations involving frequently occupied structures or facilities, including, but not limited to, residences, commercial and manufacturing facilities, schools and churches.
- (e) "Category II" means the classification where improper operation or dam failure would not be expected to result in probable loss of human life.
- (f) "conduit" means any closed waterway such as a cast-in-place cut-and-cover culvert, a precast or prefabricated pipe imbedded in the dam or foundation or a tunnel bored through the abutment used for the purpose of regulating or releasing water impounded by a dam.
- (g) "construct" or "construction" means the building, removal or modification of any artificial barrier, together with appurtenant works for the impoundment or diversion of water or liquid substances and shall include any activity which, other than routinely as part of an approved maintenance program, repairs, removes, or restores such artificial barrier, or

alters its design, shape or structural characteristics, and shall also include any enlargement of such artificial barrier.

(h) "dam" means with the exception of the exemptions outlined in Rule [391-3-8-.04](#) herein, the following:

1. Any artificial barrier, including appurtenant works, which impounds or diverts water and which the improper operation or failure of such would result in probable loss of human life as determined pursuant to the Act, and which

(i) is twenty-five (25) feet or more in height from the natural bed of the stream or water course measured at the downstream toe or the lowest elevation of the outside limit of the barrier (whichever is lower) to the maximum water storage elevation; or

(ii) has an impounding capacity at maximum water storage elevation of one hundred (100) acre-feet or more.

2. Any artificial barrier, including appurtenant works, constructed in conjunction with the reclamation of surface mined land, and meeting the requirements of subsection 1. above, and when improper operation or failure would result in probable loss of human life.

(i) "small dam" means any artificial barrier meeting the requirements of subsection (h) above with a storage capacity not exceeding 500 acre-feet and a height not exceeding 25 feet.

(j) "medium dam" means any artificial barrier meeting the requirements of subsection (h) above with a storage capacity exceeding 500 acre-feet but not exceeding 1000 acre-feet or a height exceeding 25 feet but not exceeding 35 feet.

(k) "large dam" means any artificial barrier meeting the requirements of subsection (h) above and with a storage capacity exceeding 1000 acre-feet but not exceeding 50,000 acre-feet or a height exceeding 35 feet but not exceeding 100 feet.

(l) "very large dam" means any artificial barrier meeting the requirements of subsection (h) above and with a storage capacity exceeding 50,000 acre-feet or a height exceeding 100 feet.

(m) "engineer" means the State Conservation Engineer of the Natural Resources Conservation Service or the engineer of record.

(n) "engineer of record" - means an individual who:

1. Is a licensed engineer registered with the State of Georgia; and

2. Is competent and has relevant experience in areas related to dam investigation, inspection, design, and construction for the type of dam being investigated, inspected, designed, or constructed; and
 3. Understands adverse dam incidents, failures and the potential causes and consequences of dam failures; and
 4. Will have responsible charge for the design of a new Category I dam or repair of an existing Category I dam; and
 5. Has substantiated their qualifications to the Georgia Safe Dams Program prior to their engagement by an Owner/Operator of an existing or proposed Category I Dam.
- (o) "flood control pool" means the storage volume of the entire reservoir at the crest of the emergency spillway.
- (p) "flood control zone" means the storage volume available between the normal pool and the flood control pool.
- (q) "foundation" means the earth or rock which the dams rests.
- (r) "freeboard" means the difference in elevation between the top of the dam and the maximum reservoir water surface that would result should the inflow design flood occur and should the outlet works function as planned.
- (s) "hydrometeorological gauges" means any of a variety of measuring devices used in determining data concerning rainfall, snow, fog, dew, etc.
- (t) "impoundment" means the water or liquid substance that is or will be stored by a dam--commonly referred to as the reservoir.
- (u) "maximum water storage elevation" means the elevation of the lowest point of the top of the impoundment structure independent of low points caused by partial failure or collapse.
- (v) "normal pool" means the reservoir storage volume at normal storage elevation.
- (w) "normal water storage elevation" means the normal elevation of water surface which is obtained by the reservoir when the intake and outlet works are operating as planned during periods of normal precipitation and runoff and not during periods of drought or flood.
- (x) "principal spillway" means the spillway which conveys normal runoff out of the reservoir.

- (y) "probable maximum precipitation (PMP)" means the greatest amount of rainfall of a six-hour duration which would be expected for a given drainage basin as determined by Hydrometeorological Report No. 52 published by the U.S. Weather Bureau.
- (z) "spillway" means the feature of a storage or detention dam which is designed to release surplus water which cannot be contained in the allotted storage space, and at diversion dams is a means to bypass flows exceeding those which are turned into the diversion system.
- (aa) "structural height" means the height of the dam measured from the lowest point of the dam's foundation to the highest point on the top of the dam.
- (bb) "surcharge zone" means the reservoir of the storage volume located between the crest of the emergency spillway (flood control pool) and the maximum water storage elevation.
- (cc) "surface mining" means any activity constituting all part of a process for the removal of minerals ores and the solid matter for sale or for processing or for consumption in the regular operations of a business. However the removal of mineral ores and other solid matter by tunnels, shafts, and dimension stone quarries shall not be considered surface mining.

Cite as Ga. Comp. R. & Regs. R. 391-3-8-.02

Authority: O.C.G.A. §§ [12-5-370](#) through [12-5-385](#).

History. Original Rule entitled "Definitions" was filed as Emergency Rule 391-3-8-0.5-.02 on August 28, 1978, effective July 28, 1978, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title superseding Emergency Rule 391-3-8-0.5-.02. Filed August 31, 1978; effective September 20, 1978.

Amended: Filed October 29, 1985; effective November 18, 1985.

Amended: F. Aug. 31, 1990; eff. Sept. 20, 1990.

Amended: F. Oct. 5, 1998; eff. Oct. 25, 1998.

Amended: Title changed from "Definitions. Amended" (as recorded in the Official Compilation, eff. Sep. 20, 1978) to "Definitions." F. Sep. 13, 2016; eff. Oct. 3, 2016.

Rule 391-3-8-.03. Inventory and Classification.

- (1) It shall be the duty of the Director to inventory the dams in this state and to classify each dam into one of the following categories:
 - (a) Category I Dam; or
 - (b) Category II Dam.
- (2) The inventory shall consist of all dams not excluded under Rule [391-3-8-.04](#) subsections (a), (b), (c), (e) and (f).

- (3) When an existing Category II dam may be reclassified to a Category I dam because of proposed development downstream of the dam, the governing authority issuing the permit for the development shall provide for review by the Safe Dams Programs the following information:
 - (a) locations of the Category II dam and the proposed development; and
 - (b) a surveyed cross-section of the stream valley at the location of the proposed development, including proposed finished floor elevations; and
 - (c) a dam breach analysis to establish the height of the flood wave in the downstream floodplain. The analysis shall be completed by an engineer in accordance with the current version of the Safe Dams Program Engineer Guidelines.
- (4) If the Director determines that an existing Category II dam will be reclassified to a Category I dam if the proposed development occurs, then the owner of the existing Category II dam may request an inspection from the Director within ten (10) days of notification of the proposed development by the local governing authority. The preliminary visual inspection shall be carried out in accordance with Rule [391-3-8-.08\(2\)\(b\)](#) and Rule [391-3-8-.08\(3\)\(d\)\(2\)\(i\)](#) & (ii). Detailed surveys, hydrologic and hydraulic analyses will not be performed, however, the Director may provide an opinion on the hydraulic adequacy of the dam.
- (5) A written evaluation of the existing Category II dam's compliance with Category I requirements will be provided to the owner of the dam and the local governing authority based on the preliminary visual inspection by the Safe Dams Program.

Cite as Ga. Comp. R. & Regs. R. 391-3-8-.03

Authority: O.C.G.A. §§ [12-5-370](#) through [12-5-385](#).

History. Original Rule entitled "Scope and Exclusions" was filed as Emergency Rule [391-3-8-.05](#) -.03 on August 28, 1978, effective July 28, 1978, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title adopted superseding Emergency Rule [391-3-8-.05](#) -.03. Filed August 31, 1978; effective September 20, 1978.

Amended: Rule renumbered as Rule [391-3-8-.04](#) and a new Rule 391-3-8-.03 entitled "Inventory and Classification" adopted. Filed October 29, 1985; effective November 18, 1985.

Amended: F. Aug. 31, 1990; eff. Sept. 20, 1990.

Amended: F. Oct. 5, 1998; eff. Oct. 25, 1998.

Amended: Title changed from "Inventory and Classification. Amended" (as recorded in Official Compilation, eff. Nov. 18, 1985) to "Inventory and Classification." F. Sep. 13, 2016; eff. Oct. 3, 2016.

Rule 391-3-8-.04. Scope and Exclusions.

- (1) These rules and regulations shall apply to any dams or artificial barriers existing or constructed in Georgia except for the following:

- (a) Any dam owned and operated by any department or agency of the United States government;
 - (b) Any dam constructed or financially assisted by the United States Natural Resources Conservation Service or any other department or agency of the United States government. This exemption only applies when such department or agency designed or approved plans and supervised construction, and maintains a regular program of inspection of the dam. This exemption shall cease on November 1, 1995, for all such dams for which the supervising federal agency has relinquished authority for operation and maintenance to a person, unless the supervising federal agency certifies by the said date and at least biannually thereafter to the Director that such dams are in compliance with requirements of this part, including minimum spillway design, and with the maintenance standards of the supervising federal agency;
 - (c) Any dam licensed by the Federal Energy Regulatory Commission, or for which a licensed application is pending with the Federal Energy Regulatory Commission;
 - (d) Any dam classified as a Category II Dam;
 - (e) Any artificial barrier, except as provided in Rule [391-3-8-.02\(h\)](#), constructed in connection with and incidental to surface mining, provided that upon completion of mining the impoundment created by the barrier is drained and reclaimed or stabilized as a lake pursuant to a mined land use plan approved by the Director pursuant to the Georgia Surface Mining Act;
 - (f) Any artificial barrier which is not in excess of 6 feet in height, regardless of storage capacity, or which has a storage capacity at maximum water storage elevation not in excess of 15 acre-feet, regardless of height.
- (2) The terms "dam owner" or "dam operator" in this chapter shall not refer to the owner of fee title to land on which a dam exists that was constructed by a governmental entity and for which a governmental entity has an easement. In such cases, the terms "dam owner" or "dam operator" in this chapter shall refer to the governmental entity that has an easement. The fee title land owner is not responsible for operating, maintaining, and/or inspecting the dam in such situations.

Cite as Ga. Comp. R. & Regs. R. 391-3-8-.04

Authority: O.C.G.A. §§ [12-5-370](#) through [12-5-385](#).

History. Original Rule entitled "Application for a Permit" was filed as Emergency Rule 391-3-8-0.5-.04 on August 28, 1978, effective July 28, 1978, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title adopted superseding Emergency Rule 391-3-8-0.5-.04. Filed August 31, 1978; effective September 20, 1978.

Amended: Rule renumbered as Rule [391-3-8-.05](#) and Rule [391-3-8-.03](#) entitled "Scope and Exclusions" repealed and a new Rule of the same title adopted as Rule 391-3-8-.04. Filed October 29, 1985; effective November 18, 1985.

Amended: F. Aug. 31, 1990; eff. Sept. 20, 1990.

Amended: F. Oct. 5, 1998; eff. Oct. 25, 1998.

Amended: Title changed from "Scope and Exclusions. Amended" (as recorded in the Official Compilation, eff. Nov. 18, 1985) to "Scope and Exclusions." F. Sep. 13, 2016; eff. Oct. 3, 2016.

Rule 391-3-8-.05. Application for a Permit.

- (1) No Person shall operate or construct a dam as defined by the Act and these Rules without first having obtained a permit from the Division; provided, however, any persons who is operating a dam may continue such operation pending final action by the Director on the permit application, and provided such application has been filed with the Director within 180 days after that permit is required by the Director.
- (2) Permit applications shall be on forms as may be prescribed and furnished by the Division.
- (3) The Director may require the submission of plans, specifications, and other information as he deems relevant to the application.
- (4) If a permit application for the construction of a dam is not approved by the Director, the application shall be returned to the applicant along with the reasons for its disapproval.

Such applicants may reapply for said permit by correcting deficiencies in the application and resubmitting the application to the Director.

- (5) Permits shall not be transferred from one person to another without the approval of the Director. If the ownership changes from one person to another, the new owner shall immediately notify the Director in writing of such transactions. The Director shall also be notified of any proposed change in the operation of the dam.
- (6) Permits shall not be transferred from one dam to another dam.

Cite as Ga. Comp. R. & Regs. R. 391-3-8-.05

Authority: O.C.G.A. §§ [12-5-370](#) through [12-5-385](#).

History. Original Rule entitled "Revocation, Suspension or Modification of Permits" was filed as Emergency Rule 391-3-8-0.5-.05 on August 28, 1978, effective July 28, 1978, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title adopted superseding Emergency Rule 391-3-8-0.5-.05. Filed August 31, 1978; effective September 20, 1978.

Amended: Rule renumbered as Rule [391-3-8-.06](#) and Rule [391-3-8-.04](#) entitled "Application for a Permit" amended and adopted as Rule 391-3-8-.05. Filed October 29, 1985; effective November 18, 1985.

Amended: F. Aug. 31, 1990; eff. Sept. 20, 1990.

Amended: F. Oct. 5, 1998; eff. Oct. 25, 1998.

Amended: Title changed from "Application for a Permit. Amended" (as recorded in the Official Compilation, eff. Nov. 18, 1985) to "Application for a Permit." F. Sep. 13, 2016; eff. Oct. 3, 2016.

Rule 391-3-8-.06. Revocation, Suspension or Modification of Permits.

Permits may be revoked, suspended, or modified, or denied by the Director for cause, including but not limited to the following:

- (a) violation of any permit condition;
- (b) failure to fully disclose all relevant facts or obtaining a permit through misrepresentation;
- (c) violations of the Act or these Rules;
- (d) changes in conditions that require such action on a permit in order to insure compliance with the Act or these Rules.

Cite as Ga. Comp. R. & Regs. R. 391-3-8-.06

Authority: O.C.G.A. §§ [12-5-370](#) through [12-5-385](#).

History. Original Rule entitled "Dam Removal" was filed as Emergency Rule 391-3-8-0.5-.06 on August 28, 1978, effective July 28, 1978, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title adopted superseding Emergency Rule 391-3-8-0.5-.06. Filed August 31, 1978; effective September 20, 1978.

Amended: Rule renumbered as Rule [391-3-8-.07](#) and Rule [391-3-8-.05](#) entitled "Revocation, Suspension or Modification of Permits" renumbered as Rule 391-3-8-.06. Filed October 29, 1985; effective November 18, 1985.

Amended: F. Aug. 31, 1990; eff. Sept. 20, 1990.

Amended: Title changed from "Revocation, Suspension or Modification of Permits. Amended" (as recorded in the Official Compilation, eff. Nov. 18, 1985) to "Revocation, Suspension or Modification of Permits." F. Sep. 13, 2016; eff. Oct. 3, 2016.

Rule 391-3-8-.07. Dam Removal.

No person may remove a dam without the approval of the Director in accordance with the procedures required by the Act.

Cite as Ga. Comp. R. & Regs. R. 391-3-8-.07

Authority: O.C.G.A. §§ [12-5-370](#) through [12-5-385](#).

History. Original Rule entitled "Permits for Operation of Existing Dams" was filed as Emergency Rule 391-3-8-0.5-.07 on August 28, 1978, effective July 28, 1978, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title adopted superseding Emergency Rule 391-3-8-0.5-.07. Filed August 31, 1978; effective September 20, 1978.

Amended: Rule renumbered as [391-3-8-.08](#) and rule [391-3-9-.06](#) entitled "Dam Removal" renumbered as Rule 391-3-8-.07. Filed October 29, 1985; effective November 18, 1985.

Amended: F. Aug. 31, 1990; eff. Sept. 20, 1990.

Amended: Title changed from "Dam Removal. Amended" (as recorded in the Official Compilation, eff. Nov. 18, 1985) to "Dam Removal." F. Sep. 13, 2016; eff. Oct. 3, 2016.

Rule 391-3-8-.08. Permits for the Construction and/or Operation of New and Existing Dams.

(1) New Dams

- (a) Applications for a permit to construct and operate a Category I dam shall be accompanied by a statement from an engineer who provides engineering design services for the dam, certifying that he/she has the necessary training and experience to design such dam, and that to the best of his/her knowledge, understanding and belief such design meets the standards of the Act and these Rules. If the design engineer determines that a geological investigation of the dam is advisable, such investigation shall be conducted by a professional geologist registered to practice in the State of Georgia.
- (b) As an alternative to a certificate from an engineer, the Director may accept a permit application accompanied by a certificate from the State Conservation Engineer of the Natural Resources Conservation Service stating that the design of the dam meets the standards of this Act and the rules and regulations promulgated hereunder.
- (c) Construction of such dams shall be completed in the time frame stated in the special conditions of the Construction and Operation Permit.
- (d) Notice by registered mail shall be given to the Director at least 10 days prior to the commencement of construction for permitted dam construction activities.

(2) Existing Dams

- (a) Permits for the operation of existing dams may be issued provided the application for a permit is judged complete and meets the requirements of the Act and these Rules.
- (b) When a visual inspection, performed by an engineer, reveals that abnormal stress exists or that the dam was not constructed in accordance with the requirements of the Act or these Rules, a detailed engineering survey meeting the requirements of this section shall be performed prior to final action on the permit application. Such visual inspection may be provided by the applicant, in accordance with Section [12-5-376\(g\)](#) of the Act, or by the Division, or by another authorized agency under contract with the Director on behalf of the Division.

(3) Applications for permits for existing or new dams shall include the following evaluations and information, when such information is relevant and available, as determined by the Director:

- (a) A regional vicinity map showing the location of the existing or new dam and the latitude and longitude of the center of the dam expressed to the nearest second, the watershed drainage area, and the downstream area subject to potential damage due to failure or misoperation of the dam or operation equipment (including other artificial barriers or downstream fixed improvements which would be affected);

(b) A detailed description of the existing or new dam, including:

1. proposed or as-built drawings indicating plans, elevations and sections of the dam and appurtenant works including details of the discharge facilities such as outlet works, limited service and emergency spillways, flashboards, fuse plugs and other operation equipment;
2. the elevation of the top and lowest outside limit of the dam, and the elevation of the lowest upstream and downstream toe;
3. the profile of the top of the dam and the dam's structural height;
4. the maximum and normal storage elevation, hydraulic heights and freeboard and storage capacity associated with each elevation;
5. the surface area of the impoundment;
6. the top and bottom width of the dam;
7. the elevation of the crest, type, width or diameter; length and location of spillways and the number, size and type of gates if the structure is controlled;
8. the type, location, entrance and exit inverts of outlet works, and emergency drawdown facilities;
9. the location, crest elevation, and description of the invert, sides, and length of limited service and emergency spillways;
10. the location and description of flashboards and fuse plugs, including hydraulic head (pool elevation) and other conditions required for breaching along with the assumed results of breaching;
11. the type, location, observations and records of hydrometeorological gauges appurtenant to the project;
12. the maximum non-damaging discharge causing only negligible damage at potential damage locations downstream;
13. the location and description of any proposed or existing instrumentation including, but not limited to, observation wells, piezometers, settlement devices, seepage outlets and weirs; and
14. the location, elevation and description of areas affected by reservoir fluctuation.

(c) Design and safety evaluation reports, including:

1. a hydrological analysis of the new or existing dam, reservoir, drainage basin system including computation of the basin P.M.P. or the design storm event, average watershed slope, watershed area, hydrologic soil groups, land use of impoundment watershed, reservoir inflow hydrograph, spillway and exit water-surface profiles, flow rate, expected frequency of emergency spillway use and minimum freeboard;
2. analysis and/or evaluation of the new or existing dam that indicates that the dam will be stable during construction (new dams), filling (new dams) and under all conditions of reservoir operations including assumed material properties and all pertinent applied loads;
3. evaluation of seepage and measures taken to control seepage through the embankment, foundation, and abutments so that no internal erosion will take place and that there will be no significant sloughing in the area where the seepage emerges;
4. evaluation of the geology of the site and foundation including any boring logs or laboratory testing with engineering conclusions, foundation data, geological maps, profiles and cross sections, foundation treatment, and any relevant seismic information;
5. evaluation of materials in the foundation and embankment including results of any laboratory tests, field permeability tests, construction control tests, and assumed design or evaluation properties of materials;
6. the properties of concrete including source or proposed source of aggregate, mix design, type of cement and additives, and the result of testing during construction;
7. evaluation or design of cover (vegetation, masonry, or riprap) to protect the upstream slope, crest, and downstream slope of the dam and abutments against erosion from wind, waves and runoff;
8. the proposed water control plan, including the regulation plan under normal conditions and during flood or other emergency conditions;
9. analysis of the anticipated time required to completely drain the flood control zone and normal pool;
10. the electric and mechanical equipment types and rating of normal and emergency power supplies, hoists, cranes, valves and valve operators, control and alarm systems, and other electrical and mechanical equipment systems that could affect the safe operation of the dam;

11. the spillway and tailwater rating curve below the dam site, including the elevation corresponding to the maximum design flood discharge and approximate nondamaging channel capacity; and
12. evaluation and/or analysis of settlement estimates and steps adopted to compensate for total settlement and to minimize differential settlements;

(d) Other data requirements for new and existing dams:

1. New Dams:

- (i) the proposed method of construction and quality control provisions for the project, including the responsibilities of the applicant, the design engineer, the builder, and the prescribed order of the work;
- (ii) the proposed dam construction schedule and filling schedule for the reservoir;
- (iii) the proposed inspection and maintenance plan;
- (iv) the proposed instrumentation and monitoring plan including the filling surveillance plan;
- (v) the estimated life of the dam and reservoir; and
- (vi) any other pertinent data as may be required by the Director;

2. Existing dams:

- (i) detailed description of the condition of the dam and appurtenant works resulting from a detailed visual inspection, including a description of any signs of structural deterioration and seepage such as, but not limited to, surface cracks, settlement, structural condition of any conduits through the dam, and erosion;
- (ii) the year of construction, and the date and description of any modifications or repairs to the dam;
- (iii) the construction history of the dam, including the diversion scheme, construction sequence, pertinent construction problems, alterations, modifications, and major maintenance repairs;
- (iv) a summary of past major flood events or previous failures or known deficiencies of the dam, including any experiences that presented a threat to the safety of the project or to human life and any action taken to correct or eliminate such hazards;

- (v) the records of performance observations, including instrumentation records;
- (vi) the inspection history of the dam, including the results of the last safety inspection, the organization that performed the inspection, and the date the inspection was performed; and
- (vii) Any other pertinent information as may be required by the Director.

Cite as Ga. Comp. R. & Regs. R. 391-3-8-.08

Authority: O.C.G.A. §§ [12-5-370](#) through [12-5-385](#).

History. Original Rule entitled "Design Standards for Existing Dams" was filed as Emergency Rule 391-3-8-0.5-.08 on August 28, 1978 effective July 28, 1978, the date adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title adopted superseding Emergency Rule 391-3-0.5-.08. Filed August 31, 1978; effective September 20, 1978.

Amended: Rule renumbered as Rule [391-3-8-.09](#) and Rule [391-3-8-.07](#) entitled "Permits for the Operation of Existing Dams" renumbered as Rule 391-3-8-.08. Filed October 29, 1985; effective November 18, 1985.

Amended: F. Aug. 31, 1990; eff. Sept. 20, 1990.

Amended: F. Oct. 5, 1998; eff. Oct. 25, 1998.

Amended: Title changed from "Permits for the Construction and/or Operation of New and Existing Dams. Amended" (as recorded in the Official Compilation, eff. Oct. 25, 1998) to "Permits for the Construction and/or Operation of New and Existing Dams." F. Sep. 13, 2016; eff. Oct. 3, 2016.

Rule 391-3-8-.09. Standards for the Design and Evaluation of Dams.

- (1) The design and/or evaluation of new and existing dams shall conform to accepted practices of the engineering profession and dam safety industry. Design manuals, evaluation guidelines, and procedures used by the following agencies can be considered as acceptable design or evaluation references, except as those references differ from Georgia Law and these regulations:
 - (a) U.S. Army Corps of Engineers;
 - (b) Natural Resources Conservation Service;
 - (c) U.S. Department of Interior, Bureau of Reclamation;
 - (d) Federal Energy Regulatory Commission.
- (2) Other design and evaluation methods may be used to demonstrate compliance with the objectives of these rules, but are subject to the approval of the Director.

- (3) Design and Evaluation of Dams under paragraph (1) and (2) above shall, as a minimum, consider the following basic principles:
- (a) All dams must be stable under all conditions of construction and/or operation of the impoundment. Details of stability evaluation shall be submitted to the Director for approval. Analyses using the methods, guidelines and procedures of the agencies listed in paragraph (1) yielding the following Minimum Safety Factors can be considered as acceptable stability:
 - 1. Earthen Embankments
 - (i) End of Construction: 1.3
 - (ii) Steady State Seepage: 1.5
 - (iii) Steady State Seepage with Seismic Loading: 1.1
 - (iv) Rapid Drawdown (Upstream): 1.3
 - (v) Submerged Toe with Rapid Drawdown: 1.3
 - 2. Concrete Structures (cohesion included)
 - (i) Normal Reservoir: 3.0
 - (ii) Normal Reservoir with Seismic Loading: 1.0
 - (iii) Design Flood: 2.0
 - (b) Details of the engineering evaluation of material properties in the dam or appurtenant structures shall be submitted to the Director for review and approval. Conservative selections for soil strength values shall be used for analyses or evaluations. Details of any foundation investigation and laboratory testing supporting assumed design or evaluation parameters shall be included for review.
 - (c) All dams and appurtenant structures shall be capable of withstanding seismic accelerations defined in the most current "Map for Peak Acceleration with a 2% exceedance in 50 years" for the contiguous United States published by the United States Geological Survey (NEHRP maps). The minimum seismic acceleration shall be .050 g. The seismic accelerations may be reduced or seismic evaluation eliminated if the applicant's engineer can successfully demonstrate to the Director by engineering analyses or judgment that smaller seismic accelerations are appropriate or no seismic evaluation is needed.
 - (d) All dams shall have a means of draining the reservoir to a safe level as demonstrated by the applicant's engineer. The submittal by the applicant's engineer shall include the computation of the maximum time required to drain the

reservoir. Exceptions to this rule may be given by the Director based on an engineering evaluation demonstrating the lack of this capability would not endanger the public.

- (e) All earthen embankments shall be protected from surface erosion by appropriate vegetation, or some other type of protective surface such as riprap or paving, and shall be maintained in a safe condition. Examples of appropriate vegetation include, but are not limited to, Bermuda, Tall Fescue, Centipede grasses and Lespedeza sericea. Inappropriate vegetation on existing dams such as trees shall be removed only after consultation with the Division or other qualified persons on the proper procedures for removal. Hedges and small shrubs may be allowed on existing dams if they do not obscure inspection or interfere with the operation and maintenance of the dam.
- (f) Design Storm. Each dam shall be capable of safely passing the fraction of the flood developed from the PMP hydrograph depending on the subclassification of the dam. The design storm for each subclassification of a dam is as follows:
 - 1. Small Dam: 25 percent PMP
 - 2. Medium Dam: 33.3 percent PMP
 - 3. Large Dam: 50 percent PMP
 - 4. Very Large Dam: 100 percent PMP
 - 5. Based on visual inspection and detailed hydrologic and hydraulic evaluation, including documentation of completed design and construction procedures, up to a 10 percent lower design storm requirement (22.5, 30, 45, or 90 percent) may be accepted on existing Public Law 566 (PL-566), including Resource Conservation & Development structures, and Public Law 534 (PL-534) Project Dams at the discretion of the Director, provided the project is in an acceptable state of maintenance. The design storm requirement may be reduced on existing dams if the applicant's engineer can successfully demonstrate to the Director, by engineering analysis, that the dam is sufficient to protect against probable loss of human life downstream at a lesser design storm. Earthen emergency spillways shall not function until the 50 year storm.
- (g) Seepage Control. All dams shall be able to prevent the development of instability due to excessive seepage forces, uplift forces, or loss of materials in the embankment, abutments, spillway areas, or foundation. For new dams, seepage analysis for design, and inspection during construction, shall be in sufficient detail to prevent the occurrence of critical seepage gradients.

1. For new dams, the design shall include a seepage control method that meets the minimum acceptable safety standards, as determined by the Division. All internal drainage systems with pipe collection systems shall have cleanouts.
2. In existing dams, seepage shall be investigated by an engineer and appropriate control measures shall be taken as necessary.

(h) Monitoring Devices.

1. Monitoring devices, including but not limited to piezometers, settlement plates, telltale stakes, seepage outlets and weirs, and permanent bench marks may be required by the Director for use in the inspection and monitoring of the safety of a dam during operation.
2. Where appropriate for new or existing dams, a reservoir filling monitoring and surveillance plan to be implemented during reservoir filling or re-filling shall be submitted to the Director for approval prior to start of filling or re-filling.

(i) Design Life. The design life for new dams and reservoirs shall be adequate for the dams and reservoirs to perform effectively as planned, as determined by the following criteria:

1. The time required to fill the reservoir with sediment from the contributing watershed; and
2. The durability of appurtenances and materials used to construct the dams.

(j) Freeboard. Appropriate freeboard for wave action shall be considered by an engineer through engineering analysis. The required freeboard shall be provided above the maximum reservoir surface elevation that would result from the inflow from the design storm for the structure. The resulting maximum reservoir surface elevation plus freeboard shall determine the elevation of the top of the dam. In lieu of determining the appropriate amount of freeboard by engineering analysis, a minimum of three (3) feet of freeboard shall be provided on earthen dams.

(k) Existing concrete and/or masonry dams and appurtenant structures shall be structurally sound and shall have joints free of trees and other vegetation and shall show no signs of significant structural deterioration such as excessive cracks, spalling, efflorescence and exposed reinforcing steel.

(4) Other design standards may be imposed as deemed appropriate by the Director after review of design of new structures or through a visual inspection of an existing structure

conducted pursuant to Rule [391-3-8-.08\(2\)\(b\)](#) of these regulations, or based on a review of the detailed engineering study prepared by an engineer.

Cite as Ga. Comp. R. & Regs. R. 391-3-8-.09

Authority: O.C.G.A. §§ [12-5-370](#) through [12-5-385](#).

History. Original Rule entitled "Permits for the Construction and Operation of New Dams" was filed as Emergency Rule 391-3-8-0.5-.09 on August 28, 1978, effective July 28, 1978, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title adopted superseding Emergency Rule 391-3-8-0.5-.09. Filed August 31, 1978; effective September 20, 1978.

Amended: Rule renumbered as Rule [391-3-8-.10](#) and Rule [391-3-8-.08](#) entitled "Design Standards for Existing Dams" amended and renumbered as Rule 391-3-8-.09. Filed October 29, 1985; effective November 18, 1985.

Amended: F. Aug. 31, 1990; eff. Sept. 20, 1990.

Amended: F. Oct. 5, 1998; eff. Oct. 25, 1998.

Amended: Title changed from "Standards for the Design and Evaluation of Dams. Amended" (as recorded in the Official Compilation, eff. Oct. 25, 1998) to "Standards for the Design and Evaluation of Dams." F. Sep. 13, 2016; eff. Oct. 3, 2016.

Rule 391-3-8-.10. Inspection and Maintenance Plan Requirements.

- (1) Dam Owners and operators of dams shall be responsible for conducting routine inspection and maintenance of dams necessary to:
 - (a) Prevent the growth of trees or brush on the embankment of the dam and on the spillway system;
 - (b) Prevent the accumulation of debris, obstructions, or other deleterious materials from the spillway system;
 - (c) Insure that all gates, orifices, dissipators, trash racks, and other appurtenances that affect the proper operation of the dam and reservoir are kept in good repair and working order, and that spillway and outlet gates necessary to pass flood flows shall be test operated at least once each year. The dam owner shall file an affidavit with the Director certifying that such gates and other appurtenances are in good repair and working order;
 - (d) Maintain adequate and suitable vegetation to prevent erosion of the embankment and earthen spillway for the dam;
 - (e) Determine that any seepage on the downstream slopes of the dam does not exceed normal amounts and does not present a situation indicative of potential dam failure. At any time where there is a question regarding seepage and potential dam failure, the Director shall be notified in writing and provided a description of the situation; and

- (f) Dam owners shall immediately notify the Division when symptoms of failure, including but not limited to, erosion, surface cracks, seepage, settlement, or movement occur.
- (2) As part of the routine inspection and maintenance program described in Rule 391-3-8-.10(1), and in addition to any specific inspection and maintenance program requirements included in the permit, dam owners and operators shall ensure their dam is inspected, and reports are submitted to the Division, based upon the following schedule:
- (a) The dam owner shall inspect the dam each calendar quarter. This inspection may be conducted by the dam owner or the dam owner may hire someone to do the inspection on their behalf. This inspection is not required to be conducted by an engineer. Calendar quarters are January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31;
 - (b) Except as provided in paragraph (c) below, the dam owner shall have the dam inspected by an engineer at least every two years. This inspection shall be conducted between October 1 and March 31, commencing with October 1, 2017. This inspection shall satisfy the inspection requirement in paragraph (a) above for the October 1 through December 31 and January 1 through March 31 quarterly inspections;
 - (c) For any dam that is less than 50 feet tall and that the dam owner has conducted at least four consecutive quarterly inspections in accordance with paragraph (a) above, the owner may submit to the Division a waiver request by October 1 for one two-year cycle of the engineer inspection required under paragraph (b). The waiver request shall be approved unless the Division denies the request in writing within 30 days of receipt of the waiver request. Reasons to deny the waiver request include, but are not limited to, inspection reports showing deficiencies that have not yet been corrected or Division enforcement actions within the past twenty-four months;
 - (d) For the purpose of Rule 391-3-8-.10(2), the term "engineer" shall have the same meaning as defined in Rule [391-3-8-.02\(m\)](#), and may also include any professional engineer registered by the State of Georgia.
 - (e) As stated in Rule 391-3-8-.10(1)(f), dam owners shall immediately notify the Division when symptoms of failure are observed. Otherwise, dam owners shall submit the inspection reports to the Division using the Division approved form by April 30 for all inspections conducted between April 1 of the preceding calendar year and March 31 of the current calendar year.

Cite as Ga. Comp. R. & Regs. R. 391-3-8-.10

Authority: O.C.G.A. §§ [12-5-370](#) through [12-5-385](#).

History. Original Rule entitled "Design Standards for New Dams" was filed as Emergency Rule 391-3-8-0.5-.10 on August 28, 1978. effective July 28, 1978, the date of adoption, to remain in effect for a period of 120 days or until

the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title adopted superseding Emergency Rule 391-3-8-0.5-.10. Filed August 31, 1978; effective September 20, 1978.

Amended: Rule renumbered as Rule [391-3-8-.11](#) and Rule [391-3-8-.09](#) entitled "Permits for the Construction and Operations of New Dams" amended renumbered as Rule 391-3-8-.10. Filed October 29, 1985; effective November 18, 1985.

Amended: F. Aug. 31, 1990; eff. Sept. 20, 1990.

Amended: F. Oct. 5, 1998; eff. Oct. 25, 1998.

Amended: Title changed from "Inspection and Maintenance Plan Requirements. Amended" (as recorded in the Official Compilation, Rules and Regulations of the State of Georgia, eff. Oct. 25, 1998) to "Inspection and Maintenance Plan Requirements." F. Sep. 13, 2016; eff. Oct. 3, 2016.

Rule 391-3-8-.11. Emergency Action Plans.

Dam owners of Category I dams shall develop, and submit to the Division for approval, Emergency Action Plans (EAP) using the Division approved format.

- (a) Owners of dams that are classified as a Category I dam on, or after, October 1, 2016 shall submit the Emergency Action Plan as part of their application submitted in accordance with Rule [391-3-8-.05](#).
- (b) Owners of dams that were classified as a Category I dam before October 1, 2016 shall submit the Emergency Action Plan by July 1, 2017.

Cite as Ga. Comp. R. & Regs. R. 391-3-8-.11

Authority: O.C.G.A. §§ [12-5-370](#) through [12-5-385](#).

History. Original entitled "Inspection and Maintenance Plan Requirements" was filed as Emergency Rule 391-3-8-0.5.11 on August 25, 1978, effective July 28, 1978, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title adopted superseding Emergency Rule 391-3-8-0.5-.11. Filed August 31, 1978; effective September 20, 1978.

Amended: Rule renumbered as Rule [391-3-8-.12](#) and Rule [391-3-8-.10](#) entitled "Design Standards for New Dams" amended and renumbered as Rule 391-3-8-.11. Filed October 29, 1985; effective November 18, 1985.

Amended: F. Aug. 31, 1990; eff. Sept. 20, 1990.

Amended: F. Oct. 5, 1998; eff. Oct. 25, 1998.

Amended: Title changed from "Effective Date. Amended" (as recorded in the Official Compilation, eff. Oct. 25, 1998) to "Emergency Action Plans." F. Sep. 13, 2016; eff. Oct. 3, 2016.

Rule 391-3-8-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-8-.12

Authority: O.C.G.A. Secs. [12-5-370](#) through [12-5-385](#).

History. Original Rule entitled "Effective Date" was filed as Emergency Rule 391-3-8-0.5-.10 on August 28, 1978, effective July 28, 1978, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title adopted superseding Emergency Rule 391-3-8-0.5-.12. Filed August 31, 1978; effective September 20, 1978.

Amended: Rule repealed and Rule [391-3-8-.11](#) entitled "Inspection and Maintenance Plan Requirements" renumbered as Rule 391-3-8-.12. Filed October 29, 1985; effective November 18, 1985.

Amended: F. Aug. 31, 1990; eff. Sept. 20, 1990.

Repealed: F. Oct. 5, 1998; eff. Oct. 25, 1998.

Rule 391-3-8-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-8-.13

Authority: O.C.G.A. Secs. [12-5-370](#) through [12-5-385](#).

History. Original Rule entitled "Effective Date" adopted. F. Aug. 31, 1990; eff. Sept. 20, 1990.

Repealed: F. Oct. 5, 1998; eff. Oct. 25, 1998.

Subject 391-3-9. RADIOACTIVE WASTE MATERIAL DISPOSAL.

Rule 391-3-9-.01. Authority.

These Rules and Regulations governing the disposal, concentration and storage of radioactive waste material are adopted pursuant to the Georgia Radioactive Control Act, as amended, i.e., Ga. Laws 1964, p. 566, as amended, particularly as amended by Ga. Laws 1976, p. 1567 *et seq.*, at p. 1570 all as amended (hereafter the "Act").

Cite as Ga. Comp. R. & Regs. R. 391-3-9-.01

Authority: Ga. L. 1964, p. 566 as amended particularly as amended by Ga. L. 1976, p. 1567 *et seq.*, at p. 1570, as amended.

History. Original Rule entitled "Authority" was filed on June 14, 1979; effective July 4, 1979.

Rule 391-3-9-.02. Declaration of Policy.

The Georgia Radiation Control Act, declares the policy of the Act to be, in part, to prevent any associated harmful effects of radiation upon the environment or the health and safety of the public through the institution and maintenance of a regulatory program for radioactive material waste sources. The policy is further declared to be, in part, to institute and maintain a program to allow development and utilization of sources of radiation for purposes that are consistent with the protection of the environment and health and safety of the public. These rules and regulations are in furtherance of the policy of the Act.

Cite as Ga. Comp. R. & Regs. R. 391-3-9-.02

Authority: Ga. L. 1964, p. 556, as amended, particularly as amended by Ga. L. 1976, p. 1567, *et. seq.*, at p. 1570 as amended.

History. Original Rule entitled "Declaration of Policy" was filed on June 14, 1979; effective July 4, 1979.

Rule 391-3-9-.03. Definitions.

All terms used in these rules or regulations shall be interpreted in accordance with the definitions set forth in the "Georgia Radiation Control Act" as amended, or as herein defined:

- (a) "Director" means the Director of the Division of the Environmental Protection Division of the Department of Natural Resources of the State of Georgia.
- (b) "Division" means the Environmental Protection Division of the Department of Natural Resources of the State of Georgia.
- (c) "Facility" or "Site" means a radioactive waste material burial, storage, or concentration facility.
- (d) "Site of Facility Boundary" means the boundary of that area surrounding a burial, storage, or concentration facility in which the permittee must have the authority to control all activities including exclusion or removal of personnel or property.
- (e) "Financial Protection" means the ability to respond in money damages for public liability for damage to property or person, and to meet the cost of investigating and defending claims and settling suits for such damages.
- (f) "Georgia Radiation Control Act" or "Act" whenever referred to in these Rule and Regulations means Ga. Laws 1964, p. 499, p. 566, as amended, particularly as amended by Ga. Laws 1976, pp. 1567, 1570, all as amended.
- (g) "Person" means the State or any agency or institution thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association, or any other entity, including any agency, department, or subagency or entity of the Federal Government, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation.
- (h) "Burial Facility" means a structure, facility, or site where radioactive waste materials are permanently disposed of by emplacement below the surface of the ground in a manner which indicates that removal or retrieval is not contemplated.
- (i) "Concentration Facility" means a structure, facility, or site where radioactive waste materials are consolidated in such a manner that the volume, radioactivity per unit volume (or weight), physical form, or chemical content may be or is intended to be altered. Generally excluded are systems, components or operation at NRC or state licensed facilities which result in concentration of processed material where such concentration is a routine part of a licensed activity or licensed operation and not a disposal operation. Specifically excluded are systems at nuclear power generating stations and research reactors such as radwaste, spent fuel pool cleanup, reactor water cleanup, steam generator blowdown treatment, or similar auxiliary systems.
- (j) "Storage Facility" means a structure, facility, or site where radioactive waste materials are held or disposed of in a manner which indicates that removal or retrieval is contemplated and does not include burial facilities. Generally excluded are licensed or nonwaste

materials which are temporarily stored while awaiting further processing or operations where such storage is not a waste disposal activity. Specifically excluded are:

- (i) any radioactive wastes generated in the State of Georgia which are stored for a period of not more than one year at an NRC or state licensed facility where such stored wastes are awaiting transfer to an authorized or licensed disposal facility, and (ii) any operating nuclear power electric generating station and operating nuclear test and research reactor spent fuel and new fuel storage facilities, where such fuel at said has been or is awaiting utilization in the State of Georgia.
- (k) "Radioactive Waste Material" means any solid, liquid, or gas that emits ionizing radiation spontaneously (and includes not only by-product, source and special nuclear materials, but all other naturally-occurring or artificially produced radioactive material in whatever physical or chemical state or form) which is, by the nature of its form, content, or radiation characteristics, either not subject to constructive utilization, or which has no immediate or foreseeable use. Excluded from this definition are naturally-occurring radioactive waste material which are also hazardous wastes and which are regulated under authority of the Georgia Hazardous Waste Management Act.
- (l) "Low-Level Radioactive Waste Material" means radioactive waste which does not exceed the limits specified in Title 10, Code of Federal Regulations, Part 20, Subpart 304 (a), as revised January 1, 1976.
- (m) "Other Than Low-Level Radioactive Waste Material" means any radioactive waste in excess of the limits specified in Title 10, Code of Federal Regulations, Part 20, Subpart 304(a), as revised January 1, 1976.

Cite as Ga. Comp. R. & Regs. R. 391-3-9-.03

Authority: Ga. L. 1964, p. 566, as amended by particularly as amended by Ga. L. 1976, p. *et seq.*, at p. 1570, as amended. O.C.G.A. Secs. 31-31-2 thru 31-31-15, as amended.

History. Original Rule entitled "Definitions" was filed on June 14, 1979; effective July 4, 1979.

Amended: Filed July 6, 1984; effective July 24, 1984.

Rule 391-3-9-.04. Findings of the Director.

The Act provides that all facilities or sites for the concentration, storage or burial of radioactive waste must be constructed and operate pursuant to a permit issued by the Director of the Environmental Protection Division. It further provides that the Director may specify in the permit the conditions under which site or facility shall be operated. The Director, upon full consideration of the facts, including but not limited to storage, burial or concentration technology, geologic, hydrologic, environmental, ecological, meteorological factors, and the known impact of ionizing radiation from radioactive sources upon man and other fauna and flora, finds that:

- (a) No demonstrated technology exists relevant to long term (100 years) or terminal disposal of high-level wastes involving actual emplacement in either deep geologic repositories or surface facilities.
- (b) As of the effective date of these regulations there exists no tired or proven regulatory programs, which includes licensing, standards development, and inspection and enforcement, that is applicable to terminal disposal of high-level waste in geologic repositories.
- (c) The adequacy of current interim (100 years) high-level storage systems to protect the health and safety of the public and the environment is questionable.
- (d) Questions remain unanswered regarding the final chemical and physical form for high-level wastes emplaced in geologic repositories.
- (e) Currently, no approved transport cask exists for shipment of high-level wastes.
- (f) Several commercial radioactive waste disposal operations have ceased operations due in part to either moratoria or legal action regarding potential safety and environmental problems.

Cite as Ga. Comp. R. & Regs. R. 391-3-9-.04

Authority: Ga. L. 1964, p. 566, as amended, particularly as amended by Ga. L. 1976, p. 1567, *et seq.*, at p. 1570, as amended.

History. Original Rule entitled "Findings of the Director" was filed on June 14, 1979; effective July 4, 1979.

Rule 391-3-9-.05. Waste Disposal Moratorium.

- (1) Based upon the public policy of the Act, an evaluation of the current technology relevant to the disposal of "other than low-level radioactive waste material," considering past operating experiences at radioactive waste storage and burial facilities, and in view of the previous lack effective radioactive waste management policies and programs at the federal level and upon the above findings of the Director, it is the policy of the Director, subject to the provisions of Section (2) and (3) hereof, to recognize a moratorium on the permitting for construction or operation of certain facilities for the disposal of "other than low-level radioactive waste material." The said moratorium shall be applicable to those commercially operated, government operated, or government-contract operated facilities used for the purpose of storage, concentration, and burial of all radioactive waste except that in certain limited cases as may be determined by the Director, disposal of low-level radioactive wastes by burial will be permitted in accordance with the requirements in Section .06 below, provided that the total quantity of material buried in any year does not exceed the limits specified in Title 10 Code of Federal Regulations. Part 20, Subpart 304, dated January 1, 1976.

- (2) Within 90 days of the effective date of these regulations, all existing radioactive waste material storage, concentration, and burial facilities not subject to the moratorium must submit an application for an operating permit to the Director. Included in the permit process are decommissioned NRC and State licensed radioactive material process facilities involving a decommissioning option where radiologically contaminated equipment and facilities are not dismantled and removed from the site to an authorized disposal facility, but remains in place in a deactivated state.
- (3) Demonstration of Technology. Notwithstanding the findings of the Director contained in Rule (.04) above, and notwithstanding the policy of the Director as contained in Section (1) of this Rule (.05) any person may petition the Director for a reconsideration of the policy for operating "other than low-level radioactive waste material" disposal facilities within this State, and upon a demonstration by the petitioner to the satisfaction of the Director, that the findings of the Director concerning the non-availability of technology for the burial, storage, or concentration, of "other than low-level radioactive waste material" are no longer accurate and upon a demonstration of such technology, the Director will propose an amendment to Section (1) in accordance with the Georgia Administrative Procedure Act (Title 3A) and the Georgia Radiation Control Act.

Cite as Ga. Comp. R. & Regs. R. 391-3-9-.05

Authority: Ga. L. 1964, p. 566, as amended, particularly as amended by Ga. L. 1976, p. 1567, et. seq., at p. 1570, as amended.

History. Original Rule entitled "Waste Disposal Moratorium" was filed on June 14, 1979; effective July 4, 1979.

Rule 391-3-9-.06. Radioactive Waste, Permit Requirements.

- (1) General.
 - (a) Activities Requiring Permit. No person shall construct or operate a facility for the concentration, storage or burial of radioactive waste materials without first obtaining a permit for such construction or operation from the Director authorizing such activity.
 - (b) Restriction and Conditions. Any permit issued shall specify the conditions under which the facility shall be constructed or operated. The Director may limit or restrict the type and quantity of radioactive waste material to be received or possessed by a concentration, storage, or burial facility if the Director determines that permitting receipt, possession or other activities involving such type and/or quantity of radioactive waste material would be inconsistent with the purposes and stated policy of the Act. The Director may also limit or restrict the receipt and/or possession of various types of radioactive waste materials at a concentration, storage, or burial facility, if such material exhibits additional hazard potential such as, but not limited to, explosive properties, pyrophoricity, or chemical toxicity.

- (c) Applicable Non-Radiological Rules and Regulations. If other rules, regulations, or requirements enforced by the Division pertaining to Solid Waste Management under Ga. Code Chapter 43-16, as amended, Air Quality Control under "The Georgia Air Quality Act of 1978," Ga. Code Chapter 43-27, as amended; and Water Quality Control under Ga. Code Chapter 17-5, as amended, apply, such requirements may be incorporated as conditions in the permit required by this Rule (.06) in lieu of issuing separated permits under those authorities. If such requirements are incorporated in a permit under this rule then such permit shall also be considered as a permit issued under those authorities with respect to requirements so incorporated.
- (d) Public Hearing. The Director shall issue a notice of public hearing and shall conduct a public hearing on any application for a permit pursuant to these rules and regulations.
- (e) Prohibitions. Activities unrelated to the operation or construction of a facility shall not be allowed within the site boundary of said facility.

(2) Bonding and Financial Protection.

- (a) Permittee shall post a surety bond payable to the State and shall have and maintain financial protection to cover possible public liability in amounts to be determined by the Director, based on such factors as, but not limited to, type of facility, proposed operations, location, proposed engineered control features, plans for eventual decommissioning or perpetual custody, the nature, amount and conditions of the radioactive waste material, and the degree of risk to the environment and public health and safety.
- (b) Failure to comply with any permit requirements or conditions may result in forfeiture (by order of the Director) of all or part of the surety bond posted as is reasonable and appropriate to adequately protect the environment and public health and safety, or to reimburse or compensate the State for any necessary action it may be required to take to effectively protect the same.
- (c) The Director is hereby authorized to take such action as may be reasonably necessary (including but not limited to, seeking injunctive or mandamus relief in Superior Court, or requesting the Governor to activate civil defense measures) to insure the adequate protection of the environment and the health and safety of the public, should the Director find that, the permittee is violating any permit condition and is thereby creating a substantial risk of public harm and has failed or refused to take reasonable corrective action to avoid such risk within a reasonable time.
- (d) Any order of the Director hereunder declaring bond forfeited shall be subject to review as provided in Section 17(a) of the executive Reorganization Act of 1972, Ga. Laws 1972, p. 1015, et. seq., as amended.

- (e) Agencies or instrumentalities of the State shall not be subject to the bonding or financial protection requirement of this rule (.06)

(3) Permit.

- (3) Permit Application. Applications for a permit to construct or operator a facility for the concentration, storage or burial of radioactive waste material shall be on forms as may be prescribed from time to time by the Director. Each application shall be supported and accompanied by documentation containing the following information:

1. Administrative Information:

- (i) The full name, address, and citizenship of the applicant. If the applicant is a corporation or other entity indicate the State where it was incorporated or organized and the location of the principal offices and the citizenship of the principal officers.
- (ii) Principal business or occupation of the applicant.
- (iii) Financial information or statements of sufficient detail to demonstrate to the Director the financial capability of the applicant to carry out the activity for which a permit is sought including decommissioning if ever required.
- (iv) A detail statement of the proposed activity for which the permit is requested.
- (v) The identity and mailing address of adjacent property owners. Such information may be used by the Director for the purpose of notifying the identified property owner of the proposed activity and date, time, and place of public hearing.
- (vi) Additional administrative information as shall be required by the Director to properly evaluate the proposed activity.

2. Technical Information:

- (i) The type, quantities, and form of low-level radioactive waste material to be concentrated, stored or buried.
- (ii) The technical qualifications, including experience and training, of the applicant and principal staff members to be engaged in the proposed activity.
- (iii) A detailed description of the proposed facility with special emphasis placed on operating characteristics.

- (iv) A detailed safety analysis of the facility and site on which the facility will be located.
- (v) A discussion of relevant system design considerations including design criteria, basis for selection of design criteria and equipment specifications.
- (vi) Information sufficient for the Director to determine that construction, fabrication, installation, testing or inspection of system and system components will be conducted in a manner consistent with protection of the public health, safety, and welfare.
- (vii) A detailed plan discussing the proposed radiological monitoring program at the facility and in the environs about the facility.
- (viii) Additional technical information as shall be required by the Director to evaluate the proposed activity.

3. Environmental Information:

- (i) A description of the site to include site locations, area occupied by the site, specification and character of the site boundaries and location of any adjacent residential, industrial or recreational sites.
- (ii) A discussion of the present and projected land and water use in the vicinity of the site.
- (iii) An ecological survey report sufficient to described the fauna and flora in the vicinity of the site to include habitats and distributions.
- (iv) A discussion of features/areas valued for their natural, cultural, scenic, architectural, historical and archeological significance which may be affected by the proposed activity.
- (v) A discussion with supporting data of the geologic and seismic aspects of the site. The discussion shall include, but not limited to, such aspects as regional and site geology, seismicity, tectonic activity, surface faulting and stability of subsurface materials and foundations.
- (vi) A meteorological description of the site and surrounding area. The description shall contain sufficient information to permit an independent evaluation of the atmospheric diffusion characteristics of the site.
- (vii) A detailed description of the physical, chemical, biological, and hydrological characteristics, seasonal variation and historical ranges for surface and groundwater bodies in the vicinity of the site.

- (viii) An assessment of the radiological impact on man and other local fauna and flora resulting from direct radiation and the release of radioactive material from the facility.
- (ix) Additional environmental information as shall be required by the Director to properly evaluate the proposed activity.

(b) Permit Approval.

1. Construction Permit: The Director may issue a permit for the construction of a facility for the concentration, storage, or burial of low-level radioactive waste material provided that following a review and evaluation of the application for the proposed facility it is determined by the Director that the requirements of the Georgia Radiation Control Act, these rules and regulations and any other applicable rules and regulations enforced by the Division are met.
2. Operating Permit: Upon completion of the work for which a construction permit was issued, the Director may issue a permit for the operation of such facility provided that following post-construction review evaluation, and/or inspection by the Division staff, it is determined by the Director that the requirements of the Georgia Radiation Control Act, these rules and regulations and any other applicable rules and regulations enforced by the Division are met and that operation of the facility is consistent with protection of the public health, safety and welfare.
3. Permit Expiration, Renewal, Amendment: Any construction permit shall be terminated after 180 calendar days from the date of issuance if substantial construction operations have not been initiated. All operating permits issued shall be effective for a period not to exceed one year. Applications for permit renewal shall be submitted not later than 90 calendar days prior to the permit expiration date. A permittee may apply for permit amendment. Any application for a permit amendment shall be made in writing and shall identify those facets of the permit which the permittee desires amending and shall contain the basis for such request. The permittee shall not proceed with any actions described in the application without prior written approval of the Director.
4. Right of Permit Transfer: No permit issued pursuant to these rules and regulations shall be transferred, assigned or in any

manner disposed of either voluntarily or involuntarily,
directly or indirectly.

(4) Operations.

- (a) Operation and Management. Operation and management of any concentration, storage, or burial facility shall be under the direct supervision and control of individuals qualified in such operation and management by training, education, and experience. Personnel engaged in the management and operation of the proposed facility shall possess qualifications equivalent to those prescribed in the American National Standards Institute document, ANSI N18.1-1971, Selection and training of Nuclear Power Plant Personnel, except that the minimum education and experience requirements prescribed in ANSI N18.1-1971 shall be applicable to facilities similar to the facility for which a permit is sought instead of a nuclear power plant.
- (b) Records and Reports. Each permittee shall maintain such records and make such reports, in connection with the permitted activity, as may be required by the Director or by the permit conditions.
- (c) Notification of incidents. Each permittee shall immediately notify the Director of any incident involving radioactive waste material possessed by him which may have caused or threatens to cause any of the following:
 - 1. Exposure of the whole body of any individual situated at or within the site boundary to 1.25 rems or more of radiation; exposure of the skin of the whole body of any individual to 7.5 rems or more of radiation; or exposure of the feet, ankles, hands and forearms of any individual to 18 rems or more of radiation.
 - 2. Exposure of the whole body of any individual situated outside the site boundary to levels of radiation in excess of ten percent (10%) of the levels specified in (1) above.
 - 3. The release of radioactive materials (s) in concentrations which would result in an exposure to any internal organ of any individual situated at or within the site boundary to an annual average radiation dose of 15 rems or more.
 - 4. The release of radioactive material(s) in concentrations which would result in an exposure to any internal organ of an individual situated outside the site boundary to an annual average radiation dose in exceeds of ten percent (10%) of the levels specified in (3) above.

5. A lost-time to any employee.
 6. A loss of two or more days of the operation of any facility affected.
 7. Damage to property in excess of \$1000.
- (d) Control of Radiation and Radioactive Waste Material. All activities necessary for the operation of the facility for the concentration, storage, and burial of low-level radioactive waste material shall be conducted in such a manner as to maintain radiation exposures to individuals and releases of radioactive material in both liquid effluents and airbourne emissions as low as reasonably achievable. From time to time, the Director shall issue numerical guidelines, for use as design objectives and limiting conditions for operation, to meet the as low as reasonably achievable criterion.
- (e) Cessation of Operation, Decommissioning, Perpetual Custody. Upon permit termination or cessation of routine concentration, storage, or burial operations, the permittee shall be solely responsible for such activities as decommissioning, dismantling, perpetual custody, perpetual maintenance, and all related activities. A permittee considering such actions as voluntary cessation of routine operations, facility dismantling, decommissioning or activities related thereunto shall submit a written request to the Director describing the proposed action. Such notice shall be submitted at least 180 calendar days prior to the date on which the proposed actions are requested to become effective. The permittee shall not proceed with any actions described in the written request without the prior written approval of the Director. Bonds posted by the permittee shall be held, and public liability insurance shall continue until satisfactory action actions are taken to assure continued protection of the public health and safety and the environment. Bonds or parts thereof, may be subject to forfeiture as provided in Section (2) of this Rule (.06). Upon satisfactory termination of all activities the permittee may have hid bonding obligation ended.
- (5) Inspection, Investigations and Tests.
- (a) Inspections and Investigations. Each permittee shall afford to the Director, or his duly authorized representative(s), at all reasonable times the opportunity to investigate within the site boundaries any activities related to a facility for which a permit is issued or pending issuance, and to inspect radioactive material and related facilities for which a permit is issued or pending issuance.
- (b) Tests. Each permittee shall perform or upon request of the Director allow the Director, or his duly authorized representatives(s) to perform, such test, monitoring, and evaluations as the Director deems necessary for the administration of these rules and regulations, and for the protection of the public health, safety and welfare.

- (6) Enforcement. The administration and enforcement of these rules and regulations shall be in accordance with the Georgia Radiation Control Act and Section 17(a) of the Executive Reorganization Act of 1972, as amended.

Cite as Ga. Comp. R. & Regs. R. 391-3-9-.06

Authority: Ga. L. 1964, p. 449, p. 566, as amended, particularly as amended by Ga. L. 1976, p. 1567, et. seq., at p. 1570, as amended, and Ga. L. 1972, p. 1015, et. seq., as amended.

History. Original Rule entitled "Radioactive Waste, Permit Requirements" was filed on June 14, 1979; effective July 4, 1979.

Rule 391-3-9-.07. Effective Date.

These Rules shall become effective on July 4, 1979.

Cite as Ga. Comp. R. & Regs. R. 391-3-9-.07

Authority: Ga. L. 1964, p. 499, p. 566, as amended, particularly as amended by Ga. L. 1976, p. 1567, et. seq., at p. 1570, as amended, and Ga. L. 1972, p. 1015, et seq., as amended.

History. Original Rule entitled "Effective Date" was filed on June 14, 1979; effective July 4, 1979.

Subject 391-3-10. REPEALED.

Rule 391-3-10-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.01

Authority: The Georgia Motor Vehicle Emission Inspection and Maintenance Act, O.C.G.A. Secs. [12-9-40](#), et seq., as amended; 40-8-157.

History. Original Rule entitled "Definitions" was filed on July 1, 1980; effective July 21, 1980.

Amended: Rule repealed and a new Rule of the same title adopted. Filed September 2, 1987; effective September 22, 1987.

Repealed: ER 391-3-10-0.25-.01 of same title adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule of same title adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Amended: F. Jun. 4, 1996; eff. Jun. 24, 1996.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.02

Authority: The Georgia Motor Vehicle Emission Inspection and Maintenance Act, O.C.G.A. Secs. [12-9-40](#), et seq., as amended; 40-8-157.

History. Original Rule entitled "Emission Standards" was filed on July 1, 1980; effective July 21, 1980.

Amended: Filed May 6, 1985; effective May 26, 1985.

Amended: Filed September 2, 1987; effective September 22, 1987.

Repealed: ER 391-3-10-0.25-.02 of same title adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule of same title adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.03

Authority: The Georgia Motor Vehicle Emission Inspection and Maintenance Act, O.C.G.A. Secs. [12-9-40](#), *et seq.*, as amended; **40-8-157**.

History. Original Rule entitled "Emission Analyzer Specifications" was filed on July 1, 1980; effective July 21, 1980.

Amended: Rule repealed and a new Rule of the same title adopted. Filed September 2, 1987; effective September 22, 1987.

Repealed: ER 391-3-10-0.25-.03 of same title adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule of same title adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.04

Authority: The Georgia Motor Vehicle Emission Inspection and Maintenance Act, O.C.G.A. Secs. [12-9-40](#), *et seq.*, as amended; **40-8-157**.

History. Original Rule entitled "Emission Control Inspection Procedures" was filed on July 1, 1980; effective July 21, 1980.

Amended: Rule repealed and a new Rule of the same title adopted. Filed September 2, 1987; effective September 22, 1987.

Repealed: ER 391-3-10-0.25-.04 of same title adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule of same title adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.05

Authority: The Georgia Motor Vehicle Emission Inspection and Maintenance Act, O.C.G.A. Secs. [12-9-40](#), *et seq.*, as amended; **40-8-157**.

History. Original Rule entitled "Referee Procedures" was filed on July 1, 1980; effective July 21, 1980.

Amended: Filed September 2, 1987; effective September 22, 1987.

Repealed: ER 391-3-10-0.25-.05 of same title adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule of same title adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.06

Authority: The Georgia Motor Vehicle Emission Inspection and Maintenance Act, O.C.G.A. Secs. [12-9-40](#), *et seq.*, as amended; **40-8-157**.

History. Original Rule entitled "Emission Inspection Stations" was filed on July 1, 1980; effective July 21, 1980.

Amended: Filed April 29, 1981; effective May 19, 1981.

Amended: Filed May 6, 1985; effective May 26, 1985.

Amended: Filed September 2, 1987; effective September 22, 1987.

Repealed: ER 391-3-10-.06 of same title adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule of same title adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.07

Authority: The Georgia Motor Vehicle Emission Inspection and Maintenance Act, O.C.G.A. Secs. [12-9-40](#), *et seq.*, as amended; **40-8-157**.

History. Original Rule entitled "Qualifications of Mechanic Inspectors" was filed on July 1, 1980; effective July 21, 1980.

Amended: Rule repealed and a new Rule entitled "Qualifications of Mechanic and Calibration Inspectors" adopted. Filed April 29, 1981; effective May 19, 1981.

Amended: Rule repealed and a new Rule entitled "Qualifications for Mechanic Inspectors" adopted. Filed September 2, 1987; effective September 22, 1987.

Repealed: ER 391-3-10-0.25-.07 of same title adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule of same title adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.08

Authority: The Georgia Motor Vehicle Emission Inspection and Maintenance Act, O.C.G.A. Secs. [12-9-40](#), *et seq.*, as amended; **40-8-157**.

History. Original Rule entitled "Calibration Gas Requirements" was filed on July 1, 1980; effective July 21, 1980.

Amended: Rule repealed and a new Rule of the same title adopted. Filed September 2, 1987; effective September 22, 1987.

Repealed: ER 391-3-10-0.25-.08 of same title adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule of same title adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.09

Authority: The Georgia Motor Vehicle Emission Inspection and Maintenance Act, O.C.G.A. Secs. [12-9-40](#), *et seq.*, as amended; **40-8-157**.

History. Original Rule entitled "Calibration Procedures" was filed on July 1, 1980; effective July 21, 1980.

Amended: Rule repealed and a new Rule of the same title adopted. Filed April 29, 1981; effective May 19, 1981.

Amended: Rule repealed and a new Rule of the same title adopted. Filed September 2, 1987; effective September 22, 1987.

Repealed: ER 391-3-10-0.25-.09 of same title adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule of same title adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.10

Authority: The Georgia Motor Vehicle Emission Inspection and Maintenance Act, O.C.G.A. Secs. [12-9-40](#), *et seq.*, as amended; 40-8-157.

History. Original Rule entitled "Records" was filed on July 1, 1980; effective July 21, 1980.

Amended: Rule repealed and a new Rule of the same title adopted. Filed September 2, 1987; effective September 22, 1987.

Repealed: ER 391-3-10-0.25-.10 of same title adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule of same title adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.11

Authority: The Georgia Motor Vehicle Emission Inspection and Maintenance Act, O.C.G.A. Secs. [12-9-40](#), *et seq.*, as amended; 40-8-157.

History. Original Rule entitled "Certificate of Emission Inspection" was filed September 2, 1987; effective September 22, 1987.

Repealed: ER 391-3-10-0.25-.11 of same title adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule of same title adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.12

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.*, as amended.

History. ER 391-3-10-0.25-.12 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Fees" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Amended: F. Jun. 4, 1996; eff. Jun. 24, 1996.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.13. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.13

Authority: O.C.G.A. Sec. [12-9-40](#).

History. ER 391-3-10-0.25-.13 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Designated Areas or Counties" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.14

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.*, as amended.

History. ER 391-3-10-0.25-.14 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Inspection Term" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Amended: F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.15

Authority: O.C.G.A. Sec. [12-19-40](#), *et seq.*, as amended.

History. ER 391-3-10-0.25-.15 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Motor Vehicles Exempted" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.16. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.16

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.*, as amended.

History. ER 391-3-10-0.25-.16 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Implementation Administration" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Amended: F. Jun. 4, 1996; eff. Jun. 24, 1996.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.17

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.17 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding

this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Appointment of Official Motor Vehicle Emission Inspection Station" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.18

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.18 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Renewal of Certificate of Authorization; Failure to Remit Same" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.19

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.19 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Appointment of Mechanic Inspectors" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.20

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.20 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Renewal of Mechanic Inspector Permit" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.21

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.21 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Official Station on Military Installations" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.22

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.22 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Display of Sign Required" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.23

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.23 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Change of Location or Name of Emission Inspection Stations: Going Out of Business; Change of Ownership; Cancellation; Suspension" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.24

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.24 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Repairs: Reports, Failures, Reinspections, Owner's Consent" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.25. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.25

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.25 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Expiration Period of Emission Inspection Stickers; Issuance" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.26. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.26

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.26 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Vehicle Returning to State; In State Vehicles Not Previously Required to Be Inspected" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.27. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.27

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.27 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Purchase of a Vehicle" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.28. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.28

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.28 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Sale of Vehicle for Parts or Salvage" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.29. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.29

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.29 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Emission Inspection Sticker Location" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.30. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.30

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.30 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding

this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Completion of Emission Inspection Sticker, Loss, Theft, Transferability of Same" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.31. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.31

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.31 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Certificates of Emission" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.32. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.32

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.32 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Credit for Defective Emission Inspection Certificates, Stickers" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.33. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.33

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.33 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Reports, Cassette Tapes" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.34. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.34

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.34 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Violation of Law or Rules: Penalty" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.35. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.35

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. ER 391-3-10-0.25-.35 adopted. F. Jul. 21, 1992; eff. July 17, 1992, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER is adopted, as specified by the Agency.

Repealed: Permanent Rule entitled "Hearings" adopted. F. Nov. 2, 1992; eff. Nov. 22, 1992.

Repealed: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Rule 391-3-10-.36. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-10-.36

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.* as amended.

History. Original Rule entitled "Termination of Basic Inspection and Maintenance Program" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: F. Aug. 31, 1994; eff. Sept. 20, 1994.

Amended: Rule Reserved. F. Apr. 28, 1995; eff. May 18, 1995.

Amended: Rule of same title adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: F. Jun. 4, 1996; eff. Jun. 24, 1996.

Repealed: F. Mar. 27, 1997; eff. Apr. 16, 1998.

Subject 391-3-11. HAZARDOUS WASTE MANAGEMENT.

Rule 391-3-11-.01. General Provisions.

- (1) Purpose - The purpose of these rules is to establish policies, procedures, requirements, and standards to implement the Georgia Hazardous Waste Management Act, O.C.G.A. [12-8-60](#), *et seq.* These rules are promulgated for the purpose of protecting and enhancing the quality of Georgia's environment and protecting the public health, safety and wellbeing of its citizens.
- (2) Any reference in these rules to standards, procedures, and requirements of Title 40 of the Code of Federal Regulations (40 C.F.R.) Parts 124, 260-266, 268, 270, 273 and 279 shall constitute the full adoption by reference of the Part, Subpart, and Paragraph of the Federal Regulations so referenced including any notes and appendices as may be associated as amended through December 9, 2019, unless otherwise stated. Provided, however, nothing in 40 C.F.R. Parts 124, 260-266, 268, 270, 273 and 279, as pertains to any exclusion for carbon dioxide streams in geologic sequestration activities, or standardized permits (including all references to 40 C.F.R. Part 267, Part 270 Subpart J, Part 124 Subpart G), the May 2018 Response to Vacatur of Certain Provisions of the Definition of Solid Waste, or enforceable documents as defined in 270.1(c)(7), is adopted or included by reference herein.
 - (a) The text of the federal regulations incorporated by reference includes references to "RCRA", the "Resource Conservation and Recovery Act", "Subtitle C of RCRA",

"the Act", and other general references that refer to the federal hazardous waste program as a whole. Unless otherwise noted, these references shall be construed to refer to the Georgia Hazardous Waste Management Act, O.C.G.A. [12-8-60](#), et seq. and the Georgia hazardous waste management program. References to "RCRA permits" or "RCRA Part B permits" shall refer to permits issued by the Environmental Protection Agency, the State of Georgia, or another authorized state. References to specific sections of RCRA shall refer to both the federal provisions of RCRA to be implemented by the Environmental Protection Agency, as well as analogous provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. [12-8-60](#) et seq., to be implemented by the Georgia Environmental Protection Division. References to other federal statutes and regulations contained in the text of the federal regulations incorporated by reference that are not specifically adopted by reference, including, but not limited to, references to the Clean Water Act, the Clean Air Act, and the Safe Drinking Water Act, shall be used to assist in interpreting the federal regulations, and the authority and power of the analogous or related portions of the Georgia statutes and regulations shall also be considered to apply.

- (b) When used in any provisions as may be adopted from 40 C.F.R. Parts 124, 260-266, 268, 270, 273, and 279, references to RCRA "Subtitle D" and 40 C.F.R. Part 258, including 258.40, shall also be construed to refer to the provisions contained in Sections [391-3-4-.01](#), [391-3-4-.05](#), [391-3-4-.07](#), and [391-3-4-.11](#) through [391-3-4-.14](#) of the Georgia Rules for Solid Waste Management, as amended.
- (c) When used in any such provisions as may be adopted from 40 C.F.R. Parts 124, 260-266, 268, 270, 273, and 279: Environmental Protection Agency or EPA, except in reference to EPA ID numbers, EPA hazardous waste numbers, EPA publications or forms, regulations on international shipments, the electronic manifest system or its associated fee system, or manifest registry functions, pre-transport markings of hazardous waste, or EPA in "EPA or an authorized state" shall mean the Georgia Environmental Protection Division; and Administrator or Regional Administrator, except in reference to regulations on international shipments, shall mean Director of the Environmental Protection Division.
- (d) Any reference to 40 C.F.R. Parts 124, 260-266, 268, 270, 273, and 279 in any provisions adopted by reference shall be construed to refer to the provisions contained in the following sections of these rules:

Federal Regulation Reference	Georgia Rules Reference
40 C.F.R. 260.2(d)	391-3-11-.03(4)
40 C.F.R. 260.3	391-3-11-.01(2)(e)
40 C.F.R. 260.4	391-3-11-.10(3)
40 C.F.R. 260.10-11	391-3-11-.02

40 C.F.R. 260.42	391-3-11-.04
40 C.F.R. Part 264 Subpart H	391-3-11-.05(1)
40 C.F.R. Part 265 Subpart H	391-3-11-.05(2)
40 C.F.R. Part 261 Subpart H	391-3-11-.05(5)
40 C.F.R. Part 260 Subpart C	391-3-11-.07(2)
40 C.F.R. Part 261 Subparts A-E, I-J, M, AA-CC	391-3-11-.07(1)
40 C.F.R. Part 262	391-3-11-.08(1)
40 C.F.R. Part 263	391-3-11-.09
40 C.F.R. Part 264 Subparts A-G, I-O, S, W, X, and AA-EE	391-3-11-.10(2)
40 C.F.R. Part 265 Subparts A-G, I-R, W, and AA-EE	391-3-11-.10(1)
40 C.F.R. Part 266	391-3-11-.19
40 C.F.R. Part 124	391-3-11-.11
40 C.F.R. Part 270	391-3-11-.11
40 C.F.R. Part 268	391-3-11-.16
40 C.F.R. Part 279	391-3-11-.17(1)
40 C.F.R. Part 273	391-3-11-.18

References to EPA forms or reports, except in reference to regulations on international shipments, manifests, or the electronic manifest system, shall mean EPD forms and reports as may be provided by the Director.

- (e) [40 C.F.R. 260.3](#) is hereby incorporated by reference.
- (3) As of July 10, 1992, any facility which failed to qualify for federal interim status for any waste code promulgated pursuant to the Hazardous and Solid Waste Amendments (HSWA) or who lost interim status for failing to certify under HSWA for any newly promulgated waste code, is also denied interim status under State law.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.01

Authority: O.C.G.A. § [12-8-60](#), et seq.

History. Original Rule entitled "General Provisions" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. July 16, 1981; eff. August 5, 1981.

Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.
Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.
Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.
Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.
Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.
Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.
Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.
Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.
Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.
Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.
Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.
Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.
Amended: F. June 3, 2008; eff. June 23, 2008.
Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.
Amended: F. May 18, 2015; eff. June 7, 2015.
Amended: F. June 2, 2016; eff. June 22, 2016.
Amended: F. Sep. 8, 2017; eff. Sept. 28, 2017.
Amended: F. Dec. 16, 2019; eff. Jan. 5, 2020
Amended: F. Sep. 15, 2020; eff. Oct. 5, 2020

Rule 391-3-11-.02. Definitions.

- (1) [40 C.F.R. 260.10- 260.11](#) are hereby incorporated by reference.
- (2) Differences between State and Federal Definitions: When the same word is defined both in the Georgia Hazardous Waste Management Act and in [40 C.F.R. 260.10](#), [268.2](#), and [270.2](#), and Parts 273 and 279 as adopted by reference above, and the definitions are not identical, the definitions as given in the Georgia Hazardous Waste Management Act shall be applied unless such application would render these rules inconsistent with Federal Hazardous Waste rules and regulations.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.02

Authority: O.C.G.A. § [12-8-60](#), et seq.

History. Original Rule entitled "Definitions" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. July 16, 1981; eff. August 5, 1981.

Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Amended: F. July 6, 1984; eff. July 26, 1984.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.
Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.
Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.
Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.
Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.
Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.
Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.
Amended: F. June 3, 2008; eff. June 23, 2008.
Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.
Amended: F. May 18, 2015; eff. June 7, 2015.
Amended: F. June 2, 2016; eff. June 22, 2016.
Amended: F. Sep. 8, 2017; eff. Sept. 28, 2017.

Rule 391-3-11-.03. Confidentiality of Information.

- (1) Any records, reports, or information obtained from any person by the Director under these rules shall be available to the public for inspection and copying at the expense of the person requesting copies, except that upon a showing satisfactory to the Director by any person that any records, reports, or information or any particular part thereof, to which the Director has access under these rules would, if made public, divulge information entitled to protection or confidentiality under law, the Director shall consider such information or any particular portion thereof confidential in accordance with the purposes of the law under which confidentiality or protection is claimed, except that such records, reports, documents, or information may be disclosed to officers, employees or authorized representatives of the United States government concerned with carrying out the terms of the Federal Act, or when required by any court in any proceedings under the Federal Act or under the Georgia Hazardous Waste Management Act.
- (2) Any claim of confidentiality filed pursuant to this section must be asserted at the time of initial submission of the record, report, or information in question, or it shall be deemed waived.
- (3) Any claim of confidentiality filed pursuant to this section must be accompanied by a statement of the legal basis supporting the claim of confidentiality.
- (4) [40 C.F.R. 260.2\(d\)](#) is hereby incorporated by reference.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.03

Authority: O.C.G.A. § [12-8-60](#), et seq.

History. Original Rule entitled "Confidentiality of Information" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.
Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.
Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.
Amended: F. June 8, 1988; eff. June 28, 1988.
Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.
Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.
Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.
Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.
Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.
Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.
Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.
Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.
Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.
Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.
Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.
Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.
Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.
Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.
Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.
Amended: F. June 3, 2008; eff. June 23, 2008.
Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.
Amended: F. Dec. 16, 2019; eff. Jan. 5, 2020.

Rule 391-3-11-.04. Notification of Hazardous Waste, Hazardous Secondary Material, and Used Oil Activities.

- (1) Every hazardous waste generator, hazardous waste transporter, hazardous waste transfer facility, hazardous secondary material generator, hazardous secondary material transporter, intermediate facility, verified hazardous secondary materials reclamation facility, hazardous secondary material remanufacturer, used oil transporter, used oil transfer facility, used oil processor, and owner or operator of a hazardous waste storage, treatment, or disposal facility shall notify the Division of such activities on forms provided by the Director. Very Small Quantity Generators are not required to notify. The owner or operator of a site that has ceased all regulated activities shall notify the Division that the EPA Identification Number assigned to the site should be deactivated.
- (2) Any person who, on the effective date of these rules or effective date of any subsequent revisions of these rules, is generating or transporting hazardous waste or who owns or operates a hazardous waste storage, treatment, or disposal facility must notify the Division of such activities within 90 days after these rules or revisions to these rules become effective, unless such notification has previously been provided to the Regional Administrator of the Environmental Protection Agency in accordance with 3010 of the Federal Act.
- (3) Any person who, on the effective date of these rules or effective date of any subsequent revisions to these rules, is not generating hazardous waste and who subsequently begins to generate hazardous waste must, within 30 days after commencing such generation, notify the Division of such generation in accordance with subsection (1) above.
- (4) Every hazardous waste transporter, hazardous waste transfer facility, used oil transporter, used oil transfer facility, used oil processor and owner or operator of a hazardous waste storage, treatment, or disposal facility with a physical location in Georgia shall, within 30 days after commencing such activities, notify the Division of such activities in

accordance with subsection (1) above. This notification shall be made to the Division, regardless of any notification to other states or the Environmental Protection Agency.

- (5) [40 C.F.R. 260.42](#) is hereby incorporated by reference.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.04

Authority: O.C.G.A. § [12-8-60](#), et seq.

History. Original Rule entitled "Notification of Hazardous Waste Activities" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.

Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.

Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008.

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Amended: New title "Notification of Hazardous Waste, Hazardous Secondary Material, and Used Oil Activities." F. June 2, 2016; eff. June 22, 2016.

Amended: F. Sep. 8, 2017; eff. Sept. 28, 2017.

Rule 391-3-11-.05. Financial Responsibility.

- (1) 40 C.F.R. Part 264 Subpart H is hereby incorporated by reference, except for 264.149, and 264.150.
- (2) 40 C.F.R. Part 265 Subpart H is hereby incorporated by reference, except for 265.149, and 265.150.
- (3) The Director shall require proof of adequate financial responsibility to insure any corrective action required as a condition of a permit issued pursuant to these rules.

- (4) Methods other than those provided for in subsection (1) above may be used to insure financial responsibility if the owner or operator can show that an equivalent degree of protection can be provided concerning human health and the environment.
- (5) 40 C.F.R. Part 261 Subpart H is hereby incorporated by reference, except for 261.149 and 261.150.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.05

Authority: O.C.G.A. § [12-8-60](#), et seq.

History. Original Rule entitled "Financial Responsibility" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. July 16, 1981; eff. August 5, 1981.

Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Repealed: New Rule of the same title adopted. F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.

Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.

Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008.

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Amended: F. May 18, 2015; eff. June 7, 2015.

Amended: F. June 2, 2016; eff. June 22, 2016.

Amended: F. Sep. 8, 2017; eff. Sept. 28, 2017.

Amended: F. Dec. 16, 2019; eff. Jan. 5, 2020.

Rule 391-3-11-.06. Variances.

A variance shall be granted only if it is consistent with the requirements of the Georgia Hazardous Waste Management Act, as amended, and these rules and consistent with the Federal Act and regulations promulgated thereunder. The Director will evaluate the application for a variance and issue a draft notice tentatively granting or denying the application. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the locality where the applicant is located. The Director will accept comment on the tentative decision for thirty (30) days, and may also hold a public hearing upon request or at his discretion. The Director will issue a final decision after receipt of comments and after the hearing, if any.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.06

Authority: O.C.G.A. Sec. [12-8-60](#), *et seq.*

History. Original Rule entitled "Variances" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.

Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.

Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008. A

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Rule 391-3-11-.07. Identification and Listing of Hazardous Waste.

- (1) 40 C.F.R. Part 261, Subpart A - Subpart E, Subpart I - Subpart J, Subpart M, Subpart AA, Subpart BB, and Subpart CC, are hereby incorporated by reference.
- (2) 40 C.F.R. Part 260, Subpart C, is hereby incorporated by reference, except for the last sentence of 260.34(a) and 260.34(a)(1)-(3).
- (3) The Director shall provide public notice of any petition to delist a waste and shall provide an opportunity for public comment thereon. Such public notice shall be paid for by the person requesting the delisting.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.07

Authority: O.C.G.A. § [12-8-60](#), *et seq.*

History. Original Rule entitled "Identification and Listing of Hazardous Waste" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. July 16, 1981; eff. August 5, 1981.

Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Repealed: New Rule of same title adopted. F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.
Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.
Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.
Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.
Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.
Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.
Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.
Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.
Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.
Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.
Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.
Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.
Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.
Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.
Amended: F. June 3, 2008; eff. June 23, 2008.
Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.
Amended: F. May 18, 2015; eff. June 7, 2015.
Amended: F. June 2, 2016; eff. June 22, 2016.
Amended: F. Sep. 8, 2017; eff. Sept. 28, 2017.

Rule 391-3-11-.08. Standards Applicable to Generators of Hazardous Waste.

- (1) 40 C.F.R. Part 262 is hereby incorporated by reference.
- (2) Hazardous Waste Manifests shall be on EPA forms and shall be completed as required by the instructions supplied.
- (3) Weekly inspections of hazardous waste central accumulation areas shall be documented and maintained onsite for three years.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.08

Authority: O.C.G.A. § [12-8-60](#), et seq.

History. Original Rule entitled "Standards Applicable to Generators of Hazardous Waste" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. July 16, 1981; eff. August 5, 1981.
Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.
Amended: F. July 6, 1984; eff. July 26, 1984.
Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.
Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.
Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.
Amended: F. June 8, 1988; eff. June 28, 1988.
Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.
Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.
Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.
Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.
Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.
Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.
Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.
Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.
Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.
Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.
Amended: F. Oct. 27, 2000; eff. November 16, 2000.
Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.
Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.
Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.
Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.
Amended: F. June 3, 2008; eff. June 23, 2008.
Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.
Amended: F. May 18, 2015; eff. June 7, 2015.
Amended: F. June 2, 2016; eff. June 22, 2016.
Amended: F. Sep. 8, 2017; eff. Sept. 28, 2017.

Rule 391-3-11-.09. Standards Applicable to Transporters of Hazardous Waste.

40 C.F.R. Part 263 is hereby incorporated by reference.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.09

Authority: O.C.G.A. § [12-8-60](#), et seq.

History. Original Rule entitled "Standards Applicable to Transporters of Hazardous Waste" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Repealed: New Rule of same title adopted. F. July 16, 1981; eff. August 5, 1981.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.

Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

Amended: F. Oct. 27, 2000; eff. November 16, 2000.

Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008.

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Amended: F. May 18, 2015; eff. June 7, 2015.

Amended: F. Sep. 8, 2017; eff. Sept. 28, 2017.

Rule 391-3-11-.10. Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities.

- (1) 40 C.F.R. Part 265, Subpart A - Subpart G, Subpart I - Subpart R, Subpart W, Subpart AA, Subpart BB, Subpart CC, Subpart DD, Subpart EE, and Subpart FF are hereby incorporated by reference, except for the following: 265.110(c), 265.118(c)(4), and 265.121.
- (2) 40 C.F.R. Part 264, Subpart A - Subpart G, Subpart I - Subpart O, Subpart S, Subpart W, Subpart X, Subpart AA, Subpart BB, Subpart CC, Subpart DD, Subpart EE, and Subpart FF are hereby incorporated by reference, except for 264.90(e).
- (3) [40 C.F.R. 260.4](#) is hereby incorporated by reference.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.10

Authority: O.C.G.A. § [12-8-60](#), et seq.

History. Original Rule entitled "Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. July 16, 1981; eff. August 5, 1981.

Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Repealed: New Rule of same title adopted. F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.

Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.

Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008.

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Amended: F. May 18, 2015; eff. June 7, 2015.

Amended: F. June 2, 2016; eff. June 22, 2016.

Amended: F. Sep. 8, 2017; eff. Sept. 28, 2017.

Amended: F. Dec. 16, 2019; eff. Jan. 5, 2020.

Rule 391-3-11-.11. Hazardous Waste Facility Permits.

- (1) Permits Required: No person shall and it shall be unlawful and a violation of the Georgia Hazardous Waste Management Act to construct, install, operate or substantially alter a

hazardous waste facility without first obtaining and possessing a hazardous waste facility permit from the Director.

- (a) Scope of the RCRA Permit Requirement: [40 C.F.R. 270.1\(c\)](#), except for 270.1(c)(7) and 270.1(c)(2)(ix), is hereby incorporated by reference.
 - (b) [40 C.F.R. 124.1\(a\)](#) is hereby incorporated by reference.
- (2) Interim Status: Any person who owns or operates a facility required to have a permit under subsection (1) above, which facility was in existence on November 19, 1980, or is in existence on the effective date of statutory or regulatory changes pursuant to the Georgia Hazardous Waste Management Act that render the facility subject to the requirement to have a permit pursuant to subsection (1) above, shall be accorded interim status, which means that such person shall be treated as having been issued a permit until such time as final administrative disposition of the person's application has been made, if and to the extent the person:
- (a) Has notified the Director of the existence of such facility as required pursuant to Rule [391-3-11-.04](#);
 - (b) Has filed an application for a permit as required pursuant to these rules;
 - (c) Furnishes to the Director information reasonably required or requested for processing such application;
 - (d) Does not treat, store, or dispose of hazardous waste not specified in the permit application, nor employ processes not specified in the permit application, nor exceed the design capacity specified in the permit application; and
 - (e) Complies with all standards applicable to interim status facilities set forth in these rules.
- (3) Application for Permit: An application for a Hazardous Waste Facility Permit shall be submitted in such manner and on such forms as the Director may prescribe.
- (a) Application shall be complete and accurate and accompanied by required plans, data, specifications, engineering reports, design and other information as the Director deems necessary to make a determination of compliance with the Act, applicable standards and requirements and these rules. An application for a permit shall include a demonstration of financial responsibility including but not limited to guarantees, liability insurance, the posting of bonds, or any combination of guarantees, liability insurance, or bonds, in accordance with O.C.G.A. [12-8-68](#) et seq. and [391-3-11-.05](#) of these rules. Applications for permits will be reviewed together with such other information as may be necessary to ascertain the effect upon the environment and the health of humans.

- (b) Specific Procedures Applicable to RCRA Permits: [40 C.F.R. 124.31- 124.33](#) are hereby incorporated by reference, except the following sentences are deleted in section (a) of 124.31, 124.32 and 124.33 "For the purposes of this section only 'hazardous waste management units over which EPA has permit issuance authority' refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 C.F.R. Part 271. The requirements of this section do not apply to permit modifications under 270.42 or to applications that are submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility."
 - (c) Permit Application and Updating Permit Applications for Existing and New Hazardous Waste Management Facilities: [40 C.F.R. 124.3](#), [270.10](#) and [270.235](#) are hereby incorporated by reference.
 - (d) Signatories to Permit Applications and Reports: [40 C.F.R. 270.11](#) is hereby incorporated by reference.
 - (e) Confidentiality of Information: [40 C.F.R. 270.12\(b\)](#) is hereby incorporated by reference. (f) Interim Status: [40 C.F.R. 270.70- 270.73](#) are hereby incorporated by reference.
 - (f) Interim Status: 40 C.F.R. 270 -.70 - 270.73 are hereby incorporated by reference.
 - (g) Contents of Part A: [40 C.F.R. 270.13](#) is hereby incorporated by reference.
 - (h) Contents of Part B: [40 C.F.R. 270.14- 270.28](#) are hereby incorporated by reference.
- (4) Upon the first receipt of an application for a Hazardous Waste Facility Permit, the Director, within fifteen (15) days, shall provide to the government of the county in which the facility is located or proposed to be located, to each city government located wholly or partially within that county, and to the government of each county and city having territorial boundaries within two miles of the hazardous waste facility or proposed hazardous waste facility a written notice indicating that an application has been received and describing the hazardous waste activities the applicant proposes to conduct. Within a 30 day period after first receipt of such application, the Director shall also publish in at least one local newspaper of general circulation in the county a public notice that an application for a hazardous waste facility permit has been received. A public hearing shall be held if such is requested in writing within thirty (30) days after publication of notification and is requested by twenty-five (25) or more persons who claim to be affected by the pending permit application, by a governmental subdivision, or by an association having no fewer than twenty-five (25) members. If requested, the public hearing shall be conducted at the county seat of the county in which the hazardous waste facility is proposed to be located. At least forty-five (45) days prior to the date of the public hearing, the Director shall provide written notice to the various local governmental

subdivisions and other interested parties in the locality in which the proposed facility may be located that a public hearing has been requested, which written notice shall also include the date, time, location and purpose of the public hearing. The date, time, location and purpose of such public hearing shall be advertised in the legal organ of the county in which the facility is proposed at least forty-five (45) days in advance of the date set for the hearing. Such public hearings shall be held for the purpose of receiving comments and suggestions concerning the location and requirements for the operation of a hazardous waste facility. The Director shall consider fully all written and oral submissions regarding the proposed facility and the pending application.

- (a) Public Notice of Permit Actions and Public Comment Period: [40 C.F.R. 124.10](#) is hereby incorporated by reference.
 - (b) Public Comments and Request for Public Hearings: [40 C.F.R. 124.11](#) is hereby incorporated by reference.
 - (c) Public Hearings: [40 C.F.R. 124.12\(a\)](#) is hereby incorporated by reference.
 - (d) Obligation to Raise Issues During Public Comment: [40 C.F.R. 124.13](#) is hereby incorporated by reference.
 - (e) Reopening of the Public Comment Period: [40 C.F.R. 124.14](#) is hereby incorporated by reference.
 - (f) Issuance and Effective Date of Permit: [40 C.F.R. 124.15](#) is hereby incorporated by reference.
 - (g) Response to Comments: [40 C.F.R. 124.17\(a\)](#) and [124.17\(c\)](#) are hereby incorporated by reference.
 - (h) The owner or operator of any hazardous waste treatment, storage or disposal facility shall pay any costs or expenses associated with public notices or notifications required by these rules including, but not limited to, public notices or notifications relating to permitting and closure activities.
- (5) Issuance of Permit: A permit shall be issued to an applicant on evidence satisfactory to the Director of compliance with the provisions of the Act, any applicable standards or requirements and these rules.
- (a) Any permit shall contain such terms and conditions, including conditions requiring corrective action beyond the facility boundary, as are deemed necessary by the Director to protect the environment and the health of humans, and the Director may require such testing and construction supervision as he deems necessary to protect the environment and the health of humans. Any permit issued subsequent to November 8, 1984, shall contain conditions requiring corrective action for any releases into the environment of hazardous waste or hazardous constituents at the

facility seeking a permit, regardless of the time at which waste was placed at such facility.

- (b) Conditions Applicable to all Permits: [40 C.F.R. 270.30](#) is hereby incorporated by reference.
 - (c) Establishing Permit Conditions: [40 C.F.R. 270.32](#) is hereby incorporated by reference.
 - (d) Schedules of Compliance: [40 C.F.R. 270.33](#) is hereby incorporated by reference.
 - (e) Requirements for Recording and Reporting of Monitoring Results: [40 C.F.R. 270.31](#) is hereby incorporated by reference.
 - (f) Effect of a Permit: [40 C.F.R. 270.4](#) is hereby incorporated by reference.
 - (g) Draft Permits: [40 C.F.R. 124.6\(a\)](#), [124.6\(d\)](#) and [124.6\(e\)](#) are hereby incorporated by reference.
 - (h) Statement of Basis and Fact Sheet: [40 C.F.R. 124.7](#) and [124.8](#) are hereby incorporated by reference.
- (6) Denial of Permit: In the event of denial of a permit application, the Director shall send written notice of such action to the applicant and shall set forth in such notice the reason for the action. The denial of any permit by the Director shall become final unless a petition for hearing in accordance with O.C.G.A. [12-8-73](#) is filed.
- (a) [40 C.F.R. 124.6\(b\)](#) is hereby incorporated by reference.
 - (b) [40 C.F.R. 270.29](#) is hereby incorporated by reference.
- (7) Amendment, Modification, Revocation or Suspension of Permit:
- (a) The Director may amend, modify, suspend or revoke any permit issued for cause, including but not limited to the following:
 - 1. Violation of any condition or provision of such permit or failure to comply with any final order of the Director;
 - 2. Failure to comply with the Act or these rules;
 - 3. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
 - 4. When the permitted facility poses a threat to the environment or the health of humans.

- (b) In the event of amendment, modification, suspension or revocation of any permit, the Director shall serve written notice of such action on the permit holder and shall set forth in such notice the reason for such action.
 - (c) Modification, Revocation, Reissuance, or Termination of Permits: [40 C.F.R. 270.41](#), [270.43](#) and [124.5](#), are hereby incorporated by reference.
 - (d) Permit Modification at the Request of Permittee: [40 C.F.R. 270.42](#) and [124.5](#) are hereby incorporated by reference.
- (8) Transfer of Permits: Permits are not transferable from one person to another or from one site or facility to another unless such transfer is approved by the Director.
- (a) [40 C.F.R. 270.40](#) is hereby incorporated by reference.
- (9) Duration of Permit: A permit shall be effective for a fixed term not to exceed 10 years.
- (a) Each permit for a land disposal facility shall be reviewed by the Director five years after the date of permit issuance or reissuance and shall be modified as necessary to assure that the facility continues to comply with the currently applicable requirements of these rules.
- (10) Special Forms of Permits: [40 C.F.R. 270.60- 270.63](#), [270.65](#), [270.66](#), [270.68](#) and 270.79-270.230, are hereby incorporated by reference.
- (11) Noncompliance and Program Reporting by the Director: [40 C.F.R. 270.5](#) is hereby incorporated by reference.
- (12) Definitions Applicable to RCRA Permits: Definitions of words or terms applicable to RCRA permits as defined in [40 C.F.R. 270.2](#) are hereby incorporated by reference.
- (13) **References:** [40 C.F.R. 270.6](#) is hereby incorporated by reference.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.11

Authority: O.C.G.A. § [12-8-60](#), et seq.

History. Original Rule entitled "Hazardous Waste Facility Permits" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. July 16, 1981; eff. August 5, 1981.

Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Repealed: New Rule of same title adopted. F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.
Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.
Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.
Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.
Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.
Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.
Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.
Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.
Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.
Amended: F. June 3, 2008; eff. June 23, 2008.
Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.
Amended: F. May 18, 2015; eff. June 7, 2015.
Amended: F. June 2, 2016; eff. June 22, 2016.
Amended: F. Sep. 8, 2017; eff. Sept. 28, 2017.
Amended: F. Dec. 16, 2019; eff. Jan. 5, 2020.

Rule 391-3-11-.12. Inspection and Investigation.

- (1) The Director or his authorized representative, upon presentation of his credentials, shall have a right to enter upon, to or through premises of persons subject to this Act, or premises whereon a violation of the Act or rules and regulations is reasonably believed to be occurring or is reasonably believed to be about to occur, to investigate, take samples, copy all records relating to hazardous wastes, and inspect for compliance with the requirements imposed under the Act or the rules and regulations or to determine whether such a violation or threatened violation exists, in accordance with the following purposes:
 - (a) for the purpose of determining whether any person subject to the requirements of the Act is in compliance with these rules;
 - (b) for the purpose of investigating conditions relating to hazardous waste management or hazardous waste management practices where the Director is in possession of information sufficient to form a reasonable belief that a violation of the Act or these rules is occurring or is about to occur; or
 - (c) for the purpose of determining whether there has been a violation of any of the provisions of the Act, or these rules, or any permit or order issued pursuant to the Act and these rules.
- (2) In the event any person does not consent to an inspection or investigation, the Director or his authorized representative may seek to obtain a warrant authorizing the inspection or investigation pursuant to O.C.G.A. [12-2-2\(d\)](#).
- (3) Each such inspection or investigation shall be commenced and completed with reasonable promptness. If the Director or his authorized representatives obtain any samples prior to leaving the premises, he or they shall give to the owner, operator, or agent in charge a receipt describing the sample obtained and, if requested, a portion of each sample equal in volume or weight to the portion retained. If any analysis is made of such samples, a copy

of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

- (4) This Section of these rules shall be construed so as to be consistent with 3007(a) of the Federal Act, [42 U.S.C. 6927\(a\)](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.12

Authority: O.C.G.A. Sec. [12-8-60](#), *et seq.*

History. Original Rule entitled "Inspection and Investigation" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.

Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.

Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008. A

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Rule 391-3-11-.13. Enforcement.

The administration and enforcement of these rules and regulations shall be in accordance with the Georgia Hazardous Waste Management Act, O.C.G.A. [12-8-60](#), *et seq.*; O.C.G.A. [12-2-1](#), *et seq.*; and the Georgia Administrative Procedure Act, O.C.G.A. [50-13-1](#), *et seq.*

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.13

Authority: O.C.G.A. Sec. [12-8-60](#), *et seq.*

History. Original Rule entitled "Enforcement" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.
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Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.
Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.
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Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.
Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.
Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.
Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.
Amended: F. June 3, 2008; eff. June 23, 2008. A
Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Rule 391-3-11-.14. Public Participation.

Interested persons may participate in the enforcement of the Georgia Hazardous Waste Management Act and these rules pursuant to the applicable provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. [12-8-60](#), *et seq.*; O.C.G.A. [12-2-1](#), *et seq.*; the Georgia Administrative Procedure Act, O.C.G.A. [50-13-1](#), *et seq.*; the Georgia Civil Practice Act, O.C.G.A. [9-11-1](#), *et seq.*; or any other applicable provision of Georgia law.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.14

Authority: O.C.G.A. Sec. [12-8-60](#), *et seq.*

History. Original Rule entitled "Public Participation" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.
Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.
Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.
Amended: F. June 8, 1988; eff. June 28, 1988.
Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.
Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.
Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.
Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.
Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.
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Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.
Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.
Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.
Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.
Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.
Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.
Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.
Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.
Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.
Amended: F. June 3, 2008; eff. June 23, 2008. A
Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Rule 391-3-11-.15. Availability of Information.

- (1) The Director shall make disclosure of records to the public within three working days of receipt of a request for disclosure, if and to the extent the requester:
 - (a) Has filed a request in writing with the Director;
 - (b) Has requested records which are subject to the Georgia Open Records Act, O.C.G.A. [50-18-70](#), *et seq.*; and
 - (c) Has requested records that are not exempt from disclosure pursuant to state law, O.C.G.A. [50-18-70](#), *et seq.*, and O.C.G.A. [12-8-78\(a\)](#).
- (2) No fee shall be charged for record inspection. Reasonable fees for copying records may be charged in accordance with procedures developed by the Director.
- (3) If a request to inspect or copy records is denied, the Director shall furnish to the requester in writing the basis for the denial and a statement of the judicial remedies available to seek to obtain the requested records.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.15

Authority: O.C.G.A. Sec. [12-8-60](#), *et seq.*

History. Original Rule entitled "Effective Date" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Repealed: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Amended: New Rule entitled "Availability of Information" adopted. F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.

Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.

Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008.

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Amended: F. May 18, 2015; eff. June 7, 2015.

Amended: F. May 18, 2015; eff. June 7, 2015.

Rule 391-3-11-.16. Land Disposal Restrictions.

40 C.F.R. Part 268 is hereby incorporated by reference, except for [40 C.F.R. 268.5](#), [268.6](#), [268.42\(b\)](#), and [268.44\(a\)](#) - [268.44\(g\)](#), which will be implemented by the U.S. Environmental Protection Agency.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.16

Authority: O.C.G.A. § [12-8-60](#), et seq.

History. Original Rule entitled "Land Disposal Restrictions" adopted. F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.

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Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

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Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

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Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

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Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008.

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Amended: F. May 18, 2015; eff. June 7, 2015.

Amended: F. Sep. 8, 2017; eff. Sept. 28, 2017.

Rule 391-3-11-.17. Recycled Used Oil Management Standards.

- (1) 40 C.F.R. Part 279 is hereby incorporated by reference.
- (2) Used oil containers and tanks not stored indoors or within impervious secondary containment systems specified by a Spill Prevention, Control, and Countermeasures Plan developed in accordance with 40 CFR Part 112, must be kept closed, except when it is necessary to add or remove used oil.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-.17

Authority: O.C.G.A. § [12-8-60](#), et seq.

History. Original Rule entitled "Recycled Used Oil Management Standards" adopted. F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.

Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.

Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008.

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Amended: F. Sep. 8, 2017; eff. Sept. 28, 2017.

Note: Correction of typographical error in History on SOS Rules and Regulations website, error discovered Sep. 2017. In accordance with History as published in Official Compilation Rules and Regulations of the State of Georgia, eff. Aug. 7, 2012: "**History.** **Amended:** F. Dec. 8, 1995; eff. Dec. 28, 1995." deleted. "**History.** Original Rule entitled "Recycled Used Oil Management Standards" adopted. F. Jan. 27, 1994; eff. Feb. 16, 1994."; "**Amended:** F. Dec. 6, 1994; eff. Dec. 26, 1994." and "**Amended:** F. Dec. 8, 1995; eff. Dec. 28, 1995." added. Effective Sep. 28, 2017.

Rule 391-3-11-18. Standards for Universal Waste Management.

40 C.F.R. Part 273 is hereby incorporated by reference.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-18

Authority: O.C.G.A. § [12-8-60](#), et seq.

History. Original Rule entitled "Standards for Universal Waste Management" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.

Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.

Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008.

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Amended: F. Sep. 8, 2017; eff. Sept. 28, 2017.

Rule 391-3-11-19. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.

40 C.F.R. Part 266 is hereby incorporated by reference.

Cite as Ga. Comp. R. & Regs. R. 391-3-11-19

Authority: O.C.G.A. § [12-8-60](#), et seq.

History. Original Rule entitled "Standards for Management of Waste Mercury- Containing Lamps" adopted. F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.

Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

Repealed: F. Oct. 27, 2000; eff. Nov. 16, 2000.

Adopted: New Rule entitled "Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities." F. Dec. 16, 2019; eff. Jan. 5, 2020.

Subject 391-3-12. UNDERGROUND GAS STORAGE.

Rule 391-3-12-.01. Adequate Formation.

The underground storage of gas shall be limited to geologic structures reasonably capable of confining the gas to the storage area and permitting it to be withdrawn.

Cite as Ga. Comp. R. & Regs. R. 391-3-12-.01

Authority: Ga. Code 93-809; Ga. L. 1972, p. 1015, et seq.,

History. Original Rule entitled "Adequate Formation" was filed and effective on July 20, 1965 as 390-3-.01 (Rules and Regulations of the Department of Mines, Mining and Geology).

Amended: Rule renumbered as 391-3-12-.01. Filed December 22, 1980; effective January 11, 1981.

Rule 391-3-12-.02. Storage Depth.

No gas shall be injected except for test purposes into strata less than 500' beneath the surface. No storage field shall have less than 500' of cover.

Cite as Ga. Comp. R. & Regs. R. 391-3-12-.02

Authority: Ga. Code 93-809; Ga. L. 1972, p. 1015, et seq.

History. Original Rule entitled "Storage Depth" was filed and effective on July 20, 1965 as 390-3-.02 (Rules and Regulations of the Department of Mines, Mining and Geology).

Amended: Rule renumbered as 391-3-12-.02. Filed December 22, 1980; effective January 11, 1981.

Rule 391-3-12-.03. Casing and Equipment Standards.

All casing and equipment in the well and facilities connected to it up to and including the Christmas tree shall comply with the applicable standards of the A.P.I.

Cite as Ga. Comp. R. & Regs. R. 391-3-12-.03

Authority: Ga. Code 93-809; Ga. L. 1972, p. 1015, et seq.

History. Original Rule entitled "Casing and Equipment Standard" was filed and effective on July 20, 1965 as 390-3-.03 (Rules and Regulations of the Department of Mines, Mining and Geology).

Amended: Rule renumbered as 391-3-12-.03. Filed December 22, 1980; effective January 11, 1981.

Rule 391-3-12-.04. Piping Standards.

All field and gathering piping shall comply with the applicable provisions of the American Standards Code for Pressure Piping, American Standards Association, B-31.8.

Cite as Ga. Comp. R. & Regs. R. 391-3-12-.04

Authority: Ga. 93-809; Ga. L. 1972, p. 1015, et seq.

History. Original Rule entitled "Piping Standards" was filed and effective on July 20, 1965 as 390-3-.04 (Rules and Regulations of the Department of Mines, Mining and Geology).

Amended: Rule renumbered as 391-3-12-.04. Filed December 22, 1980; effective January 11, 1981.

Rule 391-3-12-.05. Drilling Standards.

The applicable recommended practices of the American Petroleum Institute in drilling, casing, cementing, well testing and the like shall be followed where practicable. When drilling into a structure suspected of holding gas, blow out preventers shall be used.

Cite as Ga. Comp. R. & Regs. R. 391-3-12-.05

Authority: Ga. Code 93-809; Ga. L. 1972, p. 1015 et seq.

History. Original Rule entitled "Drilling Standards" was filed and effective on July 20, 1965 as 390-3-.05 (Rule and Regulations of the Department of Mines, Mining and Geology.)

Amended: Rule renumbered as 391-3-12-.05. Filed December 22, 1980; effective January 11, 1981.

Rule 391-3-12-.06. Supervision Requirements.

The development and operation of any underground aquifer gas storage facility shall be under the general supervision of a professional geologist or engineer.

Cite as Ga. Comp. R. & Regs. R. 391-3-12-.06

Authority: Ga. Code 93-809; Ga. L. 1972, p. 1015, et seq.

History. Original Rule entitled "Supervision Requirements" was filed and effective on July 20, 1965 as 390-3-.06 (Rules and Regulations of the Department of Mines, Mining and Geology).

Amended: Rule renumbered as 390-3-12-.06. Filed December 22, 1980; effective January 11, 1981.

Subject 391-3-13. OIL AND GAS AND DEEP DRILLING.

Rule 391-3-13-.01. Purpose.

The purpose of these rules is govern the drilling of and subsequent use of wells subject to the Georgia Oil and Gas and Deep Drilling Act of 1975, as amended. Wells subject to the requirements of Rules 391-3-2, 391-3-5, 391-3-6 or 391-3-12 are not subject to the provisions of these rules.

Cite as Ga. Comp. R. & Regs. R. 391-3-13-.01

Authority: O.C.G.A. § 12-4-2, et seq., as amended.

History. Original Rule entitled "Purpose" was filed on December 23, 1981; effective January 12, 1982.

Amended: F. July 15, 2019; eff. August 4, 2019.

Rule 391-3-13-.02. Definitions.

All definitions contained in O.C.G.A. [12-4-42](#) are incorporated herein by reference.

- (a) "Abandonment" means, for purposes of compliance with requirements herein, that a well has not been used for six (6) consecutive months and cannot be operated, whether because it was drilled as a dry hole or has ceased to produce, or that operations have not been conducted thereon. "Shut-in" wells, shall not be considered to be abandoned. "Abandonment" shall not be construed to require the plugging of a well that has been approved by the Division for future utilization.
- (b) "Blow-out" means any uncontrolled flow of well fluids and/or formation fluids from the wellbore to the surface or into lower pressured subsurface zones.
- (c) "Blow-out preventer" means equipment installed on the wellhead assemblies to contain wellbore fluids either in the annular space between the casing and the tubulars, or in an open hole during drilling, completion, and testing operations.
- (d) "Blowout preventer control system" means the assembly of pumps, valves, lines, accumulators, and other items necessary to open and close the blowout preventer equipment.
- (e) "Circulation" means the passing of fluid (typically drilling mud) down through the drill stem and up to the surface in the process of rotary drilling or down the casing and up to the surface in the setting of casing.
- (f) "Common source of supply" means the reservoir strata or pool separated from any other reservoir strata or pool that contain, or from competent evidence appears to contain, a common accumulation of oil or gas or both.
- (g) "Completion" means development of a well in an attempt to produce oil and/or gas or final placement of cement plugs in a nonproducing well, whichever occurs last. Completion is the last act as determined by the Director on a well which result in such well being capable of producing oil and/or gas through permanent well head equipment after production tubing has been run, or final placement to cement plug(s) in a nonproducing well.
- (h) "Condensate" means the liquid hydrocarbons produced by the condensation of natural gas, either after it leaves the reservoir or while it remains in the reservoir.
- (i) "Conservation" means conserving, preserving, guarding, or protecting the oil and gas resources of the State by obtaining the maximum efficiency with a maximum efficiency with a minimum waste in the production, transportation, processing, refining, treating, and marketing of the unrenewable oil and gas resources of the State.
- (j) "Drill site" means the exact location of the well bore.
- (k) "Drill site tract" means the land area devoted to the well, mud pits, and other ancillary operations.

- (l) "Operator" means any person who is in charge of the development of a lease, the drilling of a well, or the operation of a producing well, and in addition, for the purpose of assigning responsibility, may also be the person indicated as operator by the most current records of the Division.
- (m) "Re-enter" means to bring a rig back onto a boring after having moved off location in order to re-establish contact with the borehole. "Re-enter" shall not be construed to mean bringing a rig back onto a location simply to facilitate downhole geophysical logging; rather "re-enter" applies when "completion" or "drilling" operations are performed.
- (n) "Shut-in" means a well where the wellhead valves are closed thereby shutting off production. A "shut-in" well is capable of producing either oil or gas.
- (o) "Well Completion Report" means a form prescribed by the Division with accompanying illustrations and narrative providing descriptive as-constructed well information. The "Well Completion Report" generally consists of all well records including well logs, test locations and intervals, sampling locations and intervals, test results, casing installed, plugs installed, perforated intervals and other descriptive information.
- (p) Words other than those defined in (a)-(o) above are given their usual customary and accepted meaning; all words of a technical nature or a nature peculiar to the oil and gas industry are given that meaning defined in the Handbook of Oil Industry Terms and Phrases or that which is generally accepted within the oil and gas industry.

Cite as Ga. Comp. R. & Regs. R. 391-3-13-.02

Authority: O.C.G.A. § 12-4-2, et seq., as amended.

History. Original Rule entitled "Definitions" was filed on December 23, 1981; effective January 12, 1982.

Amended: F. July 15, 2019; eff. August 4, 2019.

Rule 391-3-13-.03. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-3-13-.03

Authority: O.C.G.A. § 12-4-2, et seq., as amended.

History. Original Rule entitled "Enforcing Official" was filed on December 23, 1981; effective January 12, 1982.

Repealed: F. July 15, 2019; eff. August 4, 2019.

Rule 391-3-13-.04. Well Permit.

- (1) Before any well is drilled or re-entered, the person desiring to drill or re-enter the same shall submit to the Division the following items:
 - (a) A properly completed "Application for Permit to Drill" on application forms obtained from the Division.

- (b) A fee of \$500 for each application submitted.
- (c) A plat and an index map (see 8. below) showing the location of the proposed well which conforms to the following specifications:
 - 1. The scale of the plat shall be indicated graphically and shall not be less than one (1) inch equals one thousand (1,000) feet. The size of the sheet upon which the plat is drawn shall not exceed twenty-four (24) inches by twenty-four (24) inches.
 - 2. A labeled vector indicating either true, grid, or magnetic north.
 - 3. The surface elevation of the drill site (well location) shall be established.
 - 4. The plat shall accurately show the distance to the two closest lease lines and/or property lines and/or drilling unit boundaries from the proposed well location. Where appropriate, the plat shall show the military district, block number and tract or unit identity.
 - 5. The plat shall be constructed by a surveyor registered by the State of Georgia or by a professional engineer registered by the State of Georgia.
 - 6. The plat shall contain a signed statement or certification by the surveyor or registered professional engineer that all measurements are accurate as shown on the plat.
 - 7. The plat shall show the amount of acreage assigned to the drilling unit and the drill site tract.
 - 8. The index map shall show all federal, state, county, and municipal highways and roads and all railroads within a radius of one (1) mile of the proposed well location; and all buildings, prominent landmarks within one thousand (1,000) feet of the proposed well location. In addition, sufficient information shall be provided so that the location of the proposed well can be plotted to within plus or minus one hundred (± 100) feet on a standard U.S. Geological Survey quadrangle map. The appropriate U.S. Geological Survey quadrangle map with the well site location indicated within plus or minus one hundred (± 100) feet may be substituted for a hand drafted index map.
 - 9. If conditions require that two or more attempts are necessary in order to satisfactorily drill and/or construct the well, the location of each attempt shall be indicated on updated plats submitted to the Division.
- (d) A properly completed "Affidavit of Ownership or Control" on an application form obtained from the Division.

- (e) A properly completed "Organization Report" as specified in paragraph (7) of this section.
- (f) Illustrations and narrative material of the proposed operation. The illustrations and narratives should as described in the Oil and Gas Exploration and Production Well, Deep Mineral Exploration and Production Well, and Deep Fresh Water Production Well Permitting Checklist describe the following:
 - 1. Proposed well depth.
 - 2. Casing and cementing program.
 - 3. Procedures to prevent blow-outs, caving, and seepage.
 - 4. Procedures to prevent fires, waste, H₂S containment and spillage.
 - 5. Sampling and logging program.
 - 6. Reclamation program for mud-pits, sumps, reserve pits, and dikes.
 - 7. Disposal of drilling fluids.
 - 8. Testing the integrity of well casings.
 - 9. Maintenance and repair of roadways significantly impacted by drilling operations, including hydraulic fracturing activities; and
 - 10. Buffers around wells and property line setbacks that are sufficient to protect potentially affected property owners from any noise, light, water, or air pollution resulting from any drilling or hydraulic fracturing operations.
- (g) Procedures for hazard mitigation identified in 3. and 4. above may be included by reference if the operator has already provided such procedures to the Division. The Division also may request such additional information as it deems necessary.
- (h) A bond, or undertaking, in the amount specified below in Table I for each proposed well. Such bond shall be executed by the operator as principal, and by a surety approved to do business in this State, and shall be payable to the State of Georgia Department of Natural Resources. The bond shall be conditioned to secure the faithful performance of all requirements of the Act, these Rules and Regulations and permit conditions. (The correct legal name and address of the principal and the surety shall be set forth on the bond, which shall be countersigned by the Georgia agent of such surety, who shall also set forth the correct legal name and address of such agent). In the event of a failure by the operator to fully comply with the Act, Rules and Regulations or permit conditions, said bond shall be forfeited and the Division shall expend the proceeds of the bond

to fulfill the operator's responsibilities so as to protect the State and its citizens from any injury which may result from such failure. The bond shall remain in effect for a period of two years after said well is plugged and properly abandoned, two years after receipt by the Director of a properly completed "Well Completion Report" as described in [391-3-13-.15](#), or two years from the date of receipt of all data and reports required by these Rules, whichever occurs last. As an alternate to a bond an irrevocable letter of credit may be issued provided the irrevocable letter of credit is acceptable to the Division and the irrevocable letter of credit is issued to the State by a bank domiciled in the State of Georgia.

TABLE I

Permit Depth	Amount of Bond
Less than 5,000 feet	\$20,000
5,000 to 10,000 feet	\$40,000
10,000 to 15,000 feet	\$60,000
Over 15,000 feet	\$80,000

A lesser amount of a bond or an irrevocable letter of credit may be proposed if the applicant can document that a lesser amount is appropriate in accordance with requirements in the Oil and Gas Exploration and Production Well, Deep Mineral Exploration and Production Well, and Deep Fresh Water Production Well Permitting Checklist.

- (i) In the event the owner or operator wishes to keep the well open for additional testing after drilling rig removal. The Director may require that an additional bond in the amount of \$25,000 be furnished, subject to the same terms and conditions as the initial bond. Also, if the operator plans to drill multiple wells and can demonstrate to the satisfaction of the Director that the operator has adequate financial resources to cover all plugging and abandonment costs, and the cost for restoration and reclamation of the well site, a blanket bond in the amount of \$100,000 may be substituted. This blanket bond shall be subject to the same terms and conditions as the aforementioned individual well bond. The Director may require that the blanket bond not be applicable for any well left open after rig removal.
- (j) In addition to the above requirements, for those operations that will be conducting hydraulic fracturing, the following information is also required in the permit application:
 - 1. The location of the well proposed to be fractured and the route of any directional borehole to the end point of such borehole;

2. A brief description of the project, including information regarding the sources of water to be used as base fluid and estimated amounts and methods of waste-water disposal;
 3. The identification of ground-water sources within one-half mile of any proposed wellhead and within one-half mile along the route of any directional borehole to the end point of such borehole, and for ground-water quality monitoring before, during, and after drilling operations;
 4. A comprehensive groundwater monitoring plan in the vicinity of the oil or gas borehole, in nearby drinking water aquifers, and at public and private water supply wells, as detailed in the Narratives section of the Oil and Gas Exploration and Production Well, Deep Mineral Exploration and Production Well, and Deep Fresh Water Production Well Permitting Checklist;
 5. Disclosure of the chemicals in the fluids used in the hydraulic fracturing process, a copy of which shall also be submitted to the Commissioner of Public Health;
 6. A description of the provisions for the safe disposal of all hydraulic fracturing fluids; and
 7. A description of the provisions for the restoration and reclamation of abandoned well sites, storage facility sites, pits, and access roads.
- (2) Any operator applying for a permit to drill a directionally controlled well shall fulfill the prescribed requirements of (1) of this paragraph. In addition, the survey plat must show the proposed bottom hole location and the surface location. In the event an operator, in good faith, commences and proceeds with the drilling of a straight well and thereafter decides to deviate the well directionally, he may do so by first notifying the Director by telephone, secondly confirming in writing the fact thereof, and thirdly complying with the provisions governing intentionally deviated wells as hereinabove provided.
- (3) The Director shall, within 30 days after the receipt of a properly completed application from any person desiring to drill a well covered by this part, issue a public notice for the permit application by posting such notice to the Division website and by sending such notice via mail or e-mail to any persons who have requested notification of permit applications from the Division.
- (a) The Director shall allow for a 30 day public comment period to begin running from the date the public notice is posted on the Division website.
 - (b) The permit applicant shall provide public notice of the proposed well to property owners and residents who may be impacted by the issuance of the permit within ten days of the date of the public notice issued by the Director by, at a minimum:

1. Posting the public notice along the road nearest to the proposed well
 2. Providing the public notice to all persons owning real property within one-half mile of the proposed wellhead and within one-half mile along the route of any directional borehole and any residence that has any drinking water wells within one-half mile of the proposed wellhead and within one-half mile along the route of any directional borehole
 3. Publishing the public notice in at least one legal organ in the county where the well will be located
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- (4) After considering the permit application, the Director shall either issue or deny a permit for the well. The Director shall notify the public of the final permit decision via mail or e-mail to any persons who have requested notification of permit application from the Division.
 - (5) Drilling or re-entry shall not begin until a permit is issued. Permits shall expire one (1) year from the date of issuance if spudding operations in connection with the proposed well have not begun.
 - (6) Noncompliance with any provision of the Act, these Rules and Regulations, or any permit condition shall be grounds for the revocation, suspension or modification of any permit.
 - (7) Every person acting as an operator or agent for an operator or independently engaged in the production of or drilling for oil, condensate, or gas shall file with the Director an "Organization Report," on forms obtained from the Division. The "Organization Report" shall contain the following information: the name, telephone number, post office address of such person; the exact legal name under which such person or businesses is being operated or conducted; the exact corporate name, if such is incorporated, and the place of incorporation of such corporation; the business or businesses in which the person is typically engaged; the names and post office addresses of all other persons acting as trustee, together with the names and post office addresses of the manager, agent, or executives thereof, as well as the names and post office addresses of principal officers thereof. When a business is conducted under an assumed name, as a partnership or a sole proprietorship, the "Organization Report" shall show the names and post office addresses of all owners or partners in addition to the other information herein required. Should any change occur as to facts stated in the filed report prior to bond termination, a revised "Organization Report" shall be filed with the Director within thirty (30) days of such change.
 - (8) An operator may request modification of any permit condition. Such request must be in writing and properly documented. The Director may grant such modification if he is satisfied that the request is justified and if the modification will allow the operator to remain in compliance with Act and these Rules and Regulations.

- (9) Within ten (10) days after permit approval, the operator shall give written notice to the land-owner or tenant occupying the land of the operator's intent to drill and general schedule.

Cite as Ga. Comp. R. & Regs. R. 391-3-13-.04

Authority: O.C.G.A. § 12-4-2, *et seq.*, as amended.

History. Original Rule entitled "Well Permit" was filed on December 23, 1981; effective January 12, 1982.

Amended: F. July 15, 2019; eff. August 4, 2019.

Rule 391-3-13-.05. Spacing of Wells.

- (1) The spacing of wells in proven oil and/or gas fields or in areas that Board may designate, shall be governed by special rules for that particular field or area, adopted after due notice and public hearing.
- (2) Wells drilled in areas not covered by special rules shall be drilled a minimum of 330 feet or other distance, determined by the Director to provide an adequate safety buffer to the public, from any lease boundary, property line, dwelling, place of public gathering or producing oil or gas well. The applicant for a permit to drill such a well shall demonstrate to the Director that the application has available for assignment to said well, leases or acreage of area and size to constitute a reasonable producing unit for such well. Oil wells drilled in areas not covered by special rules shall be drilled on a drilling unit consisting of forty (40) surface contiguous acres. The well shall be located 330 feet from the exterior boundary of the drilling unit and at least 660 feet from the every other well drilling to or producing from, or for which a permit shall have been granted to drill to the same pool. Gas wells drilled in areas not covered by special rules shall be drilled on a drilling unit consisting of one hundred sixty (160) surface contiguous acres. The well shall be located 660 feet from the exterior boundary of the drilling unit and at least 1867 feet from every other well drilling to or producing from, or for which a permit shall have been granted to drill to the same pool.

Cite as Ga. Comp. R. & Regs. R. 391-3-13-.05

Authority: Oil and Deep Drilling Act of 1975, p. 966 *et seq.*, as amended; Ga. L. 1976, p. 544 *et seq.*

History. Original Rule entitled "Spacing of Wells" was filed on December 23, 1981; effective January 12, 1982.

Rule 391-3-13-.06. Establishment of the Drilling Units and Operation Units.

After discovery of an oil and gas pool and for the prevention of waste, to avoid the drilling of an excessive number of wells and to assure the ultimate maximum recovery of gas or oil, the Director shall, after due investigation and a hearing, establish drilling and/or operation units. The Director also, after investigation and a hearing, shall make such special orders as will give to each producer the opportunity to use his or her just and equitable share of the maximum reservoir energy of any pool.

Cite as Ga. Comp. R. & Regs. R. 391-3-13-.06

Authority: O.C.G.A. § 12-4-2, et seq., as amended.

History. Original Rule entitled "Establishment of Drilling Units and Operation Units" was filed on December 23, 1981; effective January 12, 1982.

Amended: F. July 15, 2019; eff. August 4, 2019.

Rule 391-3-13-.07. Determining and Naming Fields and Pools.

Oil and Gas fields and pools shall be classified as to common sources of supply from which they produce and such sources shall be determined and named by the Director. In naming fields, reference shall be given to common usage and geographic names. Separate pools within the same field shall be named according to the producing formation.

Cite as Ga. Comp. R. & Regs. R. 391-3-13-.07

Authority: O.C.G.A. § 12-4-2, et seq., as amended.

History. Original Rule entitled "Determining and Naming Fields and Pools" was filed on December 23, 1981; effective January 12, 1982.

Amended: F. July 15, 2019; eff. August 4, 2019.

Rule 391-3-13-.08. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-3-13-.08

Authority: O.C.G.A. § 12-4-2, et seq., as amended.

History. Original Rule entitled "Access of Department Agents" was filed on December 23, 1981; effective January 12, 1982.

Repealed: F. July 15, 2019; eff. August 4, 2019.

Rule 391-3-13-.09. Change of Operator.

- (1) Any person or persons wishing to become the new operator of a well or wells must submit to the Director for his or her approval a request for a change of operator accompanied by the following if not previously filed:
 - (a) A properly completed and notarized "Affidavit of Ownership or Control" of said well or wells.
 - (b) A properly completed "Organization Report," on form obtained from the Division.
 - (c) A bond, or undertaking, in full and complete compliance with subparagraph [391-3-13-.04\(1\)\(h\)](#) of these Rules, if such requirement has not been fulfilled previously.
 - (d) A notarized letter from the present operator requesting the Director to approve the applicant as the new operator of such well.

- (2) The request for Change of Operator will be reviewed by the Director, who shall approve or deny the change within thirty (30) days of receipt of the above items. If a change of operator is denied, the application may request a hearing, if such request is in writing and made within thirty (30) days of the denial of the permit.

Cite as Ga. Comp. R. & Regs. R. 391-3-13-.09

Authority: O.C.G.A. § 12-4-2, et seq., as amended.

History. Original Rule entitled "Change of Operator" was filed on December 23, 1981; effective January 12, 1982.

Amended: F. July 15, 2019; eff. August 4, 2019.

Rule 391-3-13-.10. Drilling.

- (1) Identification of wells. The operator of any well shall paint or stencil and post and keep posted in a conspicuous place near the well, the name of the operator, the name of the lease or property owner, the number of the well and the number of the permit for the well. The identification shall be posted before spudding or re-entry and shall remain posted until the well is properly plugged and the location is restored to a condition satisfactory to the Director. In the event of a change of operator, well name or number, a new sign reflecting the change shall be posted.
- (2) Notices of activities. The Director shall be notified by telephone no less than twenty-four (24) hours (or other time-period acceptable to the Director) prior to performing any one or more of the following activities:
 - (a) spudding;
 - (b) setting casing;
 - (c) electrical or geophysical logging;
 - (d) drill-steam testing;
 - (e) removing drilling rig;
 - (f) perforating;
 - (g) plugging; or,
 - (h) any other activity the Director may designate.
- (3) Prior notification to performing the aforesaid activities shall be to allow the Director to send a duly authorized representative to the location to witness the activity at the specified time, if the Director deems necessary.
- (4) Control of wells. The operator shall take all necessary precautions to keep all wells under control at all times, shall utilize only contractors or employees trained and competent to

drill and operate such wells, and shall utilize and maintain materials and high-pressure fittings and equipment necessary to insure the safety of operating conditions and procedures. The design of integrated casing, cementing, drilling mud and blow-out prevention programs shall be based upon sound engineering principles and must take into account the depths at which various fluid or mineral-bearing formations are expected to be penetrated, the formation fractures gradients and pressures expected to be encountered, and other pertinent geologic and engineering data and information about the area.

- (5) Notification of fire, leaks, or blow-outs. The operator shall immediately notify the Director by phone giving full details concerning all fires, leaks or blow-outs which occur at such wells. Drillers shall take immediate action to control fires, leaks or blow-outs as appropriate.
- (6) Well record. During the drilling of every well, the owner, operator, contractor, driller, or other persons responsible for the conduct of drilling operations, shall keep at the well a detailed and accurate record available to the Division and its agents at all times. Pertinent information from such records shall be recorded on a "Well Information Form" obtained from the Division. The "Well Information Form" shall be furnished to the Director within forty-five (45) days after removal of the rig from the well site and will describe progressively the general lithology of strata, water and oil or gas encountered as well as such additional information as to abnormal pressure, zones of lost circulation, caving strata, casing record, and other information as are usually recorded in the normal procedure of drilling. The "Well Information Form" shall be held in confidence as described in paragraph (9) below.
- (7) Electrical, Geophysical and Other Logs.
 - (a) A record of all electrical, sonic, radioactivity, mud, and mechanical logging or surveying of the well shall be maintained and two copies furnished to the Director within forty-five (45) days after completion. Field prints of logs necessary to determine fresh water-salt water interfaces and, if appropriate, integrity of cement to casing must be available to the Division's agent at Oil well site.
 - (b) To assure the protection of fresh surface-water and ground-water zones, the Division shall have the authority to require and/or perform geophysical logging at any time during the drilling provided:
 1. Hole conditions allow such logging;
 2. The operator does not intend or has not scheduled to perform spontaneous potential-resistivity type logs of sufficient accuracy to identify the fresh water-salt water interface.
 - (c) The Division will not perform any logging where the operator has performed logging adequate for identifying the fresh water-salt water interface. If the Division performs the logging of any well, the owner or operator shall prepare and provide full access to the well and assist the Division as necessary until the

logging is completed. If the owner or operator is requested to conduct logging, such logging shall be at the owner or operator's expense. Two copies of all geophysical logs obtained by the Division shall be supplied to the owner of the well within (30) days. All geophysical logs obtained by the Division shall be held in confidence as provided in paragraph (9) of this paragraph.

- (8) Samples: Each operator shall file with the Director a complete set of cuttings or cores correctly labeled and identified as to depth, not later than thirty (30) days for cuttings and ninety (90) days for core splits after completion of the well. Cuttings shall be collected at 30 foot intervals from a depth of 500 feet to the total depth drilled. Cuttings are not required for the uppermost 500 feet. Missing intervals shall be noted and the reasons for the missing samples shall be described. Side-wall cores need not be submitted as long as written descriptions are filed within forty-five (45) days after completion of the well.
- (9) Confidentiality. If an applicant or an operator believes that information contained in their application or that is generated as a result of their operation and that must be submitted to the Division to comply with these rules, is protected under Georgia law from disclosure to the public, they must comply with the Division's June 2015 Procedures for Submitting Information Pursuant to a Claim that Information in the Submittal is Protected Under Georgia Law from Disclosure to the Public or any updates or substitution to such procedures.
- (10) Protection of fresh surface-water and ground-water supplies. All fresh water shall be confined to its respective strata and shall be adequately protected. Special precautions identified in paragraphs (11), (12), (13), (14), and (15) and rule [391-3-13-.12](#) shall be taken in drilling and abandoning of wells to guard against any loss of fresh water or contamination of fresh surface-water or ground-water supplies by oil, condensate, gas, salt-water, or other contaminants.
- (11) Mud pits, sumps, reserve pits and dikes.
 - (a) Before commencing to drill, properly maintained mud pits, sumps, reserve pits or tanks of sufficient size to receive and contain the maximum volume of drilling fluid anticipated at the surface shall be constructed, and thereafter maintained, for the reception of such materials.
 - (b) After a well is completed or abandoned, all fluids, and recoverable slurry that remain in all pits, sumps, and tanks shall be safely returned to the well on location, or removed and disposed of, as approved by the Director. All mud pits, sumps, reserve pits and dikes shall be backfilled with earth or graded and compacted in such a manner as to be returned to a nearly natural state.
- (12) Casing.
 - (a) The operator shall case and cement all wells with a sufficient number of strings of high-quality casing, without leaks, in a manner necessary to:

1. prevent release of fluids from any stratum through the well bore (directly or indirectly) into the ground waters or onto the surface, except into pits or tanks provided for this purpose;
 2. prevent communication between separate hydrocarbon bearing strata (except where such strata have been approved for commingling) and between hydrocarbon and water-bearing strata;
 3. prevent contamination of fresh-water strata;
 4. support unconsolidated sediments; and,
 5. otherwise provide a means to control formation pressures and fluids.
- (b) The operator shall install such casing necessary to withstand collapse, bursting, tensility, and other stresses and the casing shall be cemented in a manner which supports the casing. Safety factors in casing program design shall be of sufficient magnitude to provide optimum well control while drilling and to assure safe operations for the life of the well.
- (c) Determination of proper casing-setting depths shall be based upon all geologic factors including the presence or absence of hydrocarbons and fresh-water depths on a well-for-well basis.
- (d) Surface casing shall be new or reconditioned pipe that, to the satisfaction of the Director, has been tested, inspected and certified to verify a good usable condition. Surface casing shall be set at a depth and cemented in a manner necessary to protect all fresh-water aquifers and provide well control until the next string of casing is set. Surface casing shall be cemented with a volume sufficient to fill the annular space from the casing shoe to the surface, plus 10 percent. Cement shall be added from the bottom upward. All cement shall be allowed to set for 12 hours before the cement plug is drilled or test initiated. If cement returns are not received at the surface or returns are lost while circulating, remedial cementing at the surface will be done by running a minimum of 100 feet of small diameter pipe in the annular space bringing cement to the surface. Also if circulation is lost during cementing operations, the Director may require that a temperature or cement bond log be run to determine whether the casing is properly cemented.
- (e) Production casing shall be set before completing well for production, and such casing shall be new pipe or reconditioned pipe that to the satisfaction of the Director has been tested, inspected, and certified to verify good usable condition. It shall be cemented in a manner necessary to cover or isolate all zones which contain hydrocarbons, but in case, a calculated volume sufficient to fill the annular space at least 500 feet above the uppermost producible hydrocarbon zone

must be used. After the cement has set and before drilling the plug, the casing or a maximum test of 1500 pounds per square inch. Whenever the pressure drops ten (10) percent in thirty (30) minutes, the casing will be deemed inadequate and shall be repaired and retested until the requirements thereof are met.

- (13) Blow-out prevention. Adequate blow-out preventers and high pressure fittings for keeping the well control shall be attached to properly anchored and cemented casing strings. The blow-out preventers must meet the approval of the Director and shall be tested regularly and the results recorded in the driller's log. Agents of the Division may require that the blow-out preventers be tested at any reasonable time during operations provided such testing does not result in creating a hazardous condition.
- (14) Control of formation pressures. The operator shall continuously maintain in the hole, from top to bottom, good drilling fluid of sufficient weight to control any formation pressures which may be encountered. In the event of lost-circulation, the operator will immediately notify the Director and make provisions to restore circulation either by casing-off the affected zone, increasing mud viscosity, or other techniques acceptable to the Director. The aforementioned drilling fluid requirements shall in no way be construed to preclude other drilling techniques. Air drilling, flame drilling, electric-arc drilling, plasma jet drilling, laser beams, and erosion drilling are permitted, provided, however, that the operator uses other appropriate methods approved by the Director to control any pressures which may be encountered.
- (15) Directional drilling. All wells must be drilled with due diligence to maintain a reasonably vertical well bore; however, a well may be intentionally deviated and directionally controlled, provided that the location of the deviated well at total depth of the well is in compliance with the applicable spacing rules and the requirements of paragraph (3) above are met.

Cite as Ga. Comp. R. & Regs. R. 391-3-13-.10

Authority: O.C.G.A. § 12-4-2, et seq., as amended.

History. Original Rule entitled "Drilling" was filed on December 23, 1981; effective January 12, 1982.

Amended: F. July 15, 2019; eff. August 4, 2019.

Rule 391-3-13-.11. Shooting, Perforating, Chemical Treatment, Fracturing, or Hydraulic Fracturing of Wells.

Wells should not be shot, perforated, chemically treated, fractured, or hydraulically fractured until the Director is notified. Each well shall be treated, fractured, or hydraulically fractured in such manner as will not cause injury to the formation, or result in water encroachment into any oil or gas formation. Necessary precautions shall be taken to prevent injury to the casing. Routine chemical treatments for corrosion control shall be excluded from this notice requirement. If chemical treating, fracturing, or hydraulically fracturing results in irreparable

injury to the well or to the oil or gas information, the Director may issue emergency orders for the well to be properly plugged and abandoned.

Cite as Ga. Comp. R. & Regs. R. 391-3-13-.11

Authority: O.C.G.A. § 12-4-2, et seq., as amended.

History. Original Rule entitled "Shooting, Perforating, Chemical Treatment or Fracturing of Wells" was filed on December 23, 1981; effective January 12, 1982.

Amended: New title "Shooting, Perforating, Chemical Treatment, Fracturing, or Hydraulic Fracturing of Wells." F. July 15, 2019; eff. August 4, 2019.

Rule 391-3-13-.12. Plugging.

- (1) The owner or operator may keep a well open for additional testing after removal of the drilling rig, if the written approval of the Director is first obtained, and by demonstrating to the satisfaction of the Director that (a) the open well is constructed so as to assure that fresh water aquifers are protected from intraformational migration of fluids through the bore hole and (b) that the operator has adequate and readily available financial resources to plug the well.
- (2) The owner or operator of any well shall be responsible for the plugging of any well after said well is abandoned, utilizing the services of a well cementing contractor. Any well declared abandoned by the Director shall be plugged within sixty (60) days by the operator, or the surety bond will be forfeited to the Division.
- (3) Before any work is commenced to plug any well, the owner or operator thereof shall give 24-hours notice to the Director of this intent. Upon notification, the Division may send duly authorized representatives to the location at the time specified to witness the plugging of such well.
- (4) The methods and procedure for plugging a well shall be as follows;
 - (a) Each oil or gas producing formation shall be sealed with a cement plug which extends not less than 100 feet above the producing formations nor less than 100 feet below the producing formations. The Director may allow a bridge plug with a minimum of 10 feet of cement on top to be placed immediately above each perforated horizon in cased holes.
 - (b) A cement plug of appropriate ingredients not less than 150 feet in length shall be placed at the base of all fresh water bearing strata unless the strata are protected by properly cemented surface casing. Where the natural contact between fresh and salt ground waters is transitional the cement plug shall be such length to extend at least 50 feet above and below the transition zone.
 - (c) A cement plug not less than 200 feet in length shall be placed 100 feet above to 100 feet below the base of the surface casing. This plug may be omitted if this interval is protected by smaller diameter casing which has been properly grouted.

- (d) A 50 foot plug shall be placed near the surface of the ground in each hole to be plugged in such a manner as not to interfere with soil cultivation.
- (e) The interval between plugs shall be filled with fluid weighing not less than nine and one-half (9.5) pounds per gallon.
- (f) Additional cement plugs not specified above may required by the Director at other locations so as to prevent the commingling of oil, gas, salt, water, and fresh water from one formation to another.
- (g) Other plugging methods may be used provided written approval is obtained from the Director.
- (h) When a well to be plugged may be used safely as a fresh water well and such utilization is desired by the land or surface owner, the well need not be filled above the required sealing plug set at the base of fresh water, provided the land or surface owner agrees in writing to the Director to take full responsibility for the well, including correcting any plugging defects that result in the migration of salty water or oil or gas through the well, and to comply fully with all laws and rules and provided written approval is obtained from the Director.
- (j) When a well to be plugged may be safely used as a ground water monitoring well by the Division, the well need not be filled above the required sealing plug set at the base of fresh water; provided the owner will permit the Division access to the well for testing purposes.

Cite as Ga. Comp. R. & Regs. R. 391-3-13-.12

Authority: O.C.G.A. § 12-4-2, et seq., as amended.

History. Original Rule entitled "Plugging" was filed on December 23, 1981; effective January 12, 1982.

Amended: F. Nov. 24, 1992; eff. Dec. 14, 1992.

Amended: F. July 15, 2019; eff. August 4, 2019.

Rule 391-3-13-.13. Notice of Rig Removal.

The Director shall be notified before any drilling rig is removed from any unplugged well, and permission must be granted by the Director for such removal. The Director may stipulate special protective measures to be taken before granting permission to remove a drilling rig, including but not limited to, the temporary plugging of the well, requiring monthly inspections of the well by an engineer or geologist registered to practice in Georgia, and proper restoration and reclamation of the well site. If, in the judgment of the Director, the well poses a hazard to health of the public or the environment, the Director may issue emergency orders for the well to be properly plugged and abandoned.

Cite as Ga. Comp. R. & Regs. R. 391-3-13-.13

Authority: O.C.G.A. § 12-4-2, et seq., as amended.

History. Original Rule entitled "Notice of Rig Removal" was filed on December 23, 1981; effective January 12, 1982.

Amended: F. Nov. 24, 1992; eff. Dec. 14, 1992.

Amended: F. July 15, 2019; eff. August 4, 2019.

Rule 391-3-13-.14. Production Well.

- (1) Before any mineral well can be initially tested for production the operator must notify the Director. The test may be witnessed by a representative of the Director and the results filed with the Director within forty-five (45) days such test.
- (2) As described in rule [391-3-13-.11](#) wells shall not be shot, perforated, chemically treated, or fractured until the Director is notified.
- (3) Before any oil or gas well can be brought into production, the operator must apply to the Director for permission to produce. Such application shall include, but not be limited to, a description of the geologic characteristics of the reservoir and safety precautions. The operator also shall describe whether the proposed production will be oil or gas, how waste brines and gases will be disposed, how the oil or gas will be transported from the wellhead, the nature and timing of proposed production, and any additional information so that the Director may investigate and hold hearings for the establishment of drilling and operations units.

Cite as Ga. Comp. R. & Regs. R. 391-3-13-.14

Authority: O.C.G.A. § 12-4-2, *et seq.*, as amended.

History. Original Rule entitled "Production Well" was filed on December 23, 1981; effective January 12, 1982.

Amended: F. July 15, 2019; eff. August 4, 2019.

Rule 391-3-13-.15. Well Completion Report.

A properly completed "Well Completion Report" shall be submitted to the Director within forty-five (45) days of well completion. This report shall include, but not limited to, information pertaining to the well record, well logs, tests conducted, casing installed, plugs installed, and other descriptive information that the Director may require. Such report shall be signed by the operator or his representative, and the operator shall affirm that all provided information is accurate. Within thirty (30) days of receipt of an accurate and properly completed "Well Completion Report" the Director shall notify the operator whether additional measures are necessary in order to safely produce oil or gas or to finally abandon the well.

Cite as Ga. Comp. R. & Regs. R. 391-3-13-.15

Authority: Oil and Gas and Deep Drilling Act of 1975, Ga. L. 1975, p. 966, *et seq.*, as amended; Ga. L. 1976, p. 544 *et seq.*

History. Original Rule entitled "Well Completion Report" was filed on December 23, 1981; effective January 12, 1982.

Rule 391-3-13-.16. Spills.

All spills of oil, petroleum products, salt-water, hydraulic fracturing fluids, flowback, produced water, and other waste water shall be reported and handled in accordance with the Georgia Water Quality Control Act, the Georgia Oil and Gas and Deep Drilling Act of 1975, as amended, and any other applicable federal, state, and municipal laws, ordinances and regulations.

Cite as Ga. Comp. R. & Regs. R. 391-3-13-.16

Authority: O.C.G.A. § 12-4-2, et seq., as amended.

History. Original Rule entitled "Spills" was filed on December 23, 1981; effective January 12, 1982.

Amended: F. July 15, 2019; eff. August 4, 2019.

Rule 391-3-13-.17. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-3-13-.17

Authority: O.C.G.A. § 12-4-2, et seq., as amended.

History. Original Rule entitled "Enforcement" was filed on December 23, 1981; effective January 12, 1982.

Repealed: F. July 15, 2019; eff. August 4, 2019.

Subject 391-3-14. ASBESTOS REMOVAL AND ENCAPSULATION.

Rule 391-3-14-.01. Definitions.

Unless a different meaning is required by the context, the following terms as used in these rules shall have the meaning hereinafter respectively ascribed, except that to the extent terms are not defined in these rules, the Act's definitions control; and provided, that definitions within any subsequent rule, or subdivision thereof, which are expressly made applicable to the rule or subdivision within which they appear, shall apply for purposes of such specific rule or subdivision thereof.

- (a) "Act" means the "Georgia Asbestos Safety Act", O.C.G.A. Section [12-12-1](#) et seq.
- (b) "Asbestos" means any naturally-occurring hydrated mineral silicates separable into commercially used fibers, specifically the asbestiform varieties of serpentine, chrysotile; cummingtonite-grunerite, amosite; riebeckite, crocidolite; anthophyllite; tremolite; and actinolite.
- (c) "Asbestos Supervisor" means any individual who is employed or engaged by a contractor to supervise the removal, encapsulation, cleaning, or disposal of friable asbestos-containing materials.
- (d) "Contractor" means any person who contracts with an owner or operator of a facility or residential dwelling to perform the removal or encapsulation of friable asbestos-

containing material from any such facility or residential dwelling. `Contractor' shall not include any employee of such owner or operator.

- (e) "Department" means the Department of Natural Resources of the State of Georgia.
- (f) "Demolition" means the wrecking or taking out of any load supporting structural members of a facility together with the related handling operations.
- (g) "Director" means the director of the Environmental Protection Division of the Department of Natural Resources of the State of Georgia or his designee.
- (h) "Division" means the Environmental Protection Division of the Department of Natural Resources of the State of Georgia.
- (i) "Emergency Project" means the removal or encapsulation of friable asbestos-containing material from any facility where such activity must be conducted immediately in order to prevent disruption of a commercial or industrial process or activity or destruction of property.
- (j) "Encapsulation" means to coat, bind, or resurface walls, ceilings, pipes or other structures with a sealant to prevent friable asbestos from becoming airborne.
- (k) "Facility" means any institutional, commercial, or industrial structure, installation, or building, including apartment buildings having more than four dwelling units.
- (l) "Friable Asbestos-Containing Material" means any material which is applied onto ceilings, walls, structural members, piping, boilers, tanks, pumps, ductwork or any other part of the building containing more than 1 percent asbestos, by weight, and which when dry may be crumbled, pulverized, or reduced to powder by hand pressure.
- (m) "Outside Air" means the air outside buildings and structures.
- (n) "Person" means any individual, partnership, association, trust, firm, corporation, county, municipality, or other entity, including the state and federal governments.
- (o) "Project" means the removal or encapsulation by a contractor of friable asbestos-containing material from any facility or residential dwelling.
- (p) "Removal" means to take out, strip, clean-up, or dispose of friable or potentially friable asbestos-containing materials from any facility or residential dwelling as defined by this chapter.
- (q) "Residential Dwelling" means any family residence or apartment building with four or fewer dwelling units.
- (r) "Small Project" means any asbestos removal or encapsulation project involving less than 160 square feet or 260 linear feet of friable asbestos-containing materials.

- (s) "Structural Member" means any load supporting member of a facility, such as beams and load supporting walls; or any nonload supporting member, such as ceilings and nonload supporting walls.
- (t) "Visible Emission" means any emissions containing particulate asbestos material that are visually detectable without the aid of instruments. This does not include condensed, uncombined water vapor.

Cite as Ga. Comp. R. & Regs. R. 391-3-14-.01

Authority: The Georgia Asbestos Safety Act, O.C.G.A. Sec. [12-12-1](#)*et seq.*, The Georgia Air Quality Act of 1978, O.C.G.A. Sec. [12-9-1](#)*et seq.*

History. Original Rule entitled "Definitions" was filed on December 9, 1986; effective December 29, 1986.

Amended: F. Jun 3, 1996; eff. June 23, 1996.

Rule 391-3-14-.02. Provisions.

- (1) Standards for Removal and Encapsulation.
 - (a) Standard for Asbestos Emission Control.
 - 1. Each contractor to whom this section applies shall comply with the following procedures to prevent emissions of particulate asbestos material to the outside air:
 - (i) Remove friable asbestos materials from a facility or residential dwelling being demolished or renovated before any wrecking or dismantling that would break up the materials or preclude access to the materials for subsequent removal. However, friable asbestos materials need not be removed before demolition if:
 - (I) they are on a facility or residential dwelling component that is encased in concrete or other similar material; and
 - (II) these materials are adequately wetted whenever exposed during demolition.
 - (ii) When components of a facility or residential dwelling covered or coated with friable asbestos material are being taken out of the facility or residential dwelling as units or in sections:
 - (I) adequately wet any friable asbestos material exposed during cutting or disjointing operators; and
 - (II) carefully lower the units or sections to ground level, not dropping them or throwing them.

- (iii) Adequately wet friable containing asbestos materials when they are being stripped from components of a facility or residential dwelling before the components are removed from the facility or residential dwelling. In removal operations, wetting that would unavoidably damage equipment is not required if the contractor or owner/operator:
 - (I) asks the Director to determine whether wetting to comply with this paragraph would unavoidably damage equipment, and, before beginning to strip, supplies the Director with adequate information to make this determination; and
 - (II) when the Director does not determine that equipment damage would be unavoidable, use a local exhaust ventilation and collection system designed and operated to capture the particulate asbestos containing material produced by the stripping and removal of the friable asbestos containing materials. The system must exhibit no visible emissions to the outside air and must be designed and operated in accordance with the requirements in 391-3-14-.02(1)(c).
- (iv) After components of a facility or residential dwelling have been taken out of the facility or residential dwelling as units or in sections, either:
 - (I) adequately wet friable asbestos containing materials during stripping; or
 - (II) use the local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping. The system must exhibit no visible emissions to the outside air and must be designed in accordance with the requirements of 391-3-14-.02(1)(c).
- (v) For friable asbestos-containing materials that have been removed or stripped:
 - (I) adequately wet the material to insure that they remain wet until they are collected for disposal; and
 - (II) carefully lower the materials to the ground or lower floor, not dropping or throwing them; and

(III) transport the material to the ground by way of dust-tight chutes or containers if they have been removed or stripped more than 50 feet above ground level and were not removed as units or in sections.

(vi) When the temperature at the point of wetting is below 32 degrees F:

(I) comply with the requirements of paragraphs (iv) and (v) of this section. The contractor or owner/operator need not comply with the other wetting requirements in this section; and

(II) remove facility or residential dwelling components coated or covered with friable asbestos-containing materials as units or in sections to the maximum extent possible.

(vii) For facilities or residential dwellings being demolished under order of State or local governmental agencies, issued because the facility or residential dwelling is structurally unsound and in danger of imminent collapse adequately wet the portion of the facility that contains friable asbestos containing material during the wrecking operation.

(b) Standard for Waste Disposal;

1. Each contractor to whom this section applies shall comply with the following procedures:

(i) deposit all asbestos containing waste material at waste disposal sites approved by the Division for disposal of asbestos-containing material; and

(ii) discharge no visible emissions to the outside air during the collection, processing, packaging, transporting or deposition of any asbestos-containing waste material, or use one of the disposal methods as follows:

(I) treat asbestos-containing waste material with water;

I. mix asbestos-containing waste from control devices with water to form a slurry; adequately wet other asbestos-containing waste material; and

- II. discharge no visible emissions to the outside air from collection, mixing and wetting operations, or use the methods specified by 391-3-14-.02(1)(c) to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air; and
 - III. after wetting, seal all asbestos-containing waste material in leak-tight containers while wet; and
 - IV. label the containers as follows: CAUTION!
CONTAINS ASBESTOS -- AVOID OPENING OR
BREAKING CONTAINER. BREATHING
ASBESTOS IS HAZARDOUS TO YOUR HEALTH.
Alternatively, use warning labels specified by
Occupational Safety and Health Standards of the
United States Department of Labor, Occupational
Safety and Health Administration (OSHA) under [29
CFR 1910.1001\(g\)\(2\)\(ii\)](#).
- (II) Use an alternative disposal method that has received prior approval by the Director.

(c) Standard for Air Cleaning:

1. The contractor who elects to use air cleaning shall:
 - (i) use fabric filter collection devices doing all of the following:
 - (I) operating the fabric filter collection devices at a pressure drop of no more than four inches water gauge, as measured across the fabric filter; and
 - (II) ensuring that the air flow permeability, as measured by ASTM Method D 737-75 does not exceed 30ft³/min/ft² for woven fabrics or 35 ft³/min/ft² for felted fabrics; and
 - (III) ensuring that felted fabric weighs at least 14 ounces per square yard and is at least one-sixteenth inch thick throughout;
 - (IV) avoiding the use of synthetic fabrics that contain fill yarn other than that is spun.

- (ii) Properly install, use, operate and maintain all air cleaning equipment. Bypass devices may be used only during upset or emergency conditions and then only for as long as it takes to shut down the operation generating the particulate asbestos material.
 - 2. If the use of fabric creates a fire or explosion hazard, the Director may authorize as a substitute the use of wet collectors designed to operate with a unit contacting energy of at least 40 inches water gauge pressure.
 - 3. The Director may authorize the use of filtering equipment other than described in this paragraph if the contractor demonstrates to the Director's satisfaction that it is equivalent to the described equipment in filtering particulate asbestos material.
- (2) Project Notification: No contractor shall engage in a project prior to notifying the Director of such activities at least seven calendar days prior to commencement of same. Such prior notice need not be provided for an emergency project; however, the contractor shall notify the Director of the activity within seven calendar days after the commencement of such emergency project. The notification shall be made in the manner and form required by the Director and shall be accompanied by a project fee. The notification shall state the location of the project, the owner's name and address, the expected dates on which the project will begin and end and any other information as may be required by the Director. Upon completion of the project, the contractor shall certify to the Director, on forms specified by the Director, that the project was conducted in accordance with the Rules contained in this Chapter.

Cite as Ga. Comp. R. & Regs. R. 391-3-14-.02

Authority: The Georgia Asbestos Safety Act, O.C.G.A. Sec. [12-12-1](#) *et seq.* The Georgia Air Quality Act of 1978, O.C.G.A. Sec. [12-9-1](#) *et seq.*

History. Original Rule entitled "Provisions" was filed on December 9, 1986; effective December 29, 1986.

Rule 391-3-14-.03. Schedule of Project Fees.

A contractor shall remit a fee to the Department of Natural Resources based upon the following formula:

- (a) \$0.10 per square foot of friable asbestos-containing materials plus \$0.10 per linear foot of friable asbestos-containing materials, with a minimum of \$25 for any project; but not to exceed \$50 for any small project or residential dwelling project nor to exceed \$1,000 for any other project.

- (b) Such fee remittance shall be made at least seven calendar days prior to commencement of the project.

Cite as Ga. Comp. R. & Regs. R. 391-3-14-.03

Authority: The Georgia Asbestos Safety Act., O.C.G.A. Sec. [12-12-1](#)*et seq.* The Georgia Air Quality Act of 1978, O.C.G.A. Sec. [12-9-1](#)*et seq.*

History. Original Rule entitled "Schedule of Project Fees" was filed on December 9, 1986; effective December 29, 1986.

Rule 391-3-14-.04. Contractor Licensing.

- (1) From and after July 1, 1996, any contractor shall obtain a license prior to engaging in the removal or encapsulation of friable asbestos-containing materials from any facility or residential dwelling.
- (2) A copy of the license and evidence of satisfactory training shall be available for review by the Division at all projects sites.
- (3) The application for a license or renewal of a license shall be accompanied by an application fee of \$100, and shall be submitted in such manner, and on such forms, as specified by the Director. The application shall include information sufficient to demonstrate:
 - (a) Satisfactory completion of an initial training course or required annual update courses, as applicable, in the removal and abatement of asbestos as described in 391-3-14-.016. The initial training course must have been completed within 48 months prior to submittal of the application;
 - (b) Reliability in performance of general contracting activities;
 - (c) Prior experience in performing asbestos abatement activities as demonstrated through the submission of information that the applicant has successfully completed or supervised three previous asbestos abatement projects;
 - (d) Satisfactory in-use written standard operating procedures for employee respiratory protection, overall work practices, worker and public protection practices, and bulk and air sampling procedures for asbestos abatement activities; and
 - (e) Applicant's competence in the performance of asbestos abatement activities, as documented by:
 - 1. A description of any asbestos abatement activities conducted by the applicant that have been terminated prior to completion including the circumstances of the termination;

2. A list of any contractual penalties that the applicant has paid for breach of or noncompliance with contract specifications for asbestos abatement activities;
 3. Identification of any citations levied against the applicant by any Federal, State or local governmental agencies for violations relating to asbestos abatement;
 4. A description of all legal proceedings, law suits, or claims that have been filed or levied against the applicant for asbestos-related activities;
 5. A training process for applicant's employees in the hazards and procedures of asbestos abatement activities; and
 6. The availability of personal and public protective equipment appropriate to asbestos abatement activity.
- (4) The Director shall license contractors whose qualifications meet or exceed the criteria set forth in this Rule. Any license issued in accordance with this Rule shall be valid for a period of time not to exceed three years. Any contractor holding a valid license on June 30, 1996 shall be considered to hold a valid license until June 30, 1996.

Cite as Ga. Comp. R. & Regs. R. 391-3-14-.04

Authority: The Georgia Asbestos Safety Act, O.C.G.A. Sec. [12-12-1](#) *et seq.*

History. Original Rule entitled "Contractor Licensing" adopted. F. Jun 3, 1996; eff. June 23, 1996.

Rule 391-3-14-.05. Asbestos Supervisor Training.

- (1) From and after July 1, 1996, no person shall be employed as an asbestos supervisor unless that person has satisfactorily completed training in the removal and abatement of asbestos as described in Rule [391-3-14-.06](#).
- (2) Evidence of satisfactory training shall be available for review by the Division at all project sites which are being supervised.

Cite as Ga. Comp. R. & Regs. R. 391-3-14-.05

Authority: The Georgia Asbestos Safety Act, O.C.G.A. Sec. [12-12-1](#) *et seq.*

History. Original Rule entitled "Asbestos Supervisor Training" adopted. F. Jun. 3, 1996; eff. Jun. 23, 1996.

Rule 391-3-14-.06. Asbestos Abatement Training Criteria.

- (1) Contractors and supervisors must have completed initial and annual update courses approved by the Director in supervision of asbestos abatement projects and have satisfactorily completed an examination with a passing grade of at least 70 percent. To be approved, the training shall meet or exceed the following criteria:
 - (a) The initial training course shall consist of 32 hours or more, and provided, at a minimum, information on the following topics:
 1. The physical characteristics of asbestos including fiber size, aerodynamic characteristics and physical appearance;
 2. The health hazards of asbestos including the nature of asbestos related diseases, routes of exposure, dose-response relationships, synergism between cigarette smoking and asbestos exposure, latency period for disease and health basis for standards;
 3. Employee personal protective equipment including the classes and characteristics of respirator types, limitations of respirators, proper selection, inspection, donning, use, maintenance and storage procedures, methods for field testing of the face piece-to-face seal (positive and negative pressure fitting tests), qualitative and quantitative fit testing procedures, variability between field and laboratory protection factors, factors that alter respirator fit (e.g., facial hair), the components of a proper respiratory protection program, selection and use of personal protective clothing, use, storage and handling of launderable clothing, non-slip footwear, gloves, eye-protection and hard hats, procedures and requirements of [29 CFR 1926.58](#) and [29 CFR 1910.134](#), benefits of medical monitoring and employee access to records;
 4. Air monitoring procedures and requirements included under [29 CFR 1926.58](#) including a description of equipment and methods, reasons for air monitoring, types of samples and current standards with proposed changes;
 5. State-of-the-art work practices for asbestos abatement activities including purpose, proper construction and maintenance of barriers and decontamination enclosure systems, posting of warning signs, electrical and ventilation system lock-out, proper working techniques of minimizing fiber release, use of wet methods and surfactants, use of negative pressure ventilation equipment, use of HEPA vacuums and proper clean-up disposal procedures. Work practice requirements as they apply to removal, encapsulation, enclosure and repair shall be discussed individually;
 6. Personal hygiene including entry and exit procedures for the work area, use of showers and prohibition of eating, drinking, smoking and chewing (gum or tobacco) in the work area;

7. Additional safety hazards that may be encountered during abatement activities and how to deal with them including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips and falls confined spaces and noise; and
 8. The requirements, procedures and standards established by:
 - (i) 40 CFR Part 61, Subpart M; and
 - (ii) 40 CFR Part 763, Subpart E.
- (b) The annual update course shall consist of 8 hours or more and at a minimum, adequately review the topics in subsection (a), update information on state-of-the-art procedures and equipment and review regulatory changes and interpretations. Such training shall have been completed within 12 months of completion of previous training.
2. Approval of initial and update courses.
- (a) Any person responsible for conducting asbestos abatement training and examination who has received approval from the State of Georgia for such training and examination prior to April 1, 1996 shall be considered to have approval from the Director under these Rules and Regulations.
 - (b) After April 1, 1996, persons responsible for conducting asbestos abatement training and examination shall submit adequate documentation of the course content and coverage, as well as examination practices, to enable the Director to determine that the course meets the requirements of their Rule. Approval will be granted by a letter from the Director, with any conditions or term limits deemed appropriate by the Director.

Cite as Ga. Comp. R. & Regs. R. 391-3-14-.06

Authority: The Georgia Asbestos Safety Act, O.C.G.A. Sec. [12-12-1](#) *et seq.*

History. Original Rule entitled "Asbestos Abatement Training Criteria" adopted. F. Jun 3, 1996; eff. June 23, 1996.

Rule 391-3-14-.07. Licensing By Reciprocity.

- (1) Any person requesting licensing by reciprocity shall complete and submit an approved application form, together with a copy of the applicant's valid license or certificate or equivalent issued by another State, territory or possession of the United States.

- (2) Reciprocity privileges are granted to contractors or asbestos foremen holding valid licenses or certificates from outside the State of Georgia only when the standards of such licenses are not less than those in Georgia, and reciprocity privileges are granted to licensed contractors of Georgia.

Cite as Ga. Comp. R. & Regs. R. 391-3-14-.07

Authority: The Georgia Asbestos Safety Act, O.C.G.A. Sec. [12-12-1](#)*et seq.*

History. Original Rule entitled "Licensing By Reciprocity" adopted. F. Jun. 3, 1996; eff. Jun. 23, 1996.

Rule 391-3-14-.08. Refusal, Suspension and Revocation of License.

- (1) The Director may refuse to grant a license to an applicant or may revoke or suspend the license of a person licensed upon a finding that the licensee or applicant has:
 - (a) Made any false statement or given any false information in connection with an application for license, including an application for renewal thereof;
 - (b) Violated the Act or violated any rule or regulation promulgated pursuant to the authority contained in the Act; or
 - (c) Failed to demonstrate the qualifications or standards for licensure contained in this Chapter, It shall be incumbent upon the applicant to demonstrate to the satisfaction of the Director that he meets all the requirements for licensure; and, if the Director is not satisfied as to the applicant's qualifications, he shall have the power to deny such licensure.
- (2) Review of a decision of the Director under this Chapter shall be in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedures Act."

Cite as Ga. Comp. R. & Regs. R. 391-3-14-.08

Authority: The Georgia Asbestos Safety Act, O.C.G.A. Sec. [12-12-1](#)*et seq.*

History. Original Rule entitled "Refusal Suspension and Revocation of License" adopted. F. Jun. 3, 1996; eff. Jun. 23, 1996.

Rule 391-3-14-.09. Exemptions.

- (1) Any person who is licensed under Chapter 14 of Title 43 shall be exempt from the licensing and training requirements of this Chapter when performing asbestos removal or installation which is incidental to the performance of the business or profession for which said person is licensed and when the project involved includes less than:
 - (a) Ten continuous linear feet of material constructed of asbestos; or

- (b) Ten square feet of material constructed of asbestos.
- (2) Any project involving less than the amounts in (1)(a) or (1)(b) above shall be exempt from the project notification required by the Rule [391-3-14-.02\(2\)](#) and the project fee required by Rule [391-3-14-.03](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-14-.09

Authority: The Georgia Asbestos Safety Act, O.C.G.A. Sec. [12-12-1](#)*et seq.*

History. Original Rule entitled "Exemptions" adopted. F. Jun 3, 1996; eff. June 23, 1996.

Rule 391-3-14-.10. Enforcement.

The Administration of the enforcement of these Rules and Regulations shall be as prescribed in the Georgia Asbestos Safety Act, O.C.G.A. Section [12-12-1](#)*et seq.* and in compliance with the applicable minimal requirements as described by the Georgia Administrative Procedures Act, O.C.G.A. [50-13-1](#)*et seq.*

Cite as Ga. Comp. R. & Regs. R. 391-3-14-.10

Authority: The Georgia Asbestos Safety Act, O.C.G.A. Sec. [12-12-1](#)*et seq.*

History. Original Rule entitled "Enforcement" adopted. F. Jun 3, 1996; eff. June 23, 1996.

Subject 391-3-15. UNDERGROUND STORAGE TANK MANAGEMENT.

Rule 391-3-15-.01. General Provisions.

- (1) **Purpose.** These Rules and Regulations (Rules) are promulgated for the purpose of protecting and enhancing the quality of Georgia's environment and of protecting the public health, safety, and well-being of its citizens and of instituting and maintaining a comprehensive Statewide program for the management of regulated substances stored in underground tanks.
- (2) **Authority**
 - (a) These Rules are issued under the authority of the Georgia Underground Storage Tank Act (GUSTA), Official Code of Georgia Annotated (O.C.G.A.) § [12-13-1](#)*et seq.* (1988), as amended.
 - (b) The Director of the Environmental Protection Division (Director) or his authorized representative or an authorized contractor or agent of the Department upon presentation of his credentials, shall have a right to enter upon, into or through premises of persons subject to GUSTA, or premises whereon a violation of GUSTA or these Rules is reasonably believed to be occurring or causing impact or is reasonably believed to be about to occur or cause impact. The Director or his

authorized representative shall have the right to investigate, take samples, copy all records relating to underground storage tanks, and inspect in accordance with the following purposes:

1. to determine whether any person subject to the requirements of GUSTA is in compliance with these Rules;
 2. to investigate conditions relating to underground storage tanks (UST) or UST management practices where the Director is in possession of information sufficient to form a reasonable belief that a violation of GUSTA or these Rules is occurring or is about to occur; or
 3. to determine whether there has been a violation of any of the provisions of GUSTA or these Rules, or any permit or order issued pursuant to GUSTA and these Rules.
- (c) In the event any person does not consent to an inspection or investigation, the Director or his authorized representative may seek to obtain a warrant authorizing the inspection or investigation pursuant to O.C.G.A. § [12-13-8\(b\)](#) and § [12-2-2\(d\)](#).
- (d) EPD or its contractors may enter upon the property of the owner or operator, at such time and in such manner as deemed necessary, to effectuate the necessary corrective action to protect health and the environment.
- (e) The Director, an authorized employee of the Department, or an authorized contractor or agent of the Department, upon presentation of his or her credentials, shall have a right to enter upon, to, or through premises of persons subject to GUSTA or premises whereon a release of a regulated substance in violation of GUSTA or the rules and regulations adopted pursuant to GUSTA is reasonably believed to be occurring or is reasonably believed to have previously occurred to investigate, take samples, copy all records relating to storage of regulated substances in underground storage tanks, and inspect for compliance with the requirements imposed under GUSTA or these Rules, or any permit or order issued pursuant to GUSTA or these Rules in order to determine whether such a current release or past release exists and to conduct appropriate corrective action for any release which may currently exist or may have existed.

(3) Reference.

- (a) Any reference in these Rules to standards, procedures, and requirements of Title 40 of the Code of Federal Regulations (40 CFR) Part 280 shall constitute the full adoption by reference of the Part, Subpart, and Paragraph so referenced including any notes and appendices as may be associated, as amended through July 15, 2015, unless otherwise stated.

- (b) When used in any such provisions as may be adopted from 40 CFR Part 280: implementing agency or state implementing agency shall mean Environmental Protection Division (EPD); and Regional Administrator or Director of the implementing agency shall mean Director of the Environmental Protection Division. Unless specifically indicated otherwise, any reference to implementation by, submissions to, or inspections, investigations or enforcement by the EPA in such Regulations as may be adopted by reference by these Rules shall be construed to mean EPD unless such interpretation would be inconsistent with the intent of the Georgia Underground Storage Tank Act (GUSTA).
- (c) Any reference in 40 CFR Part 280, or in any provisions adopted by reference from 40 CFR Part 280, to EPA forms or reports shall mean EPD forms and reports as may be provided by the Director.

Cite as Ga. Comp. R. & Regs. R. 391-3-15-.01

Authority: O.C.G.A. § [12-13-1](#), et seq.

History. Original Rule entitled "General Provisions" adopted as ER. 391-3-15-0.14-.01. F. July 7, 1988; eff. July 1, 1988.

Amended: Permanent Rule of same title adopted. F. Nov. 4, 1988; eff. Nov. 24, 1988.

Amended: F. Jan. 29, 1990; eff. Feb. 18, 1990.

Amended: F. Aug. 8, 1991; eff. Aug. 28, 1991.

Amended: F. Dec. 17, 1992; eff. Jan. 6, 1993.

Amended: F. Feb. 3, 1995; eff. Feb. 23, 1995.

Amended: F. June 6, 1996; eff. June 26, 1996.

Amended: F. Oct. 9, 2001; eff. Oct. 29, 2001.

Amended: F. Oct. 17, 2017; eff. Nov. 6, 2017.

Rule 391-3-15-.02. UST Exclusions.

[40 CFR 280.10](#) and [280.11](#) are hereby incorporated by reference, except each reference to "October 13, 2015" shall be replaced with "December 15, 2017" and each reference to "October 13, 2018" shall be replaced by "December 15, 2020".

Cite as Ga. Comp. R. & Regs. R. 391-3-15-.02

Authority: O.C.G.A. § [12-13-1](#), et seq.

History. Original Rule entitled "Definitions and Exclusions" adopted as ER. 391-3-15-0.14-.02. F. July 7, 1988; eff. July 1, 1988.

Amended: Permanent Rule of same title adopted. F. Nov. 4, 1988; eff. Nov. 24, 1988.

Amended: Rule retitled "Definitions, UST Exclusions, and UST Deferrals". F. Jan. 29, 1990; eff. Feb. 18, 1990.

Amended: F. Aug. 8, 1991; eff. Aug. 28, 1991.

Amended: F. Dec. 17, 1992; eff. Jan. 6, 1993.

Amended: F. Feb. 3, 1995; eff. Feb. 23, 1995.

Amended: F. June 6, 1996; eff. June 26, 1996.

Amended: F. Oct. 9, 2001; eff. Oct. 29, 2001.

Amended: F. Mar. 18, 2008; eff. Apr. 7, 2008.

Amended: F. Aug. 28, 2009; eff. Sept. 17, 2009.

Amended: New title "UST Exclusions." F. Oct. 17, 2017; eff. Nov. 6, 2017.

Rule 391-3-15-.03. Definitions.

- (1) [40 CFR 280.12](#) is hereby incorporated by reference, with the exception of the definition for "Replace". In addition, the following words or terms shall have the meanings set forth herein when used in these Rules:
- (a) "Controlling interest" means direct or indirect ownership of at least 50 percent of the voting stock of another entity.
 - (b) "Corrective action" means those activities required for response to and cleanup of releases of regulated substances from underground storage tanks, including, but not limited to, initial response, initial abatement measures and site check, initial site characterization, free product removal, investigations for soil and groundwater cleanup, and preparation and implementation of a corrective action plan.
 - (c) "Department" means the Department of Natural Resources of the State of Georgia.
 - (d) "Director" means the Director of the Environmental Protection Division of the Department of Natural Resources.
 - (e) "EPD" means the Environmental Protection Division of the Department of Natural Resources of the State of Georgia.
 - (f) "Federal Act" means the Solid Waste Disposal Act, [42 U.S.C., § 3152](#) et seq., as amended, particularly by the Hazardous and Solid Waste Amendments of 1984, Public Law 98-616, [42 USC, § 6991](#) et seq., as amended by Public Law 99-499, 1986, as further amended by Public Law 109-58, 2005.
 - (g) "Jobber" means anyone who distributes petroleum product from a bulk storage plant to an UST owner or operator, or purchases petroleum product from a terminal for distribution to an UST owner or operator.
 - (h) "Owner" means, in the case of an UST system in use on November 8, 1984, or brought into use or capable of being used after that date, any person who owns an UST system used for or capable of being used for the storage or dispensing of regulated substances and, in the case of any UST system in use before November 8, 1984, but no longer in use or capable of being used on or after November 8, 1984, any person who owned such UST immediately before the discontinuation of its use; provided, however, such term shall not include any person who, without participating in the management of an underground storage tank and otherwise not engaged in petroleum production, refining, and marketing, holds indicia of ownership primarily to protect that person's security interest in the underground storage tank.
 - (i) "Participating owner or operator" means an owner or operator of an UST who participates in the GUST Trust Fund as a financial assurance mechanism.

- (j) "Petroleum" means petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).
- (k) "Petroleum product" means petroleum-based substance comprised of a complex blend of hydrocarbons such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.
- (l) "Plume" means the area of groundwater containing concentrations of petroleum constituents or other regulated substances above Estimated Quantitation Limits as established in Test Methods for Evaluating Solid Waste (United States Environmental Protection Agency, Office of Solid Waste and Emergency Response, SW-846, Third Edition, as revised) or in an alternate method approved by EPD.
- (m) "Release Response" means, in addition to certain corrective action activities, those actions taken as initial response, initial abatement measures and site check, initial site characterization, and free product removal.
- (n) "Replace" means,
 - (1) When referring to an underground storage tank, the removal of an existing UST and the installation of another UST in its place.
 - (2) When referring to piping, the removal and replacement of 25% or more of the existing piping, as measured along an existing piping run between the submersible pump connection for the pressurized pump system or UST surface for suction pump systems to the bottom of the shear valve below the dispenser.
- (o) "Responsibility for" means either the right or authority to close an UST or maintain and repair an UST or take action for compliance with all or part of the requirements of GUSTA and these Rules.
- (p) "Terminal" means a bulk storage facility for storing petroleum products supplied by pipeline or marine vessel.
- (q) "Third party liability" insofar as GUST Trust Fund usage is concerned means liability for bodily injury or property damage caused directly by a release of petroleum products from an underground storage tank; however, it does not include or mean any liability for bodily injury or property damage to the person or property of the owner of the real property on which the USTs are located.
 - 1. As to bodily injury, specific physical bodily injury proximately resulting from exposure, explosion, or fire caused by the presence of a release from a regulated underground storage tank and which is incurred by a person other

than the owner or operator, the landlord of the owner or operator, employees or agent of an owner or operator, or employees or agents of the landlord of an owner or operator; and

2. As to property damage, actual physical damage or damage due to specific loss of normal use of property owned by a person other than either the owner or operator of an underground storage tank from which a release has occurred or the landlord of an owner or operator of the underground storage tank from which a release has occurred.

(r) "Trustee" means the Director of the Environmental Protection Division of the Department of Natural Resources.

Cite as Ga. Comp. R. & Regs. R. 391-3-15-.03

Authority: O.C.G.A. § [12-13-1](#), et seq.

History. Original Rule filed as Emergency Rule 391-3-15-0.14-.03 entitled "Confidentiality Information." Filed July 7, 1988; effective July 1, 1988.

Amended: Permanent Rule of same title adopted. Filed November 4, 1988; effective November 24, 1988.

Amended: F. Jan. 29, 1990; eff. Feb. 18, 1990.

Amended: F. Dec. 17, 1992; eff. Jan. 6, 1993

Amended: New title "Definitions." F. Oct. 17, 2017; eff. Nov. 6, 2017.

Rule 391-3-15-.04. Confidentiality of Information.

- (1) Any records, reports, or information obtained from any person by the Director under these Rules shall be available to the public for inspection and copying at the expense of the person requesting copies, except that upon a showing satisfactory to the Director by any person that any records, reports, or information or any particular part thereof, to which the Director has access under these rules would, if made public, divulge information entitled to protection or confidentiality under GUSTA, the Director shall consider confidential such information or any particular portion thereof in accordance with the purposes of GUSTA. However, such records, reports, documents, or information may be disclosed to officers, employees or authorized representatives of the United States government or the State of Georgia concerned with carrying out the terms of the Federal Act, or when required by any court in any proceedings under the Federal Act or under GUSTA.
- (2) Any claim of confidentiality filed pursuant to this section must be asserted at the time of initial submission of the record, report, or information in question or it shall be deemed waived.
- (3) Any claim of confidentiality filed pursuant to this section must be accompanied by a statement of the legal basis supporting the claim of confidentiality.

Cite as Ga. Comp. R. & Regs. R. 391-3-15-.04

Authority: O.C.G.A. § [12-13-1](#), et seq.

History. Original Rule entitled "Interim Prohibition" adopted as ER. 391-3-15-0.14-.04. F. July 7, 1988; eff. July 1, 1988.

Amended: Permanent Rule of same title adopted. F. Nov. 4, 1988; eff. Nov. 24, 1988.

Amended: Rule retitled "Interim Prohibition for Deferred UST Systems." F. Jan. 29, 1990; eff. Feb. 18, 1990.

Amended: F. Aug. 8, 1991; eff. Aug. 28, 1991.

Amended: F. Dec. 17, 1992; eff. Jan. 6, 1993.

Amended: F. Feb. 3, 1995; eff. Feb. 23, 1995.

Amended: F. June 6, 1996; eff. June 26, 1996.

Amended: F. Oct. 9, 2001; eff. Oct. 29, 2001.

Amended: New title "Confidentiality of Information." F. Oct. 17, 2017; eff. Nov. 6, 2017.

Rule 391-3-15-.05. UST Systems: Design, Construction, Installation and Notification.

- (1) 40 CFR Part 280, Subpart B is hereby incorporated by reference, except for the following:
 - (a) Each reference to "October 13, 2015" shall be replaced by "December 15, 2017".
 - (b) Each reference to "April 11, 2016" shall be replaced by "April 7, 2008".
- (2) For purposes of performance standards for new UST systems, as required in [40 CFR 280.20](#), any tank previously installed and subsequently removed must be recertified by the manufacturer or by an authorized representative of the manufacturer or by a Georgia-registered Professional Engineer and shall comply with the secondary containment requirements in accordance with 391-3-15-.05(1) prior to installation as an UST.
- (3) For purposes of notification of USTs, as required in [40 CFR 280.22](#), owners shall use forms as prescribed by the Director.
- (4) Annual Registration of USTs.
 - (a) The owner or operator of an UST for which notification should have previously been submitted pursuant to O.C.G.A. [12-13-13](#) and which has not been properly closed in accordance with [391-3-15-.11](#), but is in use or capable of being used, shall submit to EPD an UST Registration Form by December 31 of each year.
 - (b) The UST Registration Form shall be submitted by the UST owner for all USTs at all UST facilities on forms furnished by EPD and shall provide such information as may reasonably be required by EPD which, at a minimum, shall include the following:
 1. Name and address of facility at which USTs are located.

2. Name and address of owner and current Class A and Class B operators of USTs at the facility location in 1. immediately above.
 3. Size and identification of USTs at the facility location indicated in 1. above.
 4. Certification that the financial responsibility requirements of Rule [391-3-15-.12](#) have been met, including:
 - (i) the mechanism utilized to provide such financial responsibility; and
 - (ii) if the mechanism is the Georgia Underground Storage Tank Trust Fund, the financial assurance mechanism used for the \$10,000 deductible.
 5. Changes in owners, operators, upgrades, replacement of UST systems and changes in service from either the initial notification form filed or from the last annual notification filed, whichever is later.
 6. Method of leak detection for lines and USTs and verification that leak detection requirements are being met.
 7. Verification that spill and overfill devices and, if applicable, corrosion protection mechanisms are properly installed and operationally functional.
 8. Verification that, as of April 7, 2008, all new or replaced USTs, piping or motor fuel dispensers have been properly installed and meet the secondary containment requirements set forth in 391-3-15-.05(1).
- (c) If an UST is brought into service during the year, an Annual UST Registration Certificate for the facility for the year in which the UST was brought into service shall be issued by EPD after the receipt of the initial notification of USTs, as required under paragraph 391-3-15-.05(1).
- (d) The Annual UST Registration Certificate, as provided by EPD, for each underground storage tank facility shall be conspicuously posted and displayed at each UST facility, an alternate location approved by EPD or a copy of such form shall be provided by the facility to each person placing regulated substances into the UST. It shall be a violation of O.C.G.A. [12-13-5](#) and these Rules to either fail to file an annual UST notification or to fail to conspicuously post and display the Annual UST Registration Certificate at an UST facility or provide a copy such that any person placing regulated substances in an UST can determine that the Annual UST Registration Certificate is current.

- (e) No person may place a regulated substance in a regulated UST unless they have verified that the facility has a valid Annual UST Registration Certificate. Such verification shall be performed by December 31 of each year.

Cite as Ga. Comp. R. & Regs. R. 391-3-15-.05

Authority: O.C.G.A. § [12-13-1](#), et seq.

History. Original Rule entitled "UST Systems: Design, Construction, Installation and Notification" adopted. F. Jan. 29, 1990; eff. Feb. 18, 1990.

Amended: F. Aug. 8, 1991; eff. Aug. 28, 1991.

Amended: F. Dec. 17, 1992; eff. Jan. 6, 1993.

Amended: F. Feb. 3, 1995; eff. Feb. 23, 1995.

Amended: F. June 6, 1996; eff. June 26, 1996.

Amended: F. Oct. 9, 2001; eff. Oct. 29, 2001.

Amended: F. Mar. 18, 2008; eff. Apr. 7, 2008.

Amended: F. Aug. 28, 2009; eff. Sept. 17, 2009.

Amended: F. Oct. 17, 2017; eff. Nov. 6, 2017.

Rule 391-3-15-.06. General Operating Requirements.

- (1) 40 CFR Part 280, Subpart C is hereby incorporated by reference, except for the following:
 - (a) Each reference to "October 13, 2015" shall be replaced with "December 15, 2017".
 - (b) Each reference to "October 13, 2018" shall be replaced by "December 15, 2020".
- (2) All records shall be maintained for a minimum period of thirty-six (36) months, unless a longer period is specified in 40 CFR Part 280.

Cite as Ga. Comp. R. & Regs. R. 391-3-15-.06

Authority: O.C.G.A. § [12-13-1](#), et seq.

History. Original Rule entitled "General Operating Requirements" adopted. F. Jan. 29, 1990; eff. Feb. 18, 1990.

Amended: F. Aug. 8, 1991; eff. Aug. 28, 1991.

Amended: F. Dec. 17, 1992; eff. Jan. 6, 1993.

Amended: F. Feb. 3, 1995; eff. Feb. 23, 1995.

Amended: F. June 6, 1996; eff. June 26, 1996.

Amended: F. Oct. 9, 2001; eff. Oct. 29, 2001.

Amended: F. Mar. 18, 2008; eff. Apr. 7, 2008.

Amended: F. Oct. 17, 2017; eff. Nov. 6, 2017.

Rule 391-3-15-.07. Release Detection.

- (1) 40 CFR Part 280, Subpart D, is hereby incorporated by reference, except for the following:

- (a) Each reference to "October 13, 2015" shall be replaced with "December 15, 2017".
 - (b) Each reference to "October 13, 2018" shall be replaced by "December 15, 2020".
 - (c) Each reference to "April 11, 2016" shall be replaced by "April 7, 2008".
 - (d) The recordkeeping requirements in [40 CFR 280.45](#) shall be conducted in accordance with Rule [391-3-15-.06\(2\)](#).
- (2) Any owner or operator shall, upon request from EPD, certify on forms prescribed by the Director that the UST facility of the owner or operator is in compliance with release detection requirements as promulgated in 40 CFR Part 280, Subpart D.

Cite as Ga. Comp. R. & Regs. R. 391-3-15-.07

Authority: O.C.G.A. § [12-13-1](#), et seq.

History. Original Rule entitled "Release Detection" adopted. F. Jan. 29, 1990; eff. Feb. 18, 1990.

Amended: F. Aug. 8, 1991; eff. Aug. 28, 1991.

Amended: F. Dec. 17, 1992; eff. Jan. 6, 1993.

Amended: F. Feb. 3, 1995; eff. Feb. 23, 1995.

Amended: F. June 6, 1996; eff. June 26, 1996.

Amended: F. Oct. 9, 2001; eff. Oct. 29, 2001.

Amended: F. Mar. 18, 2008; eff. Apr. 7, 2008.

Amended: F. Oct. 17, 2017; eff. Nov. 6, 2017.

Rule 391-3-15-.08. Release Reporting, Investigation, and Confirmation.

40 CFR Part 280, Subpart E is hereby incorporated by reference.

Cite as Ga. Comp. R. & Regs. R. 391-3-15-.08

Authority: O.C.G.A. § [12-13-1](#), et seq.

History. Original Rule entitled "Release Reporting, Investigation and Confirmation" adopted. F. Jan. 29, 1990; eff. Feb. 18, 1990.

Amended: F. Aug. 8, 1991; eff. Aug. 28, 1991.

Amended: F. Dec. 17, 1992; eff. Jan. 6, 1993.

Amended: F. Feb. 3, 1995; eff. Feb. 23, 1995.

Amended: F. June 6, 1996; eff. June 26, 1996.

Amended: F. Oct. 9, 2001; eff. Oct. 29, 2001.

Amended: F. Oct. 17, 2017; eff. Nov. 6, 2017.

Rule 391-3-15-.09. Release Response and Corrective Action for UST Systems Containing Petroleum.

- (1) 40 CFR Part 280, Subpart F is hereby incorporated by reference.

- (2) Corrective action plans (CAPs), Part A for reporting completed release response activities and for summarizing the proposed site investigation, including a schedule for submittal of a CAP - Part B, and Part B for reporting the results of the site investigation and for summarizing the proposed soil and groundwater corrective action objectives and the activities required to meet those objectives, shall be submitted to the Division on such forms as provided by the Environmental Protection Division, Georgia Department of Natural Resources. The plans must include certifications by the UST owner or operator, in the format specified, that the plans are factual and meet all the criteria and requirements of these Rules and other environmental laws and regulations of the State of Georgia. The plans must also be stamped or sealed by a Georgia-registered Professional Engineer or Professional Geologist. The Corrective Action Plan - Part A shall be submitted in lieu of the initial abatement report, the initial site characterization report, and the free product removal report, as referenced by [40 CFR 280.62\(b\)](#), [280.63\(b\)](#), and [280.64\(d\)](#), respectively, and must be submitted to EPD within 60 days after release confirmation.
- (3) A Corrective Action Plan - Part B must be submitted when one or more of the conditions listed in subparagraphs (a) through (e) below are encountered:
- (a) Free product exceeds one-eighth inch (1/8") thickness or an alternate thickness, as required by EPD;
 - (b) Groundwater or surface water contamination exceeds federal and state in-stream water quality standards, as established by the Georgia Rules for Water Quality Control (Chapter 391-3-6, as amended);
 - (c) Groundwater contamination exceeds federal and state Maximum Contaminant Levels for Safe Drinking Water, and either:
 - (i) The plume is located in an area of average or higher groundwater pollution susceptibility, as defined by the Ground-Water Pollution Susceptibility Map of Georgia (Georgia Department of Natural Resources, Environmental Protection Division, Georgia Geologic Survey, 1992), within two (2) miles of a point of withdrawal for a public water system, as defined in the Georgia Rules for Safe Drinking Water (Chapter 391-3-5, as amended), and/or within one-half (1/2) mile of a point of withdrawal for a non-public water system; or
 - (ii) The plume is located in an area of lower groundwater pollution susceptibility within one (1) mile of a point of withdrawal for a public water system and/or within one-quarter (1/4) mile of a point of withdrawal for a non-public water system;
 - (d) Concentrations of volatile organic compounds and/or polynuclear aromatic hydrocarbons, as appropriate, in soil exceed:
 - (i) Threshold levels listed in Table A; or

- (ii) Threshold levels listed in Table B; or
- (iii) Alternate threshold levels, as approved by EPD.

Table A. Petroleum Constituents and Soil Threshold Levels^a At UST corrective action sites where withdrawal points for public and nonpublic water supplies do not exist within distances defined in GUST Rule 391-3-15-.09(3):				
CONSTITUENT	AVERAGE OR HIGHER GROUNDWATER POLLUTION SUSCEPTIBILITY AREA ^b (Where public water supplies exist with 2.0 miles and/or non-public supplies exist within 0.5 miles)		LOWER GROUNDWATER POLLUTION SUSCEPTIBILITY AREA ^c (Where public water supplies exist within 1.0 mile and/or non-public supplies exist within 0.25 mile)	
VOLATILE ORGANIC COMPOUNDS	=500 feet to withdrawal point	>500 feet to withdrawal point	=500 feet to withdrawal point	>500 feet to withdrawal point
Benzene ^e	0.005 mg/kg ^d	0.008 mg/kg	0.005 mg/kg	0.71 mg/kg
Toluene	0.400 mg/kg	6.00 mg/kg	0.400 mg/kg	500.00 mg/kg
Ethylbenzene	0.370 mg/kg	10.00 mg/kg	0.500 mg/kg	140.00 mg/kg
Xylenes (total)	20.00 mg/kg	700.00 mg/kg	27.00 mg/kg	700.00 mg/kg
POLYNUCLEAR AROMATIC HYDROCARBONS				
Acenaphthene	N/A ^e	N/A ^e	N/A ^e	N/A ^e
Anthracene	N/A ^e	N/A ^e	N/A ^e	N/A ^e
Benz(a)anthracene	N/A ^e	N/A ^e	N/A ^e	N/A ^e
Benzo(a)pyrene	0.660 mg/kg ^d	N/A ^e	N/A ^e	N/A ^e
Benzo(b)fluoranthene	0.820 mg/kg ^d	N/A ^e	N/A ^e	N/A ^e

Benzo(g,h,i)perylene	N/A ^e	N/A ^e	N/A ^e	N/A ^e
Benzo(k)fluoranthene	1.60 mg/kg ^{df}	N/A ^e	N/A ^e	N/A ^e
Chrysene	0.660 mg/kg ^{df}	N/A ^e	N/A ^e	N/A ^e
Dibenz(a,h)anthracene	1.50 mg/kg ^{df}	N/A ^e	N/A ^e	N/A ^e
Fluoranthene	N/A ^e	N/A ^e	N/A ^e	N/A ^e
Fluorene	N/A ^e	N/A ^e	N/A ^e	N/A ^e
Indeno(1,2,3,- c,d)pyrene	0.660 mg/kg ^d	N/A ^e	0.660 mg/kg ^d	N/A ^e
Naphthalene	N/A ^e	N/A ^e	N/A ^e	N/A ^e
Phenanthrene	N/A ^e	N/A ^e	N/A ^e	N/A ^e
Pyrene	N/A ^e	N/A ^e	N/A ^e	N/A ^e

a -	Based on worst-case assumptions for one-dimensional vadose zone and groundwater contaminant fate and transport models.
b -	Based on an assumed distance of 0.5 feet between contaminated soils and the water table.
c -	Based on an assumed distance of 5.0 feet between contaminated soils and the water table.
d -	Estimated Quantitation Limit. The health-based threshold level is less than the laboratory method limit of detection.
e -	Not applicable. The health-based threshold level exceeds the expected soil concentration under free product condition.
f -	In order to protect surface waters, the soil threshold level in Table B may supersede that found in Table A.
g -	In the presence of other petroleum contaminants in concentrations exceeding 1.0 mg/kg the Estimated Quantitation Limit, and hence the soil threshold level, may be substantially greater, as approved by EPD.

Table B. Petroleum Constituents and Soil Threshold^a Levels At other UST corrective action sites where withdrawal points for public and nonpublic water supplies do not exist within distances defined in GUST Rule 391-3-15-.09(3):

CONSTITUENT	AVERAGE OR HIGHER GROUNDWATER POLLUTION	LOWER GROUNDWATER POLLUTION
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	SUSCEPTIBILITY AREA ^b		SUSCEPTIBILITY AREA ^e	
VOLATILE ORGANIC COMPOUNDS	=500 feet to surface water body	>500 feet to surface water body	=500 feet to surface water body	>500 feet to surface water body
Benzene ^e	0.017 mg/kg	0.120 mg/kg	0.020 mg/kg	11.30 mg/kg
Toluene	115.00 mg/kg	500.00 mg/kg	135.00 mg/kg	500.00 mg/kg
Ethylbenzene	18.00 mg/kg	140.00 mg/kg	28.00 mg/kg	140.00 mg/kg
Xylenes (total)	700.00 mg/kg	700.00 mg/kg	700.00 mg/kg	700.00 mg/kg
POLYNUCLEAR AROMATIC HYDROCARBONS				
Acenaphthene	N/A ^e	N/A ^e	N/A ^e	N/A ^e
Anthracene	N/A ^e	N/A ^e	N/A ^e	N/A ^e
Benz(a)anthracene	0.660 mg/kg ^d	N/A ^e	N/A ^e	N/A ^e
Benzo(a)pyrene	0.660 mg/kg ^d	N/A ^e	N/A ^e	N/A ^e
Benzo(b)fluoranthene	0.660 mg/kg ^d	N/A ^e	N/A ^e	N/A ^e
Benzo(g,h,i)perylene	0.660 mg/kg ^d	N/A ^e	N/A ^e	N/A ^e
Benzo(k)fluoranthene	0.660 mg/kg ^d	N/A ^e	N/A ^e	N/A ^e
Chrysene	0.660 mg/kg ^d	N/AN/A ^e	N/A ^e	N/A ^e
Dibenz(a,h)anthracene	0.660 mg/kg ^d	N/A ^e	N/A ^e	N/A ^e
Fluoranthene	N/A ^e	N/A ^e	N/A ^e	N/A ^e
Fluorene	N/A ^e	N/A ^e	N/A ^e	N/A ^e
Indeno(1,2,3,-c,d)pyrene	0.660 mg/kg	N/A ^e	0.660 mg/kg ^d	N/A ^e

Naphthalene	N/A ^e	N/A ^e	N/A ^e	N/A ^e
Phenanthrene	N/A ^e	N/A ^e	N/A ^e	N/A ^e
Pyrene	N/A ^e	N/A ^e	N/A ^e	N/A ^e
a -	Based on worst-case assumptions for one-dimensional vadose zone and groundwater contaminant fate and transport models.			
b -	Based on an assumed distance of 0.5 feet between contaminated soils and the water table.			
c -	Based on an assumed distance of 5.0 feet between contaminated soils and the water table.			
d -	Estimated Quantitation Limit. The health-based threshold level is less than the laboratory method limit of detection.			
e -	Not applicable. The health-based threshold level exceeds the expected soil concentration under free product condition.			
f -	In the presence of other petroleum contaminants in concentrations exceeding 1.0 mg/kg, the Estimated Quantitation Limit, and hence the solid threshold level, may be substantially greater, as approved by EPD.			

- (e) EPD has determined that, because of unique geologic, hydrologic or other site-specific conditions, a Corrective Action Plan - Part B is necessary to adequately protect human health and the environment.
- (4) If a Corrective Action Plan - Part B must be proposed in compliance with paragraph 391-3-15-.09(3) above, the full extent of groundwater and surface water contamination must be delineated and one or more of the following corrective action objectives for contaminated soil, surface water, and groundwater, as applicable, in subparagraphs (a) through (d) below must be proposed and implemented upon approval by EPD:
- (a) Remediate soil contamination that exceeds the threshold levels listed in Table A or Table B or exceeds alternate threshold levels approved by EPD, as applicable;
 - (b) Remediate free product that exceeds one-eighth inch (1/8") thickness or an alternate thickness, as approved by EPD;
 - (c) Remediate groundwater contamination that exceeds federal and state Maximum Contaminant Levels where drinking water supplies exist within the distances defined in subparagraph (3)(c)(i) or (ii) above, as applicable, or that exceeds in-stream water quality standards, as applicable, or alternate concentration limits as required by EPD;

- (d) Determine alternate concentration limits for soil and groundwater corrective action through the use of an appropriate risk assignment, as determined by EPD, that demonstrates that the objectives in (a) and (c) above are not necessary to protect human health and the environment. The request for alternate concentration limits must explain clearly and concisely how these alternate concentration limits will adequately protect human health, safety, and the environment and shall not be utilized unless approved by EPD. Upon approval of proposed alternate concentration limits by EPD, the owner or operator must either:
 - 1. Remediate contaminated soils and/or groundwater to approved alternate concentration limits and monitor the soils and/or the plume to validate and verify predictions of the risk assessment, including the natural degradation of petroleum contaminants, unless such monitoring is deemed unnecessary by EPD; or
 - 2. If remediation of contaminated soils and/or groundwater is not necessary, monitor the soils and/or the plume to validate and verify predictions of the risk assessment, including the natural degradation of petroleum contaminants, unless such monitoring is deemed unnecessary by EPD;
- (5) An owner or operator may transport or provide for transportation of petroleum contaminated soil only to storage, treatment or disposal facilities which have all applicable local, state and federal permits and such facility or facilities shall be designated in the applicable corrective action plan.
- (6) Upon completion of corrective action, the UST owner or operator must certify in the completion report, in the format specified, that the CAP was implemented completely and correctly and that the objectives of the corrective action have been achieved.
- (7) An owner or operator conducting a corrective action with funds from a source other than the Georgia Underground Storage Tank Trust Fund, may remediate contaminated soil or groundwater to more stringent objectives than those of paragraph 391-3-15-.09(4) at the owner or operator's discretion.
- (8) All determinations of petroleum contaminants in soil or groundwater must be performed in conformity with Test Methods for Evaluating Solid Waste (United States Environmental Protection Agency, Office of Solid Waste and Emergency Response, SW-846, Third Edition, as revised) or with an alternate method, as approved by EPD.

Cite as Ga. Comp. R. & Regs. R. 391-3-15-.09

Authority: O.C.G.A. § [12-13-1](#), et seq.

History. Original Rule entitled "Release Response and Corrective Action for UST Systems Containing Petroleum" adopted. F. Jan. 29, 1990; eff. Feb. 18, 1990.

Amended: F. Aug. 8, 1991; eff. Aug. 28, 1991.

Amended: F. Dec. 17, 1992; eff. Jan. 6, 1993.

Amended: F. Feb. 3, 1995; eff. Feb. 23, 1995.

Amended: F. June 6, 1996; eff. June 26, 1996.

Amended: F. Oct. 9, 2001; eff. Oct. 29, 2001.

Amended: F. Oct. 17, 2017; eff. Nov. 6, 2017.

Rule 391-3-15-.10. Release Response and Corrective Action for UST Systems Containing Hazardous Substances.

The provisions of Rule [391-3-15-.09](#) shall apply, except that cleanup concentrations for leaked hazardous substances shall be equal to or less than the background level of that constituent in the soil or water immediately prior to the release of that constituent, as measured immediately upgradient of the UST and unaffected by the release, or an alternate concentration limit as established by EPD, or if a hazardous waste when leaked, in accordance with O.C.G.A. [12-8-60](#), the Georgia Hazardous Waste Management Act, as amended.

Cite as Ga. Comp. R. & Regs. R. 391-3-15-.10

Authority: O.C.G.A. Sec. [12-13-1](#) *et seq.*

History. Original Rule entitled "Release Response and Corrective Action for UST Systems Containing Hazardous Substances" adopted. F. Jan. 29, 1990; eff. Feb. 18, 1990.

Amended: F. Aug. 8, 1991; eff. Aug. 28, 1991.

Amended: F. Dec. 17, 1992; eff. Jan. 6, 1993.

Amended: F. Feb. 3, 1995; eff. Feb. 23, 1995.

Rule 391-3-15-.11. Out-of-Service UST Systems and Closure.

- (1) 40 CFR Part 280, Subpart G is hereby incorporated by reference.
- (2) The owner or operator, or past owner or operator, of an UST system, in service on or after January 1, 1974, but taken out of service or abandoned before December 22, 1988, is not required to conduct closure activities or submit closure documents. However, corrective action is required if contamination is subsequently discovered.
- (3) For all UST systems permanently closed after the effective date of these rules, a closure report, prepared on such forms as provided by EPD, must be submitted to EPD by the owner within 45 days of completion of closure.

Cite as Ga. Comp. R. & Regs. R. 391-3-15-.11

Authority: O.C.G.A. § [12-13-1](#), *et seq.*

History. Original Rule entitled "Out-of-Service UST Systems and Closure" adopted. F. Jan. 29, 1990; eff. Feb. 18, 1990.

Amended: F. Aug. 8, 1991; eff. Aug. 28, 1991.

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Amended: F. June 6, 1996; eff. June 26, 1996.

Amended: F. Oct. 9, 2001; eff. Oct. 29, 2001.

Amended: F. Oct. 17, 2017; eff. Nov. 6, 2017.

Rule 391-3-15-.12. Underground Storage Tanks Containing Petroleum; Financial Responsibility Requirements.

- (1) 40 CFR Part 280, Subpart H is hereby incorporated by reference, excluding [40 CFR 280.100](#) and [40 CFR 280.101](#).
- (2) 40 CFR Part 280, Subpart I is hereby incorporated by reference.
- (3) An owner or operator may satisfy the requirements of financial responsibility, as described in [40 CFR 280.93](#), for underground storage tanks located in Georgia by participating in the liability limitations and reimbursement benefits of the Georgia Underground Storage Tank (GUST) Trust Fund, in accordance with Rule [391-3-15-.13](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-15-.12

Authority: O.C.G.A. § [12-13-1](#), et seq.

History. Original Rule entitled "Underground Storage Tanks Containing Petroleum; Financial Responsibility Requirements" adopted. F. Jan. 29, 1990; eff. Feb. 18, 1990.

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Amended: F. Oct. 17, 2017; eff. Nov. 6, 2017

Rule 391-3-15-.13. Georgia Underground Storage Tank (GUST) Trust Fund.

- (1) Administration.
 - (a) Funding the GUST Trust Fund.
 1. **Environmental Assurance Fee (EAF).** In order to participate in the liability limitations and reimbursement benefits of the GUST Trust Fund, commencing on July 1, 1988, an UST owner or operator shall pay to EPD an EAF on each gallon of petroleum products imported into Georgia. The EAF was 0.1¢ per gallon from July 1, 1988 through September 30, 1991; 0.2¢ per gallon from October 1, 1991 through September 30, 1996; 0.5¢ per gallon from October 1, 1996 through June 30, 2013; and the EAF is 0.75¢ per gallon effective July 1, 2013. This fee is established to assure the funding of emergency, preventive, or corrective actions necessary when public health or safety is, or potentially may be, threatened from a release of regulated substances from an UST and to provide compensation for third-party liability.
 - (i) **Point of EAF Collection.** This fee shall be collected by the terminal operator or jobber upon request of the UST owner or operator when

the petroleum product is removed from a terminal, or if the petroleum product will never be stored in a terminal in Georgia, then by the importer thereof and paid to EPD. Proof of such payment shall be provided the UST owner or operator by the terminal operator or jobber. Exchanges of petroleum products on a gallon-for-gallon basis within a terminal shall be exempt from this fee. Petroleum product which is subsequently exported from Georgia is exempt from this fee. An UST owner or operator purchasing petroleum products from an out-of-state terminal operator or jobber must remit the EAF directly to EPD, unless the terminal operator or jobber agrees to remit the EAF for the owner or operator.

- (ii) **Timetable for Remittance.** EAFs shall be remitted to EPD quarterly. Terminal operators remitting collected EAFs may be required to provide EPD with a list(s) of owners or operators who elected or declined payment of EAFs. Fees are due to EPD on the 20th day of each October, January, April, and July for the previous three month period. The EAF payment shall be accompanied by such forms as may be prescribed by the Director. If a terminal operator, direct importer or direct pay owner or operator has good cause for an extension of time, he may apply to the Director for additional time to file his EAF payment. Such application must be made to the Director before the payment becomes delinquent and must state all facts giving rise to the necessity for additional time. If the Director grants an extension, such extension may not exceed 30 days.

- 2. **Civil Penalties.** All civil penalties recovered by the Director as provided in O.C.G.A. § [12-13-19](#) shall be paid into the GUST Trust Fund.

(b) **Establishing GUST Trust Fund Eligibility.**

- 1. **Notification Requirements for UST Systems.** In order to participate in the GUST Trust Fund as a financial assurance mechanism, each owner or operator of an UST currently in use must have submitted notification forms as required in Rule [391-3-15-.05\(3\)](#).
- 2. **Eligibility For Existing UST Systems.**
 - (i) **Initial Election.** All owners or operators of existing USTs who elect to participate in the GUST Trust Fund as a financial assurance mechanism under Rule [391-3-15-.12](#), as of July 1, 1988, must:
 - (I) pay the EAF on each gallon of petroleum product purchased after July 1, 1988; or

- (II) the owner or operator purchasing petroleum product from an out-of-state terminal operator or jobber must remit the EAF for each gallon thus purchased after July 1, 1988 directly to EPD unless the terminal operator or jobber agrees to remit the EAF to EPD for the owner or operator; and
 - (III) report any known or suspected leaks from an existing UST. Meeting these conditions automatically makes a tank owner or operator a participant in the GUST Trust Fund, and no specific notice to EPD is required to confirm such participation. Any tank owner or operator who elects not to participate in the GUST Trust Fund must make a written declaration of that election to the Director and to the terminal operator or jobber.
- (ii) **Subsequent Election.** All owners or operators of existing USTs who elect to participate in the GUST Trust Fund as a financial assurance mechanism under Rule [391-3-15.12](#), ninety (90) or more days after July 1, 1988, or who elect to participate in the GUST Trust Fund as a financial assurance mechanism under Rule [391-3-15.12](#) after there has been an interruption in GUST Trust Fund participation subsequent to the initial or subsequent election to participate either by the current owner or operator or the current owner or operator's predecessor in title, must:
- (I) perform and pass a tank system precision tightness test, the results of which must be acceptable to EPD;
 - (II) perform a site check of the UST site in accordance with [40 CFR 280.52\(b\)](#), the results of which must be acceptable to EPD;
 - (III) remit to EPD all EAFs which would have been collected under the provisions of Rule 391-3-15.13(1)(b)2.(i), including an amount equal to any interest which would have accrued to those monies had they been remitted from July 1, 1988, or from the date of the interruption of participation in the GUST Trust Fund, as determined by EPD, provided there has not been a release of petroleum that has not been remediated in accordance with these Rules; and
 - (IV) comply with (b)2.(i) of this paragraph.

(iii) **Subsequent Election for New Owners or Operators.**

Notwithstanding the foregoing, in subsection (ii) above, all owners or operators who acquire a new interest or ownership in existing USTs through purchase or other transfer of title which are not covered by the GUST Trust Fund as a financial assurance mechanism as provided under Rule [391-3-15-.12](#) at the time of the acquisition may elect to participate in the GUST Trust Fund as a financial assurance mechanism under Rule [391-3-15-.12](#) for those USTs so acquired. The new owner or operator, in order to participate in the GUST Trust Fund as a financial assurance mechanism under Rule [391-3-15-.12](#), must, within one (1) year from the date of acquisition:

- (I) perform and pass a tank system precision tightness test, the results of which must be acceptable to EPD;
- (II) perform a site check of the UST site in accordance with [40 CFR 280.52\(b\)](#), the results of which must be acceptable to EPD;
- (III) remit to EPD all EAFs from the date of the acquisition of the USTs by the new owner or operator under the provisions of Rule 391-3-15-.13(1)(b)2.(i), provided that prior to the initial EAF payment herein there has not been a release of petroleum that has not been remediated in accordance with these Rules;
- (IV) submit a sworn statement by the new owner that the owner from whom the USTs are being or were acquired has no controlling interest in the new owner; and
- (V) comply with (b)2.(i) of this paragraph.

3. **Eligibility For New USTs Installed After July 1, 1988.** All owners or operators of new USTs who elect to participate in the GUST Trust Fund as a financial assurance mechanism under Rule [391-3-15-.12](#) must:

- (i) comply with all requirements of Rule [391-3-15-.05](#), Rule [391-3-15-.06](#) and Rule [391-3-15-.07](#); and
- (ii) comply with all requirements under the provision of Rule 391-3-15-.13(1)(b)2.(i).

(c) **Maintaining GUST Trust Fund Eligibility.** In order to maintain eligibility for GUST Trust Fund disbursements, all participating owners or operators of UST systems must satisfy the following requirements:

1. **Reporting Changes in UST Status.** The participating owner or operator shall notify EPD in writing of any of the following changes in UST status:
 - (i) change in ownership; or
 - (ii) closure.
2. **Payment of EAF.** Payment of EAFs must be made for each UST until such time as closure requirements are satisfied.
3. **Recordkeeping.** The participating owner or operator shall maintain the following records for each UST and make them available to EPD:
 - (i) records of any tank system tightness tests as required in 391-3-15-.13(1)(b);
 - (ii) receipts for any and all EAF payments, whether remitted directly or indirectly to EPD;
 - (iii) records of compliance with operator training and examination, release detection, secondary containment, interstitial monitoring and under dispenser containment requirements per Rules [391-3-15-.05](#) and [391-3-15-.16](#); and
 - (iv) proof of payment of EAFs as required by O.C.G.A. § [12-13-18\(a\)](#) for the time period prior to September 2000 is presumed from the filing of the Annual Tank Registration form for 2001, in accordance with Rule [391-3-15-.05\(4\)](#), indicating that the method of Financial Responsibility for the USTs at the time of filing was participation in the GUST Trust Fund as provided in Rule [391-3-15-.12](#), if payment of the most recent EAF for the registered tank has been made. This presumption shall be overcome and no longer effective if payment of such fees cannot be verified by records of EPD, the station owner, the UST owner or operator, or the terminal operator, maintained in accordance with Rule 391-3-15-.13(1)(c)4.(i) or any other relevant provision of law.
 - (v) any records as may be required by EPD.
4. **Retention of Records.**

(i) All records identified in (c)3. above shall be retained for a period of thirty-six (36) months or until one of the following is accomplished, whichever comes first:

(I) ownership of an UST, and all records pertaining thereto, are transferred to a new owner for retention; or

(II) owner or operator is instructed otherwise by EPD.

5. **Reporting of Suspected Leaks or Spills.** The participating owner or operator shall report to EPD any suspected leak or spill of petroleum product.

6. **Loss of GUST Trust Fund Coverage.** Whenever the Director has reason to believe that a participating owner or operator has failed to maintain GUST Trust Fund eligibility pursuant to these Rules, the Director shall issue a notice of violation. The participating owner or operator shall have 30 days from receipt of such notice to provide evidence of compliance with all GUST Trust Fund eligibility requirements or take all necessary steps to correct such violation. If, after 30 days, the participating owner or operator fails to resolve the notice of violation, the Director shall issue a notice of termination of GUST Trust Fund eligibility. Within 60 days of such notice of termination, the owner or operator must provide an alternate financial assurance mechanism.

(d) **Amount and Scope of GUST Trust Fund Coverage.**

1. The GUST Trust Fund will provide, to participating owners or operators, coverage for release response and corrective action, as identified in 40 CFR Part 280, Subpart F, and for compensation of third parties for bodily injury and property damage caused by accidental releases arising from operating regulated petroleum product USTs not to exceed \$1 million per occurrence cumulatively. For purposes of Rule 391-3-15-.13, the term "occurrence" shall mean any unexpected or unintended sudden or non-sudden release of petroleum product arising from operating an UST that results in a need for corrective action, bodily injury, or property damage.

(i) Any property owner shall not be considered a third-party claimant if the property was transferred to that property owner by the owner or operator of an underground storage tank after a release where damages could be reasonably anticipated;

(ii) Third-party liability property damage shall be reimbursed from the GUST Trust Fund based on the rental costs of comparable property

during the period of loss of use up to a maximum amount equal to the fair market value. In the case of property that is actually destroyed as a result of a petroleum release, reimbursement shall be an amount necessary to replace or repair the destroyed property, whichever is less; and

- (iii) Payments for third-party liability damages, as defined in these Rules, shall never exceed the amount of the GUST Trust Fund coverage as provided in these Rules for any owner or operator and shall not include payments for any claims for attorney's fees for third-party claimants or claims for punitive damages or mental anguish.
2. The GUST Trust Fund will provide, to participating owners or operators, annual aggregate coverage for release response and corrective action and for compensation of third parties for bodily injury and property damage caused by accidental releases arising from operating petroleum product USTs not to exceed cumulatively the following amounts:
 - (i) For participating owners or operators of one to 100 petroleum product USTs, \$1 million; and
 - (ii) For participating owners or operators of 101 or more petroleum product USTs, \$2 million.
 3. The participating owner or operator shall be liable for the first \$10,000 of release response and corrective action costs and third party liability claims per occurrence and be totally responsible for any replacement or retrofitting or both of affected tanks and associated piping. The participating owner or operator must demonstrate financial responsibility for the first \$10,000 of release response and corrective action costs and third party liability claims per occurrence by an allowable financial assurance mechanism as described in [40 CFR 280.95](#)- [280.99](#), [280.102](#), and [280.103](#).
 4. The State of Georgia and the GUST Trust Fund shall have no liability for loss of business, damages, or taking of property associated with any release response or corrective action.
 5. Whenever the trustee of the GUST Trust Fund determines that all costs eligible for payment, both release response and corrective action costs and third-party liability claims, may exceed the per-occurrence or aggregate coverages, the first priority for payment shall be the corrective action costs necessary to protect human health and the environment. The trustee shall

pay third-party liability claims in the order in which the trustee received valid court orders under Rule 391-3-15-.13(1)(h)2.

6. If a corrective action is to be conducted using funds from the Georgia Underground Storage Tank Trust Fund, the corrective action will not extend substantially beyond the target objectives of Rule [391-3-15-.09\(4\)](#). If a participating owner or operator desires to have the corrective action scope go beyond these objectives, the owner or operator must pay the difference in cost between those objectives and the owner or operator's alternative objectives.

(e) Principal Disbursements.

1. The principal of the monies deposited in such fund pursuant to O.C.G.A. § [12-13-10](#) may be expended by the Director for the following purposes:
 - (i) to take whatever emergency action is necessary or appropriate to assure that the public health or safety is not threatened whenever there is a release or substantial threat of a release of regulated substances from an UST;
 - (ii) to take preventive or corrective actions where the release of the regulated substances presents an actual or potential threat to human health or the environment where the owner or operator has not been identified or where the owner or operator is unable, as determined by the Director, to perform corrective action, including, but not limited to, provisions for providing alternative water supplies;
 - (iii) to provide compensation for third-party liability;
 - (iv) to pay for any portion of the administrative cost of administering the GUST Trust Fund which exceeds the amount of interest earned on the corpus of such fund; provided, however, that no more than 10 percent of the fees collected annually pursuant to Subsection (a) of O.C.G.A. [12-13-10](#) shall be used for such purpose;
 - (v) to provide reimbursement to eligible, participating owners and operators who have conducted release response and corrective action; and
 - (vi) to provide payments to state contractors for eligible, participating owners and operators who are unable, as determined by the Director, to conduct corrective action for petroleum releases from USTs.

2. To encourage voluntary release response and corrective action, a participating owner or operator conducting such activities under these regulations, either through his own personnel or through response action contractors or subcontractors, is entitled to reimbursement of reasonable costs from the GUST Trust Fund, subject to the following provisions:
 - (i) subsequent to release response and prior to initiating additional corrective action, the participating owner or operator must submit to EPD a proposed Corrective Action Plan - Part A for release response activities completed and for proposal of site investigation activities, together with incurred and projected costs of the activities completed and proposed, respectively, and upon receipt of approval by EPD, shall promptly continue corrective action. Upon implementation and completion of the approved Corrective Action Plan - Part A and prior to initiating additional corrective action for soil and groundwater, the participating owner or operator must submit to EPD a proposed Corrective Action Plan - Part B for site investigation reporting and for proposal of additional site activities, together with projected costs of those activities, and upon receipt of approval by EPD, shall promptly continue corrective action;
 - (ii) the participating owner or operator or his agents shall keep and preserve detailed records demonstrating compliance with the approved corrective action plans and all invoices and financial records associated with costs for which reimbursement will be requested;
 - (iii) upon receipt of a complete Corrective Action Plan - Part A, EPD shall make a determination and provide written notice as to whether the participating owner or operator responsible for corrective action is eligible or ineligible for reimbursement of costs. Should EPD determine the participating owner or operator is ineligible, it shall include in its written notice an explanation setting forth in detail the reasons for the determination;
 - (iv) the participating owner or operator shall submit to the Director, within 30 days of completing all corrective action, a completion report that corrective action has been completed;
 - (v) no later than 30 days from the submission of the completion report, the participating owner or operator must submit an application for reimbursement of costs in accordance with criteria established by EPD. The application for reimbursement must include the total cost of the corrective action and the amount of reimbursement sought;

- (vi) the first \$10,000 of approved corrective action costs incurred by the participating owner or operator are not eligible for reimbursement from the GUST Trust Fund nor are costs for replacement or retrofitting of affected tanks and associated piping;
- (vii) no costs may be reimbursed to the participating owner or operator until such time as corrective action has been completed in accordance with a plan approved by EPD. However, provisions for interim payments may be made if the corrective action is being conducted in accordance with a plan approved by EPD which allows interim payments; and
- (viii) reimbursement of reasonable costs from the GUST Trust Fund shall be limited as provided in Rule 391-3-15-.13(1)(d).

(f) Cost Recovery.

1. The participating owner or operator of an UST shall be liable for all costs of preventive, corrective, and enforcement actions incurred by the State of Georgia as a result of a release or a substantial threat of release of a petroleum product from an UST unless the participating owner or operator enters into a consent agreement as directed in O.C.G.A. § [12-13-11\(c\)](#). The provisions for cost recovery from owners or operators participating in the GUST Trust Fund are as follows:
 - (i) whenever costs have been incurred by EPD pursuant to Subsection (f) of O.C.G.A. § [12-13-9](#) or Subsection (b) of O.C.G.A. § [12-13-11](#), for corrective action, the participating owner or operator shall be liable for the first \$10,000 per occurrence for corrective action; such funds to be paid into the GUST Trust Fund within 90 days of notice by the Director;
 - (ii) notwithstanding the provisions of Subsections (b) and (c) of O.C.G.A. § [12-13-11](#), the participating owner or operator shall be liable for 100 percent of costs associated with preventive, corrective or enforcement actions necessary to protect human health or the environment, or for compensation of third-party liability claims, should EPD find that any of the following situations exist:
 - (I) the release was due to willful or negligent actions by the participating owner or operator;
 - (II) the participating owner or operator is in arrears for monies owed to the GUST Trust Funds;

- (III) the participating owner or operator moves in any way to obstruct the efforts of EPD or its contractors to effectuate corrective action;
 - (IV) the participating owner or operator of a petroleum product UST has stored any petroleum product in such UST which has not been subjected to, nor paid any, EAF imposed in Subsection (a) of O.C.G.A. § [12-13-10](#).
- (iii) notwithstanding the provisions of Subsections (b) and (c) of O.C.G.A. § [12-13-11](#), the participating owner or operator may be liable for up to 100 percent of costs associated with preventive, corrective or enforcement actions necessary to protect human health or the environment, or for compensation of third-party liability claims, should EPD find that any of the following situations exist:
- (I) the release is from an UST not registered in accordance with O.C.G.A. § [12-13-13](#);
 - (II) the participating owner or operator fails to comply with any provision of the consent agreement required by Subsection (c) of O.C.G.A. § [12-13-11](#);
 - (III) the participating owner or operator has failed to comply with any provisions of GUSTA or these Rules and such failure has caused, contributed to or otherwise adversely affected the release, or when non-compliance has not directly contributed to or otherwise adversely affected a release and such non-compliance was not or has not been corrected in a timely fashion when directed to do so by the Director.
- (iv) notwithstanding subparagraph (ii) or (iii) above, the participating owner or operator may not be liable for costs associated with preventive, corrective, or enforcement actions necessary to protect human health or the environment, or for compensation of third party liability claims, should EPD find that the following exist:
- (I) the source of the release is an UST system that was removed or abandoned prior to July 1, 1988, and is within close proximity, but not more than 200 feet, of an existing UST system owned or operated by a participant in the GUST Trust

Fund, and the existing UST system is a replacement for the removed or abandoned UST system; or

- (II) the current contamination from an existing UST system owned and operated by a participant in the GUST Trust Fund and another source cannot be differentiated, as determined by the Director.

- 2. Except as otherwise provided for in Subsection (c) of O.C.G.A. § [12-13-11](#), in the event of any discharge or threatened discharge of a regulated substance, the State or any of its agencies may recover in a civil action from any owner, operator, or other responsible person all costs incurred by the State or any of its agencies or monies from the Federal Leaking Underground Storage Tank (LUST) Trust Fund in the assessment and the cleanup of any release of a regulated substance and all costs incurred in the prevention, abatement, or removal of any threatened discharge of a regulated substance, including reasonable attorney's fees and any other necessary costs of response incurred by the State or any of its agencies. All such monies recovered shall be deposited into the GUST Trust Fund. The State shall have a lien on the property of owners or operators until funds are paid.

- (g) **Bankruptcy of GUST Trust Fund Participant.** Following the commencement of a voluntary or involuntary proceeding under the U.S. Bankruptcy Code, [11 U.S.C. § 101](#) *et seq.*, naming a participating owner or operator as debtor, EPD may file a claim against the participating owner or operator for the following, as necessary:

- 1. satisfaction of closure requirements; or
- 2. corrective action.

- (h) **Third-Party Compensation Claims.** Subject to all other provisions of these Rules, the trustee of the GUST Trust Fund shall provide compensation for third-party liability claims only when:

- 1. the trustee has received notice of potential third-party liability from the participating owner or operator within sixty (60) days of the date the participating owner or operator is made aware of a claim or claimant, which notice shall contain particulars sufficient to identify the UST covered by the GUST Trust Fund financial assurance mechanism and other information with respect to the time, place and circumstances of the occurrence, as well as the names and addresses of the persons alleged to be injured and all available witnesses. Failure to timely give a notice in compliance herewith

shall forfeit all rights of a participating owner or operator to have third-party compensation claims paid from the GUST Trust Fund; and

2. the trustee has received a valid final court order establishing a judgment against the participating owner or operator for bodily injury or property damage caused by an accidental release of petroleum products from an underground storage tank covered by the GUST Trust Fund financial assurance mechanism and the trustee of the GUST Trust Fund determines that the participating owner or operator has not satisfied the judgment. However, there shall be no liability on the part of the GUST Trust Fund and the trustee thereof unless the trustee shall have been given timely notice by a participating owner or operator of any lawsuit filed by a potential third-party liability claimant, and the trustee has an opportunity to intervene in said lawsuit and defend on behalf of the participating owner or operator with the full cooperation and assistance of the participating owner or operator against any claim which might be asserted by a potential third-party liability claimant for bodily injury or property damage allegedly caused by an accidental release of petroleum products from an underground storage tank covered by the GUST Trust Fund financial assurance mechanism. There shall be no liability for the GUST Trust Fund under this provision should the participating owner or operator fail to provide notice to the trustee within fifteen (15) days of the service of a law suit against the participating owner or operator or fail to cooperate with the trustee in the defense against the claim or should the final judgment presented to the trustee be a default judgment.

(2) Corrective Action.

(a) GUST Trust Fund Corrective Action for Participating Owners or Operators.

1. **Reporting.** The participating owner or operator shall report to EPD any suspected leak or spill of petroleum product as required in [40 CFR 280.50](#), and the participating owner or operator must inform EPD in writing within sixty (60) days of the date of the confirmation of the release of an intent to file a claim for reimbursement against the GUST Trust Fund or an intent to obtain corrective action through the State contractor.
2. **Corrective Action by Participating Owner or Operator.**
 - (i) **Corrective Action Plan - Part A.** Subsequent to release response and prior to initiating additional corrective action, the participating owner or operator must submit to and receive approval from EPD for the proposed Corrective Action Plan - Part A, in accordance with the provisions of Rules [391-3-15-.09\(2\)](#) and 391-3-15-.13(1)(e)2. Such corrective action plan shall, at a minimum:

- (I) provide documentation of participation in the GUST Trust Fund, if not submitted previously;
 - (II) report completed release response activities;
 - (III) summarize the proposed site investigation including a projected schedule for submittal of a Corrective Action Plan - Part B; and
 - (IV) provide cost projections and a schedule of reimbursements for the proposed site investigation activities.
- (ii) **Corrective Action Agreement.** Following approval by EPD of the Corrective Action Plan - Part A, the participating owner or operator will enter into a corrective action agreement with EPD, which shall, at a minimum:
 - (I) provide approval, if not granted previously to protect human health and the environment, for continuation of corrective action;
 - (II) confirm eligibility under the GUST Trust Fund;
 - (III) approve an estimated schedule of reimbursement; and
 - (IV) require submittal of a Corrective Action Plan - Part B, unless directed by EPD not to submit such plan.
- (iii) **Corrective Action Plan - Part B.** Subsequent to completion of the site investigation proposed in the Corrective Action Plan - Part A and prior to initiating additional corrective action, the participating owner or operator must submit to and receive approval from EPD for the proposed Corrective Action Plan - Part B, in accordance with the provisions of Rules [391-3-15-.09\(2\)](#) and 391-3-15-.13(1)(e)2. Such corrective action plan shall, at a minimum:
 - (I) report the results of the site investigation;
 - (II) summarize the proposed corrective action including projected schedules and corrective action objectives; and
 - (III) provide cost projections and a schedule of reimbursement for proposed corrective action activities.

- (iv) the proposed scopes of work, schedules and cost projections submitted under the Corrective Action Plan - Part A and the Corrective Action Plan - Part B may be modified, and, if approved by EPD in writing, said approval shall amend the Corrective Action Agreement.

3. **Corrective Action by State.** If the participating owner or operator is unable, as determined by EPD, to perform corrective action, the participating owner or operator of an UST shall be liable for all costs incurred by the State of Georgia as a result of a release of a petroleum product from an UST unless the participating owner or operator enters into a consent agreement with the State as provided for in O.C.G.A. § [12-13-1\(c\)](#).

- (b) **Other GUST Trust Fund Corrective Action.** Whenever the Director has reason to believe that there is or has been a release of a regulated substance into the environment from an UST, regardless of the time at which storage of such material occurred, and has reason to believe that such release poses a danger to human health or the environment, the Director may obtain corrective action for such release, utilizing funds from the GUST Trust Fund, provided however, that corrective action for regulated substances other than petroleum products shall not be obtained by utilizing funds generated from EAFs.

Cite as Ga. Comp. R. & Regs. R. 391-3-15-.13

Authority: O.C.G.A. § [12-13-1](#), et seq.

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Amended: Permanent Rule of same title adopted. F. Nov. 4, 1988; eff. Nov. 24, 1988.

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Amended: F. June 6, 1996; eff. June 26, 1996.

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Amended: F. May 24, 2013; eff. June 13, 2013.

Amended: F. Oct. 17, 2017; eff. Nov. 6, 2017.

Rule 391-3-15-.14. Enforcement.

The enforcement of these Rules and Regulations shall be in accordance with the Georgia Underground Storage Tank Act and the Georgia Administrative Procedure Act. Such enforcement measures include, but are not limited to, administrative orders, court orders, injunctive relief, and civil penalties pursuant to these Acts.

Cite as Ga. Comp. R. & Regs. R. 391-3-15-.14

Authority: O.C.G.A. Sec. [12-13-1](#) *et seq.*

History. Original Rule filed as Emergency Rule 391-3-15-0.14-.14 entitled "Enforcement." Filed July 7, 1988; effective July 1, 1988.

Amended: Permanent Rule of same title adopted. Filed November 4, 1988; effective November 24, 1988.

Amended: F. Jan. 29, 1990; eff. Feb. 18, 1990.

Amended: F. Dec. 17, 1992; eff. Jan. 6, 1993.

Rule 391-3-15-.15. Variances.

A variance may be granted by the Director only if it is consistent with the requirements of GUSTA and these Rules and consistent with the Federal Act and Regulations promulgated thereunder.

Cite as Ga. Comp. R. & Regs. R. 391-3-15-.15

Authority: O.C.G.A. [12-13-1](#) *et seq.*

History. Original Rule filed as Emergency Rule 391-3-15-0.14-.15 entitled "Variances" Filed July 7, 1988; effective July 1, 1988

Amended: Permanent Rule of same title adopted. Filed November 4, 1988; effective November 24, 1988.

Amended: F. Jan. 29, 1990; eff. Feb. 18, 1990.

Amended: F. Dec. 17, 1992; eff. Jan. 6, 1993.

Rule 391-3-15-.16. Operator Responsibilities, Training and Examination.

(1) Responsibilities.

- (a) Each UST facility must have a Class A, Class B and Class C Operator designated for each UST system or group of UST systems and shall not operate without a designated operator for each class as herein defined. Should an operator in any class as herein defined either resign or be terminated for any reason, the UST facility must replace the vacated operator with another one in the same class within sixty (60) days or cease operations until such a replacement is designated. The Class A, Class B and Class C Operator may be the same person or multiple persons, provided the person designated to more than one operator class must be trained or meet the responsibilities for each operator class for which that person is designated. The Class A or B Operator does not have to be present at each UST facility at all times. For unmanned UST locations not open to the public where no attendant is present and each dispenser is either key or card controlled, each key or card holder shall be trained to the standards of a Class C Operator; provided however, the operators and owners of that facility are still responsible for the compliance requirements of the UST facility.
- (b) In addition to those responsibilities for Class A Operators required by these Rules, the Class A Operator must ensure that appropriately trained individuals operate and maintain the UST systems; maintain appropriate records; conduct required emergency response activities and provide required financial responsibility

documentation to EPD as required under these Rules. A Class A Operator must demonstrate to the satisfaction of the Director by passing an EPD authorized test that he or she has sufficient general knowledge of UST system requirements to be able to make informed decisions regarding UST compliance and be able to recognize if Class B or C operators are fulfilling the UST operation, maintenance, notification and record keeping requirements of these Rules and GUSTA, including, but not limited to, spill prevention, overfill prevention, release detection, corrosion protection, emergency response, product compatibility, release and suspected release reporting, temporary and permanent closure requirements, financial responsibility requirements, notification requirements and operator training requirements, for UST facilities as required by these Rules.

- (c) In addition to those responsibilities for Class B Operators required by these Rules, the Class B Operator must demonstrate to the satisfaction of the Director through passing an appropriate test as established by EPD a sufficient knowledge of all UST system requirements indicating that he or she can make informed decisions and implement the UST operational, maintenance, notification and reporting requirements of these Rules and GUSTA, including, but not limited to UST system components, UST system component construction, methods of release detection and prevention, corrosion protection, emergency response requirements, product compatibility, reporting and record keeping requirements, product compatibility, reporting and record keeping requirements, delivery prohibition requirements and Class C Operator training requirements, as required by these Rules.
- (d) In addition to those responsibilities for Class C Operators as are required by these Rules, the Class C Operator must demonstrate to the satisfaction of the Director, through passing appropriate examination as established by EPD, a sufficient knowledge of all UST system requirements indicating that he or she can make informed decisions and take appropriate actions in response to emergencies or alarms caused by spills or releases from an UST system.

(2) Training.

- (a) All Class A and Class B Operators of all UST systems regulated under these Rules are required to pass a written examination corresponding to their respective operator classification known as the Georgia UST Operator Examination, as authorized and amended periodically by the Director, which shall determine that the person being tested has the knowledge and skills necessary to be considered as competent to operate UST systems at the operator level for which they have been designated and tested. The Director shall periodically publish the name of the test administrator, contact information, testing locations, testing frequency and a list of the guidance documents and training materials on which the test will be based. The Director shall approve the content of any tests administered by the approved test administrator and the curriculum of any UST operator training courses. This

testing of Class A and B Operators must be accomplished for all Class A and B Operators for any UST facility as identified on the Annual Tank Registration as required under Rule [391-3-15-.05\(4\)\(b\)2.](#)

- (b) Should any Class A or Class B Operator take the Georgia UST Operator Examination and fail to pass the same as certified to the EPD by the test administrator, the operator shall attend and successfully complete an UST Operator training course of the operator's choice; provided, the curriculum of which is based on the list of the guidance documents and training materials as periodically identified by the Director. After successful completion of an UST operator training course, evidenced by appropriate documentation presented to the Georgia UST Operator Test administrator, the operator will be required to retake and pass the Georgia UST Operator Examination.
 - (c) Fees for the initial and retake of the Georgia UST Operator Examination shall be as set by the test administrator and shall be payable to the test administrator. Fees for training courses shall be set by the training course providers and shall be payable to the training provider.
 - (d) All new Class A and Class B operators, if not already certified as trained, or subject to the reciprocity provisions hereof, shall be required to pass the Georgia UST Operators Examination within 30 days of taking responsibility of a UST system. After satisfactorily passing the Georgia Underground Storage Tank Operators Exam, the Class A or Class B Operator shall be issued a Certificate from the approved test administrator indicating the name of the test applicant, operator category of the test and the date of the test, which certificate shall expire seven (7) years from the date of issue.
 - (e) Class C Operators shall receive training in the responsibilities of that class prior to assuming responsibilities of that position. Class C operators shall be trained in the responsibilities of that class by either the Class A or Class B Operators for that facility. The method and curriculum used to train the Class C operator shall be kept onsite at the UST facility and shall specifically identify which employees are considered Class C operators and which have received the Class C operator training. Any Class C operator if not already certified as trained shall be trained as required herein before taking responsibility for a UST system.
- (3) Retraining.
- (a) All Class A and Class B operators shall be required to retake and pass the Georgia UST Operator Examination once every seven (7) years.
 - (b) Should EPD determine that a UST facility is out of compliance with significant operational compliance requirements for release detection and release prevention requirements, or financial assurance responsibility requirements as provide in these Rules, the EPD shall require the Class A or Class B operator be trained and

re-tested at a minimum for the criteria in which the UST facility was determined to be out of significant operational compliance.

- (c) A Certificate of Training may be granted at the discretion of the Director to operators who have received certification from other States whose UST rules are compatible with these Rules and have an approved EPA operator training program and provide reciprocity to Georgia operators in that State.

(4) Revocation of Certification.

The Director may investigate the actions of any operator and may revoke or suspend the certificate of an operator when it is found by the Director that in obtaining such certificate the operator has practiced fraud or deception; or that reasonable care, judgment, or the application of knowledge or ability was not used in the performance of the operator's duties; or that the operator is incompetent or unable to perform his duties properly.

(5) Violations.

It shall be a violation of these Rules for any UST owner to operate or allow to be operated any UST facility owned by that owner without a Class A, Class B or Class C operator being designated and existing for said UST facility as prescribed by these Rules. If any UST owner operates or allows to be operated any UST facility in violation of this Rule, 391-3-15-.16, the current Annual Tank Registration Certificate issued by EPD as required by Rule [391-3-15-.05](#) may be revoked by the Director.

Cite as Ga. Comp. R. & Regs. R. 391-3-15-.16

Authority: O.C.G.A. § [12-13-1](#), et seq.

History. Original Rule entitled "Operator Responsibilities, Training and Examination" adopted. F. Aug. 28, 2009; eff. Sept. 17, 2009.

Amended: F. Oct. 17, 2017; eff. Nov. 6, 2017.

Rule 391-3-15-.17. Airport Hydrant Systems and Field Constructed Tanks.

- (1) 40 CFR Part 280, Subpart K, is hereby incorporated by reference, except for the following:
 - (a) Each reference to "October 13, 2015" shall be replaced with "December 15, 2017".
 - (b) Each reference to "October 13, 2018" shall be replaced by "December 15, 2020".
 - (c) Each reference to "October 13, 2021" shall be replaced by "December 15, 2023".
 - (d) Each reference to "October 13, 2022" shall be replaced by "December 15, 2024".

Cite as Ga. Comp. R. & Regs. R. 391-3-15-.17

Authority: O.C.G.A. § [12-13-1](#), et seq.

History. Original Rule entitled "Airport Hydrant Systems and Field Constructed Tanks" adopted. F. Oct. 17, 2017; eff. Nov. 6, 2017.

Subject 391-3-16. RULES FOR ENVIRONMENTAL PLANNING CRITERIA.

Rule 391-3-16-.01. Criteria for Water Supply Watersheds.

(1) Background.

- (a) These Criteria establish pursuant to O.C.G.A. § [12-2-8](#) a basis to be used by local governments to allow development of a water supply watershed without contaminating the water source to a point where it cannot be treated to meet drinking water standards. The criteria accomplish this by establishing buffer zones around streams and by specifying allowable impervious surface densities within watersheds. The criteria also include protection of water supply reservoirs by buffer zones and management practices to be established by reservoir owners and approved by the Department of Natural Resources.
- (b) Large drainage basins are less vulnerable to contamination by land use development than small basins. Therefore, more stringent watershed protection criteria are established for water supply watersheds less than 100 square miles in size. Since existing water supply sources as well as future sources must be protected, the criteria apply to both existing and future water supply watersheds. Watersheds are not identical; consequently alternate criteria may be adopted by local governments to protect water supply watersheds.
- (c) The purpose of these criteria is to establish the protection of drinking water watersheds. This protection is necessary for the enhancement of public health, safety and welfare as well as to assure that surface sources of drinking water are of high quality in order to be treated to meet all State and Federal drinking water standards.

(2) Definitions.

- (a) "Buffer" means a natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas. Specific buffer uses may be defined by local governments consistent with these criteria.
- (b) "Corridor" means all land within the buffer areas and other setback areas specified in Paragraphs (6) and (7) of these criteria.
- (c) "Impervious Surface" means a man-made structure or surface which prevents the infiltration of storm water into the ground below the structure or surface.

Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

- (d) "Perennial Stream" means a stream that has normal stream flow consisting of base flow (discharge that enters the stream channel mainly from groundwater) or both base flow and direct runoff during any period of the year.
 - (e) "Reservoir Boundary" means the edge of a water supply reservoir defined by its normal pool level.
 - (f) "Utility" means public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads or other utilities identified by a local government.
 - (g) "Water Supply Reservoir" means a governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.
 - (h) "Water Supply Watersheds" means the area of land upstream of a governmentally owned public drinking water intake.
 - (i) "Water Supply Watershed Protection Plan" is a land use plan prepared and adopted by local governments for the protection of the quality of drinking water obtained from the watershed.
- (3) **Coverage.** These criteria shall apply to all governments located within water supply watersheds. Exceptions to coverage may be allowed for watersheds providing secondary or emergency sources of water only. These criteria do not apply to watersheds not used for public drinking water supply. Standards established in the Metropolitan Rivers Protection Act and the Erosion and Sedimentation Act are not superseded by these criteria.
- (4) **Local Government Adoption.** Local Governments shall identify existing and future water supply watersheds and shall adopt water supply watershed protection plans as part of their planning process. These criteria shall be used as the basis for local water supply watershed protection plans. Local governments may refine and enhance the criteria in their water supply watershed protection plans. All existing or proposed withdrawals for public water supply must be approved by the Department of Natural Resources.
- (5) **Exemptions.**
- (a) Local governments may exempt land uses existing prior to promulgation of water supply watershed protection plans from the provisions of water supply watershed protection plans.

- (b) Local governments may exempt mining activities permitted by the Department of Natural Resources under the Surface Mining Act from the provisions of water supply watershed protection plans.
- (c) Local governments may exempt utilities from the stream corridor buffer and setback area provisions of water supply watershed protection plans in accordance with the following conditions if the utilities to be located in the buffer or setback areas cannot feasibly be located outside these areas:
 - 1. The utilities shall be located as far from the stream bank as reasonably possible.
 - 2. The installation and maintenance of the utilities shall be such to protect the integrity of the buffer and setback areas as best as reasonably possible.
 - 3. The utilities shall not impair the quality of the drinking water stream.
- (d) Local governments may exempt specific forestry and agricultural activities from the stream corridor buffer and setback area provisions of water supply watershed protection plans in accordance with the following conditions:
 - 1. The activity shall be consistent with best management practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture.
 - 2. The activity shall not impair the quality of the drinking water stream.

(6) Minimum Criteria for Large Water Supply Watersheds.

- (a) A large water supply watershed has 100 square miles or more of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.
- (b) The stream corridors of a large water supply watershed tributary to the water supply intake shall have no specified minimum criteria for protection, except the stream corridors of the perennial tributaries of a water supply reservoir in a large water supply watershed are protected as described in (c) below.
- (c) The corridors of all perennial streams in a large water supply watershed tributary to a water supply reservoir within a seven (7) mile radius of the reservoir boundary are protected by the following criteria:
 - 1. A buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks.

2. No impervious surface shall be constructed within a 150 foot setback area on both sides of the stream as measured from the stream banks.
 3. Septic tanks and septic tank drainfields are prohibited in the setback area of 2. above.
- (d) The remainder of a large water supply watershed tributary to the water supply intake shall have no specified minimum criteria for protection, except that new facilities, located within seven (7) miles of a water supply intake or water supply reservoir, which handle hazardous materials of the types and amounts determined by the Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.
 - (e) The water supply reservoirs in large water supply watersheds will be managed as described in (8).

(7) Minimum Criteria for Small Water Supply Watersheds.

- (a) A small water supply watershed has less than 100 square miles of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.
- (b) Stream Corridor Criteria for Small Water Supply Watersheds.
 1. The perennial stream corridors of a small water supply watershed within a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir are protected by the following criteria:
 - (i) A buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks.
 - (ii) No impervious surface shall be constructed within a 150 foot setback area on both sides of the stream as measured from the stream banks.
 - (iii) Septic tanks and septic tank drainfields are prohibited in the setback area of (ii) above.
 2. The perennial stream corridors within a small water supply watershed and outside a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir are protected by the following criteria:

- (i) A buffer shall be maintained for a distance of 50 feet on both sides of the stream as measured from the stream banks.
 - (ii) No impervious surface shall be constructed within a 75 foot setback area on both sides of the stream as measured from the stream banks.
 - (iii) Septic tanks and septic tanks drainfields are prohibited in the setback areas of (ii) above.
- (c) The following criteria apply at all locations in a small water supply watershed.
 - 1. New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems.
 - 2. New hazardous waste treatment or disposal facilities are prohibited.
 - 3. The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to twenty-five (25) percent, or existing use, whichever is greater.
 - 4. New facilities which handle hazardous materials of the types and amounts determined by the Department of Natural Resources shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.
- (d) The water supply reservoirs in small water supply watersheds are to be managed as described in (8).

(8) Water Supply Reservoir Management Plans.

- (a) The owner of a water supply reservoir shall develop a reservoir management plan for approval of the Department of Natural Resources. If the Department owns the reservoir, the plan shall be prepared in cooperation with the local governments using the reservoir.
- (b) A reservoir management plan shall address the recreational use of the reservoir and the maintenance of a buffer around the reservoir.
 - 1. Any recreational uses shall take into consideration the protection of the water quality of the reservoir for drinking water purposes. The following recreational uses are permissible in the reservoir management plan if the water quality of the reservoir is adequately protected.
 - (i) Swimming;

- (ii) Fishing;
 - (iii) Boating;
 - (iv) Docks;
 - (v) Public Access; and
 - (vi) Adjacent Property Owner Access.
2. The reservoir management plan shall include a buffer that shall be maintained for a distance of 150 feet from the reservoir boundary. The allowable buffer vegetation and disturbance shall be specified in the reservoir management plan. Allowable disturbances may include public and/or private access to the reservoir and/or the buffer via docks, trails, and similar amenities provided that such disturbances are addressed in the reservoir management plan.
 3. Reservoir owners may adopt buffers of differing sizes than in 2. above upon approval of the Department of Natural Resources.

(9) Additional Criteria.

- (a) Within water supply watersheds, local governments may adopt additional criteria to protect drinking water sources.

(10) Alternate Minimum Criteria for Water Supply Watersheds.

- (a) A local government within a water supply watershed may adopt alternate minimum criteria for the stream buffer requirements in paragraphs (6)(c) and (7)(b) of these criteria if the alternate criteria meet the following requirements:
 1. The local government is certified by the Director as having a program in place adequate to implement and enforce these alternate minimum criteria, including implementing ordinances. Such certification may be suspended or revoked pursuant to the same procedures provided for Local Issuing Authorities under O.C.G.A. § [12-7-8](#);
 2. As part of any certification by the Director required above, the local government shall, through its planning department or other appropriate body, require that all approvals for the subdivision or development of parcels within the water supply watershed shall include a determination that the subject parcel or parcels within a development are consistent with the buffers required hereunder and that all plats of survey and approvals provide clear notice of the alternate minimum criteria and requirements

adopted by the local government. Further, after the effective date of the ordinance, the creation of lots on which there is not sufficient area for construction is prohibited; and

3. The local government shall adopt an ordinance that incorporates one of the following three (3) options provided below in subparagraphs 3.(i), 3.(ii), or 3.(iii) for all perennial stream corridors within the water supply watershed that are within a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir. Beyond such seven (7) mile radius, the ordinance shall also provide for a 50-foot buffer for perennial stream corridors within the water supply watershed. These options do not affect the buffer around the water supply reservoir.

- (i) "Option 1" For a one-mile radius upstream of a public water supply intake, within such local government jurisdiction that is a certified Local Issuing Authority as defined in O.C.G.A. § [12-7-8](#), there is a 100-foot critical area with an undisturbed buffer on both sides of the stream; for the balance of the watershed, there is a 50-foot undisturbed buffer on both sides of the stream. Beyond the adopted 50-foot and 100-foot riparian buffers, development is allowed but is limited to an effective impervious cover of ten (10) percent as described below in subparagraph 4.(vi) of these criteria.

- (I) For local government ordinances incorporating the options in subparagraph 3.(i) above, all of the following practices are also required within the water supply watersheds:

- I. development and implementation of a public education program approved by the Division that includes items described below in subparagraph 4.(i) of these criteria;

- II. implementation of design guidelines that ensure a diffuse flow requirement with no concentrated flow leaving the property as described below in subparagraph 4.(ii) of these criteria;

- III. declarations of development restrictions on either survey plats and/or deeds that indicate that the parcel is located within a water supply watershed and that there are restrictions on disturbance of the buffer area and specific development practices for said property;

- IV. adoption of a stormwater ordinance as described below in subparagraph 4.(iii) of these criteria;

- V. performance of a septic tank inspection every seven (7) years with mandatory repairs and pumping, if required;
 - VI. implementation of a Division approved monitoring program as described below in subparagraph 4.(iv) of these criteria; and
 - VII. vegetation of riparian buffers as described in subparagraph 4.(v) of these criteria;
- (ii) "Option 2" Upstream of a public water supply intake, within such local government jurisdiction that is a certified Local Issuing Authority as defined in O.C.G.A. § [12-7-8](#), there is a 75-foot undisturbed riparian buffer on both sides of the stream.
- (I) For local government ordinances incorporating the options in subparagraph 3.(ii) above, all of the following practices are also required within the water supply watersheds:
 - I. development and implementation of a public education program approved by the Division that includes items described below in subparagraph 4.(i) of these criteria;
 - II. implementation of design guidelines that ensure a diffuse flow requirement with no concentrated flow leaving the property as described below in subparagraph 4.(ii) of these criteria;
 - III. declarations of development restrictions on either survey plats and/or deeds that indicate that the parcel is located within a water supply watershed and that there are restrictions on disturbance of the buffer area and specific development practices for said property;
 - IV. adoption of a stormwater ordinance as described below in subparagraph 4.(iii) of these criteria;
 - V. performance of a septic tank inspection every seven (7) years with mandatory repairs and pumping, if required;

- VI. implementation of a Division approved monitoring program as described below in subparagraph 4.(iv) of these criteria; and
 - VII. vegetation of riparian buffers as described in subparagraph 4.(v) of these criteria;
- (iii) "Option 3" Upstream of a public water supply intake, within such local government jurisdiction that may or may not be a certified Local Issuing Authority as defined in O.C.G.A. § [12-7-8](#), there is a 100-foot undisturbed riparian buffer on both sides of the stream.
- (I) For local government ordinances incorporating the options in subparagraph 3.(iii) above, all of the following practices are also required within the water supply watersheds:
 - I. development and implementation of a Division approved public education program that includes items described below in subparagraph 4.(i) of these criteria;
 - II. implementation of design guidelines that ensure a diffuse flow requirement with no concentrated flow leaving the property as described below in subparagraph 4.(ii) of these criteria;
 - III. declarations of development restrictions on either survey plats and/or deeds that indicate that the lot is located within a water supply watershed and that there are restrictions on disturbance of the buffer area and specific development practices for said property; and
 - IV. adoption of a stormwater ordinance as described below in subparagraph 4.(iii) of these criteria;
 - (II) For local government ordinances incorporating the options in subparagraph (iii) above, the following practices are recommended but not required within the water supply watersheds:
 - I. acquiring certification as a Local Issuing Authority;

- II. mandatory notification by the local government every seven years for all owners of septic tanks and septic tank drain fields within 100-feet of any stream within the water supply watershed, as measured from the top of the stream bank, outlining the risk of fines and enforcement for illegal discharge or seepage into waters of the State and the need for routine maintenance and replacement under guidance and direction from the local health department;
- III. implementation of a Division approved monitoring program as described below in subparagraph 4.(iv) of these criteria; and
- IV. vegetation of riparian buffers as described in subparagraph 4.(v) of these criteria.

4. If required above, the local government shall:

- (i) Adopt and implement a Division approved public education plan that is designed to educate the community and conduct equivalent outreach activities targeting but not limited to citizens, government officials, developers, engineers, architects, landscapers, builders, construction workers, non-profit organizations, and volunteers. The plan shall include but is not limited to information about the use and maintenance of stormwater best management practices, septic system inspection and maintenance, agricultural best management practices, forestry best management practices, native landscaping and water conservation;
- (ii) Require that diffuse flow or runoff must be maintained within the riparian buffer by dispersing concentrated flow and re-establishing vegetation. Concentrated runoff from new ditches or constructed conveyances shall be converted to diffuse flow before the runoff enters the riparian buffer. If necessary to impede the formation of erosion gullies, periodic corrective action to restore diffuse flow shall be required in a maintenance agreement with appropriate entities;
- (iii) Adopt a Division approved stormwater management ordinance that applies in the water supply watershed. Any local government

certified as a Local Issuing Authority under the Georgia Erosion and Sedimentation Control Act shall implement said adopted stormwater management ordinance that incorporates the post-development best management practices expressly required hereunder and permanent storm water control measures as well as design standards appropriate for the terrain and topography to protect water quality, stream channels and flooding. These standards shall be consistent with criteria established for such control measures in the Georgia Storm Water Management Manual. If such local government is not required above to become a certified Local Issuing Authority, then it shall adopt an ordinance approved by the Division that requires at a minimum that plans for permanent storm water control measures be reviewed and approved by such local government. The local government shall have the resources necessary to review and inspect such measures;

- (iv) Implement a Division approved program to monitor streams within the water supply watershed for the following:
 - (I) Georgia bacterial standard,
 - (II) turbidity and
 - (III) nutrients. The samples shall be taken immediately after the first substantial rain of the month (0.5 inches or larger); or if rain has not occurred and is not predicted, the samples shall be taken during the last week of the month. Should the monthly data show three (3) consecutive months of degrading water quality (each month's data set for any or all parameters showing increasing values), a corrective action plan shall be submitted within thirty (30) days to the Division for approval. Upon approval by the Division the corrective action plan shall be implemented and the monthly sampling continued until such time as the Division notifies the local government that corrective action is no longer required;
- (v) Require that a 50-foot riparian buffer be vegetated with understory trees and shrubs and canopy trees native to the region or approved by the Division planted no more than ten (10) feet apart and pursuant to guidelines contained in the storm water management ordinance approved by the Division. Vegetation and permanent maintenance of the buffers is the responsibility of the developer, subsequent property owner or homeowners association. This

vegetation shall only be required upon a change in use or development of the lot or parcel that includes the riparian buffer subject to these criteria.

- (vi) Require an effective impervious cover of no more than ten (10) percent upon the development or redevelopment of a parcel for either lots immediately adjacent to a perennial stream or for the area of land within 150-feet of a perennial stream, whichever is larger. On single, individual lots this requirement shall be triggered for projects with greater than 5,000 square feet of impervious surfaces. An effective impervious cover shall be generally defined in terms of controlling runoff and pollutants so that post-development runoff is only ten (10) percent greater than pre-development conditions. The pre-development (baseline) conditions shall be assumed to be good forested conditions appropriate to the site. This requirement and the methodology to achieve it shall be further defined in accordance with guidelines to be developed as part of a local government's storm water management ordinance approved by the Division.
 - (vii) Notify all owners of septic tanks and septic tank drain fields within the water supply watershed every seven (7) years of the risk of fines and enforcement for illegal discharge or seepage into waters of the State and the need for routine maintenance and replacement under guidance and direction from the local health department.
5. Septic systems and drain fields shall be located outside of the required riparian buffers and setbacks indicated in the above paragraphs and are recommended to be at least 100-feet away from a perennial stream where practicable. As part of any subdivision or development of parcels within the water supply watershed, the local government shall in cooperation with the Georgia Department of Human Resources, through its planning department or other appropriate bodies, require that:
- (i) Considering the size, configuration and household appliances and equipment, septic tanks and septic drain fields shall be sized appropriately by qualified personnel;
 - (ii) Septic tank risers shall be installed;
 - (iii) Only multi-stage septic tanks with effluent filters shall be installed; and

- (iv) All approvals for new building permits for additions or remodeling of existing structures on the subject parcel or parcels within a subdivision or development shall be accompanied by a review of septic tank and septic drainfield sizing, configuration and design with mandatory upgrades if required.
- 6. Local governments may exempt those structures existing, under construction, or for which a complete application for a land disturbance permit, building permit, or similar government approval has been submitted as of the effective date of the ordinances adopted pursuant to this rule, or on which construction will commence no later than one year following the date of the adoption of the ordinances required pursuant to this rule. However, any modification or expansion of such existing structure which results in a net increase in the structure footprint or of the impervious surface area within the buffer shall subject the structure to the applicable criteria hereunder. Further, local governments may exempt parcels on which only one (1) single family home is built for residential use by the owner of the parcel, provided that this exemption shall not apply to parcels that are subdivided into lots after the effective date of ordinances adopted pursuant to this rule.
- 7. After the effective date of the ordinance, the local government shall have one year to implement the stormwater ordinance and two years to design and implement a Division approved public education program and a Division approved monitoring program. The local jurisdiction shall submit a report on the aforementioned activities to the Division and get approval from the Division to proceed with buffer reductions.
- 8. Local governments may consider granting a variance to the buffers established in the adopted ordinance only when:
 - (i) There are hardships that prevent compliance with the buffer widths and required practices. Local governments shall provide an opportunity for meaningful public notice of, comment upon, and administrative appeal of all decisions relating to action upon an application for a variance under these provisions. Such terms shall be referenced or included in the storm water management ordinance to be considered by the Division. Such terms shall include any rights of appeal or further administrative review as otherwise provided for land use decisions in the local government. Hardships shall be evaluated in accordance with the following:
 - (I) If the applicant complies with the buffer widths and required practices, he or she can secure no reasonable return from, nor

make reasonable use of, his or her property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. Moreover, the local government shall consider whether the variance is the minimum possible deviation from the buffer widths that shall make reasonable use of the property possible;

- (II) The hardship results from application of the buffer widths to the property rather than from other factors such as unrelated deed restrictions;
- (III) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography;
- (IV) The applicant did not cause the hardship;
- (V) The variance is in harmony with the general purpose and intent of the riparian buffer widths and required practices and preserves the purpose thereof;
- (VI) In granting the variance, the public safety and welfare have been assured, and the quality of downstream water, including but not limited to water used to supply public drinking water, has been maintained or improved; and
- (VII) The applicant certifies that the applicant has not and does not intend to apply for a variance from the minimum buffer requirements contained in the Georgia Erosion and Sedimentation Control Act for the same perennial stream or streams for which a variance is sought pursuant to this paragraph.

Cite as Ga. Comp. R. & Regs. R. 391-3-16-.01

Authority: 1990 Ga. General Assembly Resolution No. 63, O.C.G.A. §§ [12-2-8](#), [12-5-20](#), [12-7-1](#).

History. Original Rule entitled "Criteria for Water Supply Watersheds" adopted. F. Dec. 27, 1990; eff. Mar. 28, 1990, as specified by the Agency.

Amended: F. July 2, 2007; eff. July 22, 2007.

Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.

Rule 391-3-16-.02. Criteria For Protection of Groundwater Recharge Areas.

(1) Background. Variable levels of recharge area protection can be based upon the State's hydrogeology (e.g., areas such as the Dougherty Plain where a major aquifer crops out would receive a relatively high degree of protection whereas other areas, such as the shale hills of northwest Georgia, would receive a lower degree of Protection). Recharge area protection within the significant recharge areas would be further refined, based upon the local susceptibility or vulnerability to human induced pollution (e.g., high, medium, or low). The significant recharge areas have already been identified and mapped (about 22-23% of the State). Pollution susceptibility mapping is ongoing. Existing statutes are adequate for protection of the remaining recharge areas (about 77-78% of the State).

(2) Definitions:

- (a) "Aquifer" means any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well. (Note: this is the same definition as in the Groundwater Use Act.)
- (b) "DRASTIC" means the standardized system for evaluating groundwater pollution potential using the hydrogeologic settings described in U.S. Environmental Protection Agency document EPA-600/287-035 (Note: the DRASTIC methodology is the most widely used technique for evaluating pollution susceptibility).
- (c) "Pollution Susceptibility" means the relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge area.
- (d) "Pollution Susceptibility Maps" means maps of relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. Pollution susceptibility maps categorize the land areas of the State into areas having high, medium and low groundwater pollution potential.
- (e) "Recharge Area" means any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.
- (f) "Significant Recharge Areas" means those areas mapped by the Department of Natural Resources in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology, soil type thickness, slope, density of lithologic contacts, geologic structure, the presence of karst, and potentiometric surface. Significant recharge areas are as follows in the various geologic provinces of Georgia:
 - 1. In the Valley and Ridge and in the Cumberland Plateau, significant recharge areas outcrop areas of carbonate rock where low slope (less than 8% slope) conditions prevail. Such areas commonly are characterized by karst topography (caves and sinkholes).

2. In the Piedmont and in the Blue Ridge, rocks have little primary porosity, with most groundwater being stored in the overlying soils. The significant recharge areas are those with thicker soils. Field mapping indicates that thick soils in the Piedmont and Blue Ridge are characterized by a density of two or more geologic contacts per four squares miles (source: 1976 1:500,000 Geologic Map of Georgia) and slopes lower than 8%.
 3. In the Coastal Plain, the significant recharge areas are the surface outcroppings of the large and extensively used drinking water aquifers (e.g., the Floridian, the Clayton, etc.) and soils having high permeability according to the 1976 1:750,000 Soils Association Map of Georgia.
- (3) The following criteria pursuant to O.C.G.A. § [12-2-8](#) shall apply in significant recharge areas:
- (a) The Department of Natural Resources shall not issue any permits for new sanitary landfills not having synthetic liners and leachate collection systems.
 - (b) The Department of Natural Resources shall not issue any new permits for the land disposal of hazardous wastes.
 - (c) The Department of Natural Resources shall require all new facilities permitted or to be permitted to treat, store, or dispose of hazardous waste to perform such operations on an impermeable pad having a spill and leak collection system.
 - (d) New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. (Note: These figures are consistent with US EPA rules for oil pollution prevention, [40 CFR 112.1](#)). Such tanks used for agricultural purposes are exempt, provided they comply with all Federal requirements
 - (e) New agriculture waste impoundment sites shall be lined if they are within:
 1. a high pollution susceptibility areas;
 2. a medium pollution susceptibility area and exceed 15 acre-feet;
 3. a low pollution susceptibility area and exceed 50 acre-feet.
 - (i) As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the U.S. Soil Conservation Service. (The average size of existing agricultural waste impoundments in Georgia is about 15 acre-feet; sheeps-foot rollers or

pans with heavy tires, which are normal equipment for most Georgia moving contractors, should be able to compact clay to the recommended vertical hydraulic conductivity).

- (f) New homes served by septic tank/drain field systems shall be on lots having the following minimum size limitations as identified on Table MT-1 of the Department of Human Resources' Manual for On-Site Sewage Management systems (herein after "DHR Table MT-1")
 - 1. 150% of the subdivision minimum lot size of DHR Table MT-1 if they are within a high pollution susceptibility area; and
 - 2. 125% of the subdivision minimum lot size of DHR Table MT-1 if they are within a medium pollution susceptibility area; and
 - 3. 110% of the subdivision minimum lot size DHR Table MT-1 if they are within a low pollution susceptibility area.
- (g) New mobile home parks served by septic tank/drain field systems shall have lots or spaces having the following size limitation as identified on Table MT-2 of the Department of Human Resources' Manual for On-Site Sewage Management System (hereinafter "DHR Table MT-2").
 - 1. 150% of the subdivision minimum lot or space size of DHR Table MT-2 if they are within a high pollution susceptibility area; and
 - 2. 125% of the subdivision minimum lot or space size of DHR table MT-2 if they are within a medium pollution susceptibility area; and
 - 3. 110% of the subdivision minimum lot or space size of DHR Table MT-2 if they are within a low pollution susceptibility area.
- (h) If a local government requires a larger lot size than that required by (f) above for homes or by (g) above mobile homes, the larger lot size shall be used.
- (i) Local governments at their option may exempt from the requirement of (f) or (g) any lot of record on the date of their adoption of these lot size standards.
- (j) No construction may proceed on building or mobile home to be served by a septic tank unless the county health department first approves the proposed septic tank installation as meeting the requirements of the DHR Manual and (f), (g), (h), and (i) above.
- (k) Each Regional Development Center is responsible for considering, in its regional plan, the cumulative environmental effects of a significant number of septic tank

systems being used in close proximity to each other. In so considering the Regional Development Center shall not approve any local plans which would result in adverse environmental effects on another area. A Regional Development Center may consult with the Department of Human Resources and Department of Natural Resources for technical assistance as to appropriate densities of lots served by septic tanks insignificant recharge areas.

- (l) New facilities which handle hazardous materials, of types and in amounts determined by the Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems, as prescribed by the Department of Natural Resources.
 - (m) The Department of Natural Resources shall require conservative design in any new permits for the spray irrigation of wastewater sludges in areas having pollution susceptibility. This shall be accomplished by comparing the Department's CRITERIA FOR SLOW RATE LAND TREATMENT (February, 1986 or latest edition) with amendments and other technical publication to site specific information submitted by a registered professional engineer for each project.
 - (n) Permanent storm water infiltration basins shall not be constructed in areas having pollution susceptibility.
 - (o) Exclusive of mining settling basins, new wastewater treatment basins shall have an impermeable liner in areas having high pollution susceptibility.
- (4) Local governments having jurisdiction authority over all significant recharge areas shall adopt, implement, and enforce ordinances for recharge area protection at least as stringent as the standards developed by the Department of Natural Resources.

Cite as Ga. Comp. R. & Regs. R. 391-3-16-.02

Authority: 1990 General Assembly Resolution No. 63 (Senate Resolution No. 331).

History. Original Rule entitled "Criteria for Production of Groundwater Recharge Areas" adopted. F. Dec 27, 1990; eff. March 28, 1990, as specified by certification of this Agency.

Rule 391-3-16-.03. Criteria for Wetlands Protection.

- (1) Local governments and regional development centers should acknowledge the importance of wetlands for the public good in the land-use planning process as mandated by O.C.G.A. § [12-2-8](#). The Department of Natural Resources shall establish a freshwater wetlands database and minimum criteria for local government consideration of wetlands protection in the land-use planning process. DNR's database shall include field checked mapping wetlands. The criteria are designed to assist in the identification and protection of wetlands, and do not constitute a state or local permit program.

- (2) The wetlands permit program under Section 404 of the Clean Water Act provides a federal permit process that may allow activities in wetlands after a public interest review. Most activities in wetlands will require a Section 404 permit from the Corps of Engineers. If wetlands are altered or degraded, mitigation of offset losses will be required as a condition of a Section 404 Permit. Under current federal policy, alternations or degradations of wetlands should be avoided unless it can be demonstrated that there will be no long-term adverse impacts or net loss of wetlands. Section 401 of the Clean Water Act requires certification by the State for any permit issued under Section 404. Other state and federal laws are also applicable to wetlands and wetlands protection.
- (3) The following are definitions and criteria for developing local and regional land-use plans with respect to wetlands:
- (a) Definition of Freshwater Wetlands. "Wetlands" mean those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps marshes, bogs, and similar areas. (33 CFR 32.93). The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation. Freshwater wetlands do not include any areas defined as "coastal marshlands" by the State Coastal Marshlands Protection Act.
 - (b) At a minimum, the following categories of freshwater wetlands and aquatic habitats will be defined, identified and mapped by the State:
 - 1. Open water -- areas of open water, primarily reservoirs, ponds, lakes, rivers, and estuaries.
 - 2. Non-forested emergent wetlands -- freshwater marshes dominated by a variety of grasses, sedges, rushes, and broadleaved aquatic associated with streams, ponded areas, and tidally-influenced non-saline waters.
 - 3. Scrub/shrub wetlands -- non-forested areas dominated by woody shrubs, seedlings and saplings averaging less than 20 ft. in height; these wetlands may intergrade with forested wetlands, non-forested emergent wetlands, and open water.
 - 4. Forested wetlands -- natural or planted forested areas having a dominant tree crown closure of hardwoods, pines, gums, cypress, or any combination of these types. These areas are usually in stream or river floodplains, isolated depressions, and drainways and contain standing or flowing water for a portion of the year. Subcategories:
 - (i) Hardwood floodplain forest;

- (ii) Coniferous floodplain forest;
- (iii) Mixed floodplain forests;
- (iv) Non-alluvial forested wetlands.

- 5. Altered wetlands -- areas with hydric soils that have been denuded of natural vegetation and put to other uses, such as pasture, row crops, etc., but that otherwise retain certain wetlands function and values.

(c) Wetlands will be appropriately identified and mapped in the land-use plans developed by local and regional governments. A "minimum areas" will be established for identification and mapping of wetlands in land-use plans. The "minimum area" established will be contingent upon the methodology used in developing the State's wetlands database and other available information, but under no conditions will an identified wetland "minimum area" exceed 5 acres. Land-use plans should address at least the following considerations with regards to wetlands classes identified in the database:

- 1. Whether impacts to an area would adversely affect the public health, safety, welfare, or the property of others.
- 2. Whether the area is unique or significant in the conservation of flora and fauna including threatened, rare or endangered species.
- 3. Whether alteration or impacts to wetlands will adversely affect the function, including the flow or quality of water, cause erosion or shoaling, or impact navigation.
- 4. Whether impacts or modification by a project would adversely affect fishing or recreational use of wetlands.
- 5. Whether an alteration or impact would be temporary in nature.
- 6. Whether the project contains significant state historical and archaeological resources, defined as "Properties On or Eligible for the National Register of Historic Places".
- 7. Whether alteration of wetlands would have measurable adverse impacts on adjacent sensitive natural areas.
- 8. Where wetlands have been created for mitigation purposes under Section 404 of the Clean Water Act, such wetlands shall be considered for protection.

- (d) Uses of wetlands without long term impairment for function should be included in land use plans. Acceptable uses may include:
 - 1. Timber production and harvesting;
 - 2. Wildlife and fisheries management;
 - 3. Wastewater treatment;
 - 4. Recreation;
 - 5. Natural water quality treatment or purification;
 - 6. Other uses permitted under Section 404 of the Clean Water Act.
- (e) Unacceptable uses may include:
 - 1. Receiving areas for toxic or hazardous waste or other contaminants;
 - 2. Hazardous or sanitary waste landfills;
 - 3. Other uses unapproved by local governments.

Cite as Ga. Comp. R. & Regs. R. 391-3-16-.03

Authority: 1990 General Assembly Resolution No. 63 (Senate Resolution No. 331)

History. Original Rule entitled "Criteria for Wetlands Protection" adopted. F. Dec 27, 1990; eff. March 28, 1990, as specified by certification of this Agency

Rule 391-3-16-.04. Criteria for River Corridor Protection.

- (1) **Background.** The following section on background is strictly for the purpose of introduction of the criteria. The section explains the importance of the river corridors, the relevant section of the Official Code of Georgia, and the method prescribed by the law for protection of river corridors.
 - (a) River corridors are the strips of land that flank major rivers in Georgia. These corridors are of vital importance to Georgia in that they preserve those qualities that make a river suitable as a habitat for wildlife, a site for recreation, and a source for clean drinking water. River corridors also allow the free movement of wildlife from area to area within the state, help control erosion and river sedimentation, and help absorb flood waters.
 - (b) The Comprehensive Georgia Planning Act of 1989 provides for the development of coordinated and comprehensive planning by municipal and county governments. Such comprehensive plans shall consider the natural resources,

environments, and vital areas within the jurisdiction of the local government. Maintenance of the status as a "Qualified Local Government" is contingent upon the development of such comprehensive plans (O.C.G.A. [50-8-1](#) *et seq.*).

- (c) Section [12-2-8](#) (as amended of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.) authorized the Department of Natural Resources (DNR) to develop minimum planning standards and procedures for the protection of river corridors in the state, and requires local governments to use these minimum standards in developing and implementing local comprehensive plans.
- (d) The method mandated in O.C.G.A. [12-2-8](#) for the protection of river corridors is the established of natural vegetative buffer area bordering each protected river. Local government will develop River Corridor Protection Plans (as part of the comprehensive plans authorized under O.C.G.A. [36-70-3](#)) that will maintain the integrity of this buffer area.

(2) Definitions.

- (a) "Hazardous waste" means any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as [40 C.F.R. Section 261.3](#).

(Note: This is the same definition as used in the Georgia Hazardous Waste Management Act.)

- (b) "Land-disturbing activity" means any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individuals home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single family dwelling, and the cutting of firewood for personal use.
- (c) "Land uses existing prior to the promulgation of a River Corridor Protection Plan" means any land use or land-distributing activity, including all human endeavors directly associated with such use or activity, which, prior to the promulgation of the River Corridor Protection Plan falls within one of the following categories:
 - 1. is completed;
 - 2. is under construction;
 - 3. is fully approved by the governing authority;
 - 4. all material have been submitted for approval by the governing authority; or

5. is zoned for such use and expenditures in excess \$2,500.00 have been made in preparation for construction in accordance with such zoning.
- (d) "Local government" means the governing authority of a political subdivision.
- (e) "Natural vegetative buffer" or "buffer area" means a river corridor containing the flora native to that area. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114, "The Natural Environment of Georgia." Habitats for endangered and threatened species may require human management of the river corridor in order to maintain those species.
- (f) "Perennial river" means a river or section of a river that flows continuously throughout the year.
- (g) "Plans" or "comprehensive plan" means any plan by a county or a municipality covering such county or municipality or any plan by a regional development center covering the center's region proposed or prepared pursuant to be minimum planning standard and procedures for preparation of comprehensive plans and for implementation of comprehensive plans, established by the Department of Community Affairs in accordance with O.C.G.A. [50-8-1](#) through [50-8-12](#).
- (Note: this is the same definition as used in O.C.G.A. [50-8-2](#))
- (h) "Port facility" means any facility for the docking, loading, and unloading of ships.
- (i) "Protected river" means any perennial river or watercourse with an average annual flow of at least 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents. However, those segments of river covered by the Metropolitan River Protection Act or the Coastal Marshlands Protection Act are specifically excluded from the definition of a protected river. In coastal areas, the seaward limit of any protected river shall be the inland limits of the jurisdiction of the Coastal Marshlands Protection Act.
- (j) "Public utility" or "utilities" means a service or services provided by a public utility company or a private entity which provides or services and all equipment and structures necessary to provide such services.
- (k) "Quadrangle map" means the most recently published U.S. Geological Survey 7.5 minute topographic map prepared at a scale of 1:24,000.
- (l) "River bank" means the rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.
- (m) "River corridor" means all the land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. [12-5-440](#) through [12-5-457](#)), or the

Coastal Marshlands Protection Act (O.C.G.A. [12-5-280](#) through [12-5-293](#)), in areas of a protected river and being within 100 feet horizontally on both sides of the river as measured from the river banks. The 100 foot buffer shall be measured horizontally from the uppermost part of the river banks, usually marked by a break in slope. Although not within the measured 100 foot wide buffer, the area between the top of the bank and the edge of the river shall be treated by the local governments in the same manner as the river corridor and shall be included within the River Corridor Protection Plan. Because stream channels move due to natural processes such as meandering, river bank erosion, and jumping of channels, the river corridor may shift with time. For the purposes of these standards, the river corridor shall be considered to be fixed at its position at the beginning of each review period for local comprehensive plans. Any shift in the location of the protected river after at the start of the review period will require a revision of the boundaries of the river corridor at the time of the next review by the Department of Community Affairs.

- (n) "River Corridor Protection Plan" means that part of the local comprehensive plan which deals with the river corridor protection requirements specified herein.
 - (o) "Sensitive natural areas" means any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following:
 - 1. habitat, including nesting sites, occupied by rare or endangered species;
 - 2. rare or exemplary natural communities;
 - 3. significant landforms, hydroforms, or geological features; or
 - 4. other areas so designed by the Department of Natural Resources; and which is sensitive or vulnerable to physical or biological alteration.
 - (p) "Single-family dwelling" means a dwelling structure that is designed for the use of one family.
- (3) Applicability.
- (a) These minimum planning standards and procedures shall apply to each local government which contains within its boundaries a river corridor.
 - (b) These minimum planning standards and procedures shall apply to all state owned or administered land that contains a protected river within its boundaries. All state agencies shall comply with these minimum standards. Failure by a state agency to comply with such standards shall be considered an indicia of a governmental action which may significantly adversely affect the quality of the environment under the Environmental Policy Act (O.C.G.A. [12-6-1](#) *et seq.*)

- (c) Standards and requirements established in the Metropolitan Rivers Protection Act and the Erosion and Sedimentation Act are not superseded by River Corridor standards.
- (d) Affected local governments shall incorporate a River Corridor Protection Plan within their comprehensive plans on or before the date established by the Department of Community Affairs (DCA). For local government which have already submitted comprehensive plans to DCA, DCA shall establish a schedule for the review of a River Corridor Protection Plan.

(4) Protection Criteria.

- (a) The River Corridor Protection Plan shall provide for the maintenance of a natural vegetative buffer except as otherwise provided herein.
- (b) The River Corridor Protection Plan shall not prohibit the building of single-family dwellings, including the usual appurtenances, within the buffer area, subject to the following conditions:
 - 1. The dwelling shall be in compliance with all local zoning regulations.
 - 2. The dwelling shall be located on a tract of land containing at least two acres. For the purposes of these standards, the size of the tract of the land shall not include any area that lies within the protected river, (that is, for tracts of the lands that include portions of a protected river, the area between the river banks can not be counted towards the two acre minimum size).
 - 3. There shall be only one such dwelling on each two-acre or larger tract of land.
 - 4. A septic tank or tanks serving such a dwelling may be located within the buffer area.
 - 5. Septic tank drainfields shall not be located within the buffer area.
- (c) Within a river corridor, industrial and commercial land uses existing prior to the promulgation of a River Corridor Protection Plan are exempt from these criteria provided that:
 - 1. Industrial and commercial uses of river corridors shall not impair the drinking quality of the river water; and
 - 2. Industrial and commercial activity within the river corridor shall meet all state and federal environmental rules and regulations.

- (d) Excepts as expressly provided for under section IV.B of these criteria (dealing with single-family dwellings within the river corridor), septic tanks and septic tank drainfields are prohibited within river corridors.
- (e) River Corridors Protection Plans shall provide for the construction of road crossings and utility crossings of river corridors, provided that construction of such road and utility crossings shall meet all requirements of the Erosion and Sedimentation Control Act of 1975, and of any applicable local ordinances on soil erosion and sedimentation control
- (f) River Corridor Protection Plans, developed by local governments, shall provide the following acceptable uses of river corridors, provided that such uses do not impair the long-term functions of the protected river or the river corridor:
 - 1. Timber production and harvesting, subject to the following conditions:
 - (i) Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and
 - (ii) Forestry activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended.
 - 2. Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. [12-2-8](#).
 - 3. Waste-water treatment.
 - 4. Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation. For example, a boat ramp would be consistent with this criterion but a hard-surface tennis court would not. Parking lots are not consistent with this criterion. Paths and walkways within the river corridor are consistent with this criterion.
 - 5. Natural water quality treatment or purification.
 - 6. Agricultural production and management, subject to the following conditions:
 - (i) Agricultural activity shall be consistent with best management practices established by the Georgia Soil And Water Conservation Commission;
 - (ii) Agricultural activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended; and

- (iii) Agricultural activity shall be consistent with all the state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture.

7. Other uses permitted by the Department of Natural Resources or under Section 404 of the Clean Water Act.

- (g) Handling areas for the receiving and storage of hazardous waste are prohibited within river corridors. Port facilities are exempted from this criterion provided that;
 - 1. Port facilities shall meet all federal and state laws and regulations for the handling and transport of hazardous waste.
 - 2. Port facilities handling hazardous waste shall perform their operations on impermeable surfaces having spill and leak protection systems as prescribed by the Department of Natural Resources.

(Note: this is the same criterion as set in the Department of Natural Resources Criterion for Water-Supply Watersheds for facilities which handle hazardous materials.)

- (h) Hazardous waste or solid waste landfills are prohibited within river corridors.
- (i) Other uses unapproved by local government shall not be acceptable within river corridors.
- (j) Local governments may exempt the following from the River Corridor Protection Plans:
 - 1. Land uses existing prior to the promulgation of a River Corridor Protection Plan.
 - 2. Mining activities, if permitted by the Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.
 - 3. Utilities, (except as discussed above in Section IV.E) if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:
 - (i) The utilities shall be located as far from the river bank as reasonably possible;
 - (ii) Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and

(iii) Utilities shall not impair the drinking quality of the river water.

4. Specific forestry and agriculture activities except as discussed above in Sections IV.F.1 and IV.F.6.

(k) The natural vegetative buffer shall be stored as quickly as possible following any land-disturbing activity within the river corridor.

(l) Except as noted above, all construction within the buffer area shall be prohibited.

(5) Local Government Responsibilities:

(a) Local government shall identify any protected river within their jurisdiction. The Department of Natural Resources will provide maps and technical guidance regarding protected rivers if and as available.

(b) Local governments, which contain protected rivers within their jurisdiction, shall adopt River Corridor Protection Plans.

(6) River Corridor Protection Plans:

(a) River corridors shall be appropriately mapped and identified in the River Corridor Protection Plans.

(b) River Corridor Protection Plan shall address, at a minimum, the following considerations with regards to river corridors:

1. The plans shall consider the effect of the activities in the river corridor on public health, safety, welfare, and the private property rights.
2. The plans shall consider any characteristics of the river corridor that make it unique or significant in the conservation and movement of flora and fauna including threatened, rare, and endangered species. The plans shall establish the local government's policies regarding such flora and fauna rather than identifying specific sites containing such species.
3. The plans shall consider the effect of any activities within the river corridor on the function of the protected river and corridor including the flow and quality of the river water, erosion and shoaling of the river bed or margins, and to the navigability of the river.
4. The plans shall consider the effect of activities in the river corridor on fishing or recreational use of river corridors.

5. The plans shall consider whether the effect of activities in the river corridor are temporary or permanent in nature and, if temporary, the length of time the impact.
6. The plans shall consider the preservation of significant state historical and archaeological resources (defined as properties on or eligible for the National Register of Historic Places) within the river corridor.
7. The plans shall consider the effect of activities within river corridors on immediately adjacent sensitive natural areas. The plans shall established the local government's policies regarding such adjacent sensitive natural areas rather than identifying specific sites.

Cite as Ga. Comp. R. & Regs. R. 391-3-16-.04

Authority: O.C.G.A. Secs. [12-2-8](#), [50-8-7.1](#), [50-8-7.2](#).

History. Original Rule entitled "Criteria for River Corridor Protection" adopted. F. Dec. 20, 1991; eff Jan. 9, 1992.

Rule 391-3-16-.05. Criteria for Mountain Protection.

- (1) **Background.** The following section on background is strictly for the purpose of introduction of the criteria. The section explains the significance of land-disturbing activities on Georgia mountains, the relevant section of the Official Code of Georgia, and the method prescribed by the law for protection of a mountain areas.
 - (a) The mountain of Georgia are characterized by steep slopes, thin soils, and, because of the natural stresses placed on such environments, they require special protection. Land-disturbing activity on the high-elevation, steep-slope mountains of Georgia potentially threatens the public health, safety, welfare, and economic progress of the state. Such land-disturbing activity:
 1. may endanger the quality of surface water by increasing erosion and stream sedimentation;
 2. has the potential to induce landslides;
 3. has the potential to adversely affect ground water due to the difficulty in providing proper sewage disposal in areas of steep slope and high elevation;
 4. may damage the habitat for some species of wildlife (both plants and animals); and
 5. may detract from the mountains' scenic and natural beauty which is vital to the recreation and tourism industry of North Georgia.

- (b) The Comprehensive Georgia Planning Act of 1989 provides for the development of coordinated and comprehensive planning by municipal and county governments. Such comprehensive plans shall consider the natural resources, environments, and vital areas within the jurisdiction of the local government. Maintenance of the status as a "Qualified Local Government" is contingent upon the development of such comprehensive plans (O.C.G.A. [50-8-1](#) *et seq.*).
- (c) Section [12-2-8](#) (as amended) of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.) authorizes the Department of Natural Resources (DNR) to develop minimum planning standards and procedures for the protection of mountains in the state, and requires local governments to use these minimum planning standards in developing and implementing local comprehensive plans.
- (d) The method mandated in O.C.G.A. [12-2-8](#) for the protection of mountain areas is the development of the local plans (as part of the comprehensive plans authorized under O.C.G.A. [36-70-3](#)) that control the extent of the land-disturbing activity on affected mountains.

(2) Definitions.

- (a) "Hazardous waste" means any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as [40 C.F.R. Section 261.3](#).

(Note: This is same definition as used in the Georgia Hazardous Waste Management Act.)

- (b) "Land-disturbing activity" means any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single-family dwelling, and the cutting of firewood for personal use.
- (c) "Local governing authority" or "local government" means the governing authority of a political subdivision.
- (d) "Mountain Protection Plans" means that part of the local comprehensive plan which deals with the mountain protection requirement specified herein.
- (e) "Multi-family dwelling" means a structure that contains multiple dwelling units."
- (f) "Persons" means any individual, partnership, corporation, trust, entity, or authority and shall include the State of Georgia, its political subdivisions, and all of its departments, boards, bureaus, commissions, or other agencies.

- (g) "Plan" or "comprehensive plan" means any plan by a county or municipality covering such county or municipality or any plan by a regional development center covering the center's region proposed or prepared pursuant to the minimum standards and procedures for preparations of comprehensive plans and for implementation of comprehensive plans, established by the Department of Community Affairs in accordance with O.C.G.A. [50-8-1](#) through [50-8-12](#).

(Note: This is the same definition as used in O.C.G.A. [50-8-2](#))

- (h) "Plat map" means a large scale map that shows the location of tracts of land within a jurisdiction, and the tax status of such tracts.
- (i) "Protected mountain" means all land area 2,200 feet or more above mean sea level, that has a percentage slope of 25 percent or greater for at least 500 feet horizontally, and shall include the crests, summits, and ridge tops which lie at elevations higher than any such area.
- (j) "Quadrangle map" means the most recently published U.S. Geological Survey 7.5 minute topographic map prepared at a scale of 1:24,000.
- (k) "Reforestation plan" means a plan, prepared by a registered forester, for replacing of harvested timber by replanting (as described in the Recommended Best Management Practices for Forestry in Georgia, published by the Georgia Forestry Commission) or by natural regenerative processes (such as coppicing, seed trees, etc.)
- (l) "Sensitive natural areas" means any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following:
1. habitat, including nesting sites, occupied by rare or endangered species;
 2. rare or exemplary natural communities;
 3. significant landforms, hydroforms, or geological features; or
 4. other areas so designated by the Department of Natural Resources; and which is sensitive or vulnerable to physical or biological alteration.
- (m) "Single-family dwelling" means a dwelling structure that is designed for the use of one family.

(3) Applicability.

- (a) These minimum planning standards and procedures shall apply to each local government which contains a protected mountains within its boundaries.

- (b) These minimum planning standards and procedures shall apply to all state owned or administered land that contains a protected mountain within its boundaries. All state agencies shall comply with these minimum standards. Failure by a state agency to comply with such standards shall be considered an indicia of a governmental action which may significantly adversely affect the quality of the environment under the Environmental Policy Act (O.C.G.A. [12-16-1](#) *et seq.*)
- (c) Standards and requirements established in the Erosion and Sedimentation Act are not superseded by Mountain Protection standards.
- (d) Affected local governments shall incorporate a Mountain Protection Plan within their comprehensive plans on or before the date established by the Department of Community Affairs (DCA). For local governments which have already submitted comprehensive plans to DCA, DCA shall establish a schedule for the review of a Mountain Protection Plan.

(4) Protection Criteria.

- (a) Proposed land-disturbing activity shall meet all applicable requirements of the "Erosion and Sedimentation Act of 1975 as amended", and of any applicable local ordinances on soil erosion and sedimentation control.
- (b) Where one or more septic tanks are to be used for individual sewage disposal, the proposed land-disturbing activity shall meet all applicable requirements imposed by the local governing authority.
- (c) Where one or more wells are to be used for individuals water supply, the proposed land-disturbing activity shall meet all applicable requirements of the "Water Well Standards Act of 1985"; the requirements of the rules and regulations of the Department of Human Resources regarding individual or nonpublic wells; and any more stringent requirements imposed by the local governing authority.
- (d) If sewage treatment is to be provided by any means other than one or more individual septic tanks, the sewage treatment shall meet all applicable requirements of the "Georgia Water Quality Control Act".
- (e) If a public water supply system is to be provided, the water supply system shall meet all applicable requirements of the "Georgia Safe Drinking Water Act of 1977".
- (f) Single-family dwellings shall not be constructed at a density of more than one per acre, however, no such acre shall be less than 100 feet wide at the building site. This density restriction shall not apply to:
 - 1. Any lot of less than one acre if such a lot was, as of July 1, 1991, owned and described as a discrete of real property according to the instrument of title of

the person or persons owning the lot on July 1, 1991; or such a lot was as of July 1, 1991, shown as a discrete parcel or real property on a plat of survey properly recorded in the real property records of the clerk of superior court by the person or persons owning the lot July 1, 1991.

2. Any land, or part of any land, which was contained in or subject to any master plan, planned unit development plan if such plan was filed with and approved by the local governing authority prior to July 1, 1991, pursuant to a duly enacted planning and zoning ordinance; provided further, that any such planning and zoning ordinance must have provided for rules and procedures and governed lot sizes, density, types of buildings, and other limitations usually associated with the implementation of local zoning ordinances.
- (g) Multi-family dwellings, in the absence of a public water supply and sewerage system, shall not be constructed at a density of more than four dwelling units per acre. If there is a public water supply and sewage system available to this property, then the density may be increased to no more than six dwelling units per acre. No such acre shall be less than 100 feet wide at the building site.
- (h) Structures shall not extend more than 40 feet, as measured from the highest point at which the foundation of such structure intersects the ground, above the uppermost point of the crest, summit, or ridge top of the protected mountain on which the structure is constructed. This height restriction shall not apply to water, radio, or television towers; to any equipment for the transmission of electricity, to minor vertical projections of a parent building, including chimneys, flagpoles, flues spires, steeples, belfries, cupolas, antennas, poles, wires; or to windmills.
- (i) Any application for a building permit to construct a commercial structure shall contain a detailed landscaping plan. Such landscaping plan:
1. shall identify all trees which are to be moved that exceed eight inches in diameter as measured at a point on the tree four and one-half feet above the surface of the ground; and
 2. shall contain a plan for replacement of any such trees that are removed.
- (i) Such application shall also include a topographical survey of the project site and an assessment of the effect that the project will have on the environment of the mountain after the project has been completed and is in operation. Nothing in this paragraph shall be construed to require commercial structures to comply with the density provision of sections F and G cited above.

- (ii) In counties which do not require building permits, persons wishing to construct a commercial structure on a protected mountain shall obtain permission from the local government for such construction. The request for permission from the local government for such construction. The request for permission shall include the same information (listed above) that would be required if local building permit regulations were in place.
 - (j) No person engaging in land-disturbing activity shall remove more than 50 percent of the existing trees which exceed eight inches in diameter as measured at a point on such a tree four and one-half feet above the surface of the ground unless such person has filed with the application a plan of reforestation developed by a registered forester.
 - (k) Handling areas for the receiving and storage of hazardous waste are prohibited from protected mountains.
 - (l) Hazardous waste or solid waste disposal facilities are prohibited from protected mountains. Disposal facilities permitted by the Environmental Protection Division prior to the promulgation of a Mountain Protection Plan shall be exempt from this criterion.
 - (m) Other uses unapproved by local governments shall not be acceptable on protected mountains.
 - (n) Agriculture and forestry may be permitted on protected mountains provided that:
 - 1. Such agriculture and forestry must be consistent with the best management practices established by the Georgia Forestry Commission or the Georgia Soil and Water Conservation Commission;
 - 2. Agricultural and forestry activity shall be consistent with all state and federal laws, and all regulation promulgated by the Georgia Department of Agriculture.
 - (o) All roads on protected mountains shall be designed and constructed to minimize the potential for landslides, erosion, and runoff.
 - (p) Local governments may allow mining activity on protected mountains if such activity is permitted by the Department of Natural Resources.
- (5) Local Government Responsibilities.

- (a) Local government shall identify and map any protected mountain within their jurisdiction. The Department of Natural Resources will provide maps and technical guidance regarding protected mountains if and as available.
 - (b) Local governments, which contain a protected mountain within their jurisdictions, shall adopt Mountain Protection Plans.
- (6) Mountain Protection Plans.
- (a) Protected mountains shall be appropriately mapped and identified in the Mountain Protection Plans.
 - (b) Mountain Protection Plans shall address, at a minimum, the following considerations with regard to protected mountains:
 - 1. The plans shall consider the effect of the activities within protected mountain areas on a public health, safety, welfare, and private property rights.
 - 2. The plans shall consider any characteristics of a protected mountain that make it unique or significant in the conservation of flora and fauna including threatened, rare, and endangered species. The plans shall establish the local government's policies regarding such flora and fauna rather than identifying specific sites containing such species.
 - 3. The plans shall consider the effect of activities within protected mountain areas on ground-water or surface-water quality.
 - 4. The plans shall consider the effect of activities within protected mountain areas on the visual esthetics of the protected mountain.
 - 5. The plans shall consider whether the effects of activities within a protected mountain area are temporary or permanent in nature and, if temporary, the length of time of the impact.
 - 6. The plans shall consider the preservation of significant state historical and archaeological resources (defined as properties on or eligible for the National Register of Historic Places) within protected mountain areas.
 - 7. The plans shall consider the effect of activities within protected mountain areas on immediately adjacent sensitive natural areas. The plans shall establish the local government's policies regarding such adjacent sensitive natural areas rather than identifying specific sites.
- (7) Procedures.

(a) Determination of Elevation.

1. All land that lies above 2,200 feet elevation shown on a U.S. Geological Survey quadrangle map shall meet the elevation criterion for classification as a protected mountain.
 - (i) The 2,200 foot contour line on the quadrangle map shall serve as the line of delineation.

(b) Determination of Slope.

1. All land that has a slope of 25 percent or greater for at least 500 feet horizontally as shown on a U.S. Geologic Survey quadrangle map or contained in a U.S. Geologic Survey computer data file (Digital Elevation Model) shall meet the slope criterion for classification as a protected mountain.
2. Actual calculation of slope shall be done in one of three ways:
 - (i) Slope may be determined by measuring the proximity of contour lines on a quadrangle map.
 - (ii) Slope may be determined by using appropriate computer algorithms working on U.S. Geological Survey Digital Elevation Models.
 - (iii) Slope may be determined by a registered surveyor using standard surveying practices.
3. On an otherwise protected mountain, areas that are at an elevation of 2,200 feet or more and have slope of less than 25 percent, exclusive of valley floors shall be included within the protected mountain area.
4. The crests, summits, and ridge tops of mountains whose flanks meet the criteria for a protected mountain shall also be included within the protected area, even though the slopes of such crests, summits and ridge tops have slope of less than 25 percent.

(c) Preparation of Maps.

1. As part of their Mountain Protection Plans, local governments shall include maps showing all protected mountains within their jurisdiction. These maps shall consist of either:
 - (i) Quadrangle maps (at 1:24,000 scale) on which the protected mountains have been delineated.
 - (ii) Plat maps on which the protected mountains have been delineated.

Cite as Ga. Comp. R. & Regs. R. 391-3-16-.05

Authority: O.C.G.A. Secs. [12-2-8](#), [50-8-7.1](#), [50-8-7.2](#).

History. Original Rule entitled "Criteria for Mountain Protection" adopted. F. Dec. 20, 1991; eff. Jan. 9, 1992.

Subject 391-3-17. RADIOACTIVE MATERIALS.

Rule 391-3-17-.01. General Provisions.

- (1) **Scope.** Except as otherwise specifically provided, this Chapter, 391-3-17, applies to all persons who manufacture, produce, receive, possess, use, transfer, own, or acquire any source of radiation; provided, however, that nothing in this Chapter shall apply to any person to the extent such person is subject to regulation by the U.S. Nuclear Regulatory Commission.¹ Nothing in Rule [391-3-17-.03](#) of this Chapter shall be interpreted as limiting the intentional exposure of patients to radiation for the purpose of diagnosis or therapy.
- (2) **Definitions.** As used in this Chapter, these terms have the definitions set forth below. Additional definitions used only in a certain Rule will be found in that Rule.
 - (a) "A₁" means the maximum activity of special form radioactive material permitted in a Type A package. "A₂" means the maximum activity of radioactive material, other than special form, LSA and SCO material, permitted in a Type A package. These values are either listed in the "Table of A₁ and A₂ Values for Radionuclides" of [49 CFR 173.435](#) or may be derived in accordance with the procedure prescribed in 49 CFR 173.433-173.435.
 - (b) "Absorbed dose" means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the rad and the Gray (Gy).
 - (c) "Accelerator-produced radioactive material" means any material made radioactive by a particle accelerator.
 - (d) "Act" means Chapter 13 of the Official Code of Georgia, Annotated, entitled "Radiation Control" as amended.
 - (e) "Activity" means the rate of disintegration or transformation or decay of radioactive material. The units of activity are the Curie (Ci) and the Becquerel (Bq).
 - (f) "Adult" means an individual 18 or more years of age.
 - (g) "Agreement State" means any State with which the U.S. Nuclear Regulatory Commission or the U.S. Atomic Energy Commission has entered into an effective agreement under subsection 274b. of the Atomic Energy Act of 1954, as amended (73 Stat. 689).

- (h) "Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors, or gases.
- (i) "Airborne radioactivity area" means a room, enclosure or operating area in which airborne radioactive materials, composed wholly or partly of licensed materials, exist in concentrations;
 - 1. In excess of the derived air concentrations (DACs) specified in Appendix B, to 10 CFR 20.1001-20.2401, or
 - 2. To such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.
- (j) "Annually" means once every 12 calendar months or no later than the last day of the same calendar month of the following year.
- (k) "As low as is reasonably achievable" (ALARA) means making every reasonable effort to maintain exposures to radiation as far below the dose limits in this Chapter as is practical, consistent with the purpose for which the licensed activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.
- (l) "Background radiation" means radiation from cosmic sources; naturally occurring radioactive materials, including radon, except as a decay product of source or special nuclear material, and including global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. "Background radiation" does not include sources of radiation from radioactive materials regulated by the Division.
- (m) "Becquerel" (Bq) means the SI unit of activity. One Becquerel is equal to one disintegration or transformation per second.
- (n) "Bioassay" means the determination of kinds, quantities or concentrations, and, in some cases, the locations of radioactive material in the human body, whether by direct measurement, in vivo counting, or by analysis and evaluation of materials excreted or removed from the human body. For purposes of this Chapter, "radiobioassay" is an equivalent term.
- (o) "Byproduct material" means:

1. Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;
 2. The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "byproduct material" within this definition.
 3.
 - (i) Any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; or
 - (ii) Any material that:
 - (I) Has been made radioactive by use of a particle accelerator; and
 - (II) Is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and
 4. Any discrete source of naturally occurring radioactive material, other than source material, that:
 - (i) The Nuclear Regulatory Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate Federal agency, determines would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security; and
 - (ii) Before, on, or after August 8, 2005, is extracted or converted after extraction for use in a commercial, medical, or research activity.
- (p) "Calibration" means the determination of:
1. The response or reading of an instrument relative to a series of known radiation values over the range of the instrument, or
 2. The strength of a source of radiation relative to a standard.
- (q) "CFR" means the Code of Federal Regulations.

- (r) "Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.
- (s) "Committed dose" means the radiation dose that will accumulate over time as a result of retention in the body of radioactive material. Committed dose is a generic term for internal dose and must be calculated by summing the projected dose over the 50 years after intake for all irradiated organs or tissues multiplying the doses to individual organs and tissues by applicable tissue weighting factors.
- (t) "Committed dose equivalent" ($H_{T,50}$) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.
- (u) "Committed effective dose equivalent" ($H_{E,50}$) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ($H_{E,50} = [\text{SIGMA}] w_T H_{T,50}$).
- (v) "Consortium" means an association of medical use licensees and a PET radionuclide production facility in the same geographical area that jointly own or share in the operation and maintenance cost of the PET radionuclide production facility that produces PET radionuclides for use in producing radioactive drugs within the consortium for noncommercial distributions among its associated members for medical use. The PET radionuclide production facility within the consortium must be located at an educational institution or a Federal facility or a medical facility.
- (w) "Curie" means a unit of quantity of radioactivity. One Curie (Ci) is that quantity of radioactive material that decays at the rate of 3.7×10^{10} transformations per second (tps).
- (x) "Daily" means once every calendar day worked.
- (y) "Deep dose equivalent" (H_d), which applies to external whole body exposure, means the dose equivalent at a tissue depth of one centimeter (1,000 mg/cm²).
- (z) "Department" means the Department of Natural Resources of the State of Georgia.
- (aa) "Depleted uranium" means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.
- (bb) "Derived air concentration" (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of 2,000 hours under conditions of light work (inhalation rate 1.2 cubic meters of air per hour), results in an intake of one ALI. (Annual Limit on Intake defined in

Rule .03(2) (d)) DAC values are given in Table 1, Column 3 of Appendix B to [10 CFR 20.1001- 20.2401](#).

- (cc) "Discrete source" means a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical, or research activities.
- (dd) "Dose" is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, or total effective dose equivalent.
- (ee) "Dose equivalent" (H_T) means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the rem and Sievert (Sv).
- (ff) "Dose limits" means the permissible upper bounds of radiation doses established in accordance with this Chapter. For purposes of this Chapter, "limits" is an equivalent term.
- (gg) "Effective dose equivalent" (H_E) means the sum of the products of the dose equivalent to each organ or tissue (H_T) and the weighting factor (w_T) applicable to each of the body organs or tissues that are irradiated ($H_E = [\Sigma] w_T H_T$).
- (hh) "Embryo/fetus" means the developing human organism from conception until the time of birth.
- (ii) "Entrance or access point" means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.
- (jj) "Explosive material" means any chemical compound, mixture, or device that produces a substantial instantaneous release of gas and heat spontaneously or by contact with sparks or flame.
- (kk) "Exposure" means being exposed to ionizing radiation or to radioactive material.
- (ll) "Exposure rate" means the exposure per unit of time, such as Roentgen per minute or milliroentgen per hour.
- (mm) "External dose" means that portion of the dose equivalent received from any source of radiation outside the body.
- (nn) "Extremity" means hand, elbow, arm below the elbow, foot, knee, and leg below the knee.

- (oo) "Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.
- (pp) "Generally applicable environmental radiation standards" means standards issued by the U.S. Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures, levels, concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.
- (qq) "Gray" (Gy) means the SI unit of absorbed dose. One Gray is equal to an absorbed dose of one Joule/kilogram (100 rad).
- (rr) "Hazardous waste" means those wastes designated as hazardous by U.S. Environmental Protection Agency regulations in 40 CFR Part 261.
- (ss) "Healing arts" means medicine, dentistry, chiropractic, podiatry, osteopathy or veterinary medicine.
- (tt) "High radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 0.1 rem (1 mSv) in one hour at 30 centimeters from any source of radiation or from any surface that the radiation penetrates. For purposes of this Chapter, rooms or areas in which diagnostic x-ray systems are used for healing arts purposes are not considered high radiation areas.
- (uu) "Human use" means the internal or external administration of radiation or radioactive material to human beings.
- (vv) "Individual" means any human being.
- (ww) "Individual monitoring" means the assessment of:
1. Dose equivalent by the use of:
 - (i) Individual monitoring devices, or
 - (ii) Survey data; or
 2. Committed effective dose equivalent:
 - (i) By bioassay, or

- (ii) By determination of the time-weighted air concentrations to which an individual has been exposed, that is, DAC-hours [See the definition of DAC-hours in Rule [391-3-17-.03\(2\)\(q\)](#)].
- (xx) "Individual monitoring devices" means devices designed to be worn by a single individual for the assessment of dose equivalent. For purposes of this Chapter, individual monitoring devices and personnel monitoring equipment are equivalent terms. Examples of individual monitoring devices are film badges, thermoluminescent dosimeters (TLDs), optically stimulated luminescent devices, pocket ionization chambers, and personal air sampling devices.
- (yy) "Inspection" means an official examination or observation including, but not limited to, tests, surveys, and monitoring to determine compliance.
- (zz) "Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.
- (aaa) "Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.
- (bbb) "Lens dose equivalent" (LDE) means the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm²).
- (ccc) "License" means a license issued by the Director in accordance with the Regulations promulgated by the Board.
- (ddd) "Licensed material" means radioactive material received, possessed, used, transferred or disposed of under a general or specific license issued by the Director.
- (eee) "Licensee" means any person who is licensed by the Director in accordance with this Chapter and the Act.
- (fff) [Reserved]
- (ggg) "Limits" [See Dose limits].
- (hhh) "Lost or missing licensed material" means licensed material whose location is unknown. This definition includes licensed material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

- (iii) "Major processor" means a user processing, handling, or manufacturing radioactive material exceeding Type A quantities as unsealed sources or material, or exceeding four times Type B quantities as sealed sources, but does not include nuclear medicine programs, universities, industrial radiographers, or small industrial programs. Type A and B quantities are defined in Section 71.4 of 10 CFR Part 71.
- (jjj) "Management" means the chief executive officer or other individual having the authority to manage, direct, or administer the licensee's activities, or those persons' delegate or delegates.
- (kkk) "Member of the public" means any individual except when that individual is receiving an occupational dose.
- (lll) "Minor" means an individual less than 18 years of age.
- (mmm) "Monthly" means once every calendar month, not to exceed an interval of 35 days.
- (nnn) "Monitoring" means the measurement of radiation, radioactive material concentrations, surface area activities or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses. For purposes of this Chapter, "radiation monitoring" and "radiation protection monitoring" are equivalent terms.
- (ooo) "NARM" means any naturally-occurring or accelerator-produced radioactive material. It does not include byproduct, source, or special nuclear material.
- (ppp) "Natural radioactivity" means radioactivity of naturally-occurring nuclides.
- (qqq) "NORM" (Naturally-Occurring Radioactive Material) means any nuclide which is radioactive in its natural physical state (i.e., not man-made), but does not include byproduct, source, or special nuclear material.
- (rrr) "Nuclear Regulatory Commission" (NRC) means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.
- (sss) "Occupational dose" means the dose received by an individual in the course of employment while engaged in activities licensed by the Director in which the individual's assigned duties involve exposure to licensed and unlicensed sources of radiation whether in the possession of the licensee, or other person. Occupational dose does not include doses received from background radiation, as a patient from medical practices, from exposure from individuals administered radioactive material and released in accordance with Rule [391-3-17-.05\(37\)](#), from voluntary participation in medical research programs, or as a member of the public.

- (ttt) "Package" means the assembly of components necessary to ensure compliance with packing requirements of DOT regulations together with its radioactive contents as presented for transport.
1. "Fissile material package" means a fissile material packaging together with its fissile material contents.
 2. "Type B package" means a Type B packaging together with its radioactive contents. On approval, a Type B package design is designated by NRC as B(U) unless the package has a maximum normal operating pressure of more than 700 kPa (100 lb/in²) gauge or pressure relief device that will allow the release of radioactive material to the environment under the tests specified in 10 CFR 71 (hypothetical accident conditions), in which case it will receive a designation B(M). B(U) refers to the need for unilateral approval of international shipments; B(M) refers to the need for multilateral approval of international shipments. There is no distinction made in how packages with these designations may be used in domestic transportation. To determine their distinction for international transportation, see DOT regulations in 49 CFR 173. A Type B package approved before September 6, 1983, was designated only as Type B. Limitations on its use are specified in [10 CFR 71.13](#).
- (uuu) "Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of one MeV. For purposes of this definition, "accelerator" is an equivalent term.
- (vvv) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or department of the foregoing, but shall not include federal government agencies.
- (www) "Personnel monitoring equipment" [See Individual monitoring devices].
- (xxx) "Pharmacist" means any individual who is licensed to practice Pharmacy in this State by the Georgia State Board of Pharmacy.
- (yyy) "Physician" means any person who is licensed to engage in the practice of medicine under the Authority of O.C.G.A. [43-34-20](#) or the limited practice of medicine under O.C.G.A. [43-35-1](#).
- (zzz) "Positron Emission Tomography (PET) radionuclide production facility" is defined as a facility operating a cyclotron or accelerator for the purpose of producing PET radionuclides.

- (aaaa) "Principal activities," as used in this Chapter, means activities authorized by the license which are essential to achieving the purpose(s) for which the license was issued or amended. Storage during which no license material is accessed for use or disposal and activities incidental to decontamination or decommissioning are not principal activities.
- (bbbb) "Public dose" means the dose received by a member of the public from radiation and/or radioactive material released by a licensee or from any other source of radiation under the control of a licensee. It does not include occupational dose, doses received from background radiation, doses received as a patient from medical practices, from exposure from individuals administered radioactive material and released in accordance with Rule [391-3-17-05\(37\)](#), or doses from voluntary participation in medical research programs.
- (cccc) "Pyrophoric liquid" means any liquid that ignites spontaneously in dry or moist air at or below 130 °F (54.4 °C). A pyrophoric solid is any solid material, other than one classed as an explosive, which under normal conditions is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily and, when ignited, burns so vigorously and persistently as to create a serious transportation, handling, or disposal hazard. Included are spontaneously combustible and water-reactive materials.
- (dddd) "Qualified expert" means an individual having the knowledge and training to measure ionizing radiation, to evaluate safety techniques, and to advise regarding radiation protection needs, for example, individuals certified in the appropriate field by the American Board of Radiology or the American Board of Health Physics, or those having equivalent qualifications. With reference to the calibration of radiation therapy equipment, an individual having, in addition to the above qualifications, training and experience in the clinical applications of radiation physics to radiation therapy, for example, individuals certified in Therapeutic Radiological Physics or X-Ray and Radium Physics by the American Board of Radiology, or those having equivalent qualifications.
- (eeee) "Quality factor" (Q) means the modifying factor, listed in Tables 1 and 2 of this Rule that is used to derive dose equivalent from absorbed dose.
- (ffff) "Quarterly" means once every three calendar months or no later than the last day of the third month after the initial month.
- (gggg) "Rad" means the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 ergs/gram or 0.01 Joule/kilogram (0.01 Gray).
- (hhhh) "Radiation" means alpha particles, beta particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, and other particles capable

of producing ions. For purposes of this Chapter, ionizing radiation is an equivalent term. Radiation, as used in this Chapter, does not include non-ionizing radiation, such as radiowaves, microwaves, visible, infrared, or ultraviolet light.

- (iii) "Radiation area" means any area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 5 mrem (0.05 mSv) in one hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates.
- (jjjj) "Radiation machine" means any device capable of producing radiation except those devices with radioactive material as the only source of radiation.
- (kkkk) "Radiation Safety Officer" (RSO) means an individual who has the knowledge and responsibility to apply appropriate radiation protection regulations.
- (llll) "Radioactive material" means any solid, liquid, or gas that emits radiation spontaneously.
- (mmmm) "Radioactivity" means the transformation of unstable atomic nuclei by the emission of radiation.
- (nnnn) "Regulations of the U.S. Department of Transportation" means the regulations in 49 CFR Parts 100-189.
- (oooo) "Rem" means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 Sievert).
- (pppp) "Research and development" means
 1. Theoretical analysis, exploration, or experimentation; or
 2. The extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.
Research and development does not include the internal or external administration of radiation or radioactive material to human beings.
- (qqqq) "Restricted area" means any area to which access is limited by the licensee for purposes of protecting individuals against undue risks from exposure to sources of radiation and radioactive material. A restricted area does not include areas used as residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

- (rrrr) "Roentgen" means the special unit of exposure. One Roentgen (R) equals 2.58×10^{-4} Coulombs/kilogram of air.
- (ssss) "Sealed source" means radioactive material that is permanently bonded or fixed in a capsule or matrix designed to prevent release and dispersal of the radioactive material under the most severe conditions which are likely to be encountered in normal use and handling.
- (tttt) "Sealed Source and Device Registry" means the national registry that contains all the registration certificates, generated by both the NRC and the Agreement States, that summarize the radiation safety information for the sealed sources and devices and describe the licensing and use conditions approved for the product.
- (uuuu) "Shallow dose equivalent" (H_s), which applies to the external exposure of the skin of the whole body or the skin of an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm^2).
- (vvvv) "SI" means an abbreviation of the International System of Units.
- (wwww) "Sievert" means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in Sievert is equal to the absorbed dose in Gray multiplied by the quality factor ($1 \text{ Sv} = 100 \text{ rem}$).
- (xxxx) "Site boundary" means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee.
- (yyyy) "Source material" means
1. Uranium or thorium, or any combination thereof, in any physical or chemical form; or
 2. Ores that contain by weight one-twentieth of one percent (0.05 percent) or more of uranium, thorium, or any combination thereof. Source material does not include special nuclear material.
- (zzzz) "Source material milling" means any activity that results in the production of byproduct material as defined by .01(2)(o)2.
- (aaaaa) "Source of radiation" means any radioactive material or any device or equipment emitting, or capable of producing, radiation.
- (bbbbb) "Special form radioactive material" means radioactive material that satisfies the following conditions:
1. It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

2. The piece or capsule has at least one dimension not less than five millimeters (0.197 inch); and
3. It satisfies the test requirements specified by the U.S. Nuclear Regulatory Commission. A special form encapsulation designed in accordance with the U.S. Nuclear Regulatory Commission requirements in effect on June 30, 1983, and constructed prior to July 1, 1985, may continue to be used. A special form encapsulation either designed or constructed after June 30, 1985, must meet requirements of this definition applicable at the time of its design or construction.

(cccc) "Special nuclear material" means:

1. Plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the U.S. Nuclear Regulatory Commission, pursuant to the provisions of section 51 of the Atomic Energy Act of 1954, as amended, determines to be special nuclear material but does not include source material; or
2. Any material artificially enriched by any of the foregoing but does not include source material.

(ddddd) "Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; uranium-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed 1.

For example, the following quantities in combination would not exceed the limitation and are within the formula:

$$\frac{175 \text{ (grams contained U-235)}}{350} + \frac{50 \text{ (grams U-233)}}{200} + \frac{50 \text{ (grams Pu)}}{200} \leq 1$$

(eeee) "Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of sources of radiation. When appropriate, such evaluation includes, but is not limited to, tests, physical examinations, and measurements of levels of radiation or concentrations of radioactive material present.

- (fffff) "Test" means the process of verifying compliance with an applicable regulation.
- (ggggg) "This Chapter" means all of the Rules in Chapter 391-3-17.
- (hhhhh) "Total effective dose equivalent" (TEDE) means the sum of the effective dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).
- (iiii) "U.S. Department of Energy" means the Department of Energy established by Public Law 95-91, August 4, 1977, 91 Stat. 565, [42 U.S.C. 7101](#) et seq., to the extent that the Department exercises functions formerly vested in the U.S. Atomic Energy Commission, its Chairman, members, officers, and components and transferred to the U.S. Energy Research and Development Administration and to the Administrator thereof pursuant to sections 104(b), (c) and (d) of the Energy Reorganization Act of 1974 (Public Law 93-438, October 11, 1974, 88 Stat. 1233 at 1237, [42 U.S.C. 5814](#), effective January 19, 1975) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (Public Law 95-91, August 4, 1977, 91 Stat. 565 at 577-578, [42 U.S.C. 7151](#), effective October 1, 1977).
- (jjjjj) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining. Processing does not include sieving or encapsulation of ore or preparation of samples for laboratory analysis.
- (kkkkk) "Unrestricted area" means an area to which access is neither limited nor controlled by the licensee.
- (lllll) "Very High Radiation Area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving an absorbed dose in excess of 500 rads (5 Grays) in one hour at one meter from a radiation source or from any surface that the radiation penetrates.
- (mmmmm) "Waste" means those low-level radioactive wastes containing source, special nuclear, or byproduct material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level waste has the same meaning as radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in .01(2)(o)2., 3., and 4.
- (nnnnn) "Waste handling licensees" mean persons licensed to receive and store radioactive wastes prior to disposal and/or persons licensed to dispose of radioactive waste.

- (ooooo) "Weekly" means once every calendar week, not to exceed an interval of ten days.
- (ppppp) "Whole body" means, for purposes of external exposure, head, trunk, including male gonads, arms above the elbow, or legs above the knee.
- (qqqqq) "Worker" means an individual engaged in work under a license issued by the Director and controlled by a licensee. If the licensee is an individual rather than one of the other legal entities defined under "person," the radiation exposure limits for the worker also apply to the individual who is the licensee.
- (rrrrr) "Working level" (WL) means any combination of short-lived radon daughters in one liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy. The short-lived radon daughters for radon-222 are: polonium-218, lead-214, bismuth-214, and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212, and polonium-212.
- (sssss) "Working level month" (WLM) means an exposure to one working level for 170 hours. Two thousand working hours per year divided by 12 months per year is approximately equal to 170 hours per month.
- (ttttt) "Year" means the period of time beginning in January used to determine compliance with the provisions of this Chapter. The licensee may change the starting date of the year used to determine compliance by the licensee provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.
- (uuuuu) "Director" means the Director of the Environmental Protection Division of the Department of Natural Resources.
- (vvvvv) "Division" means the Environmental Protection Division.

(3) Exemptions from the Regulatory Requirements.

- (a) General Provision. The Director may, upon application or upon its own initiative, grant such exemptions or exceptions from the requirements of this Chapter as it determines are authorized by law and will not result in undue hazard to public health and safety or property.
- (b) U.S. Department of Energy Contractors and U.S. Nuclear Regulatory Commission Contractors. Any U.S. Department of Energy contractor or subcontractor and any U.S. Nuclear Regulatory Commission contractor or subcontractor of the following categories operating within this State are exempt from this Chapter to the extent that such contractor or subcontractor under his contract receives, possesses, uses, transfers, or acquires sources of radiation:

1. Prime contractors performing work for the U.S. Department of Energy at U.S. government-owned or -controlled sites, including the transportation of sources of radiation to or from such sites and the performance of contract services during temporary interruptions of such transportation;
 2. Prime contractors of the U.S. Department of Energy performing research in, or development, manufacture, storage, testing, or transportation of, atomic weapons or components thereof;
 3. Prime contractors of the U.S. Department of Energy using or operating nuclear reactors or other nuclear devices in a United States government-owned vehicle or vessel; and
 4. Any other prime contractor or subcontractor of the U.S. Department of Energy or of the U.S. Nuclear Regulatory Commission when the Department and the Nuclear Regulatory Commission jointly determine:
 - (i) That the exemption of the prime contractor or subcontractor is authorized by law; and
 - (ii) That, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to public health and safety.
- (4) **Records.** Each licensee shall maintain records showing the receipt, transfer, and disposal of all sources of radiation. Additional record requirements are specified elsewhere in this Chapter.
- (5) **Inspections.**
- (a) Each licensee shall afford the Division at all reasonable times, an opportunity to inspect sources of radiation and the premises and facilities wherein such sources of radiation are used or stored.
 - (b) Each licensee shall make available to the Division for inspection, upon reasonable notice, records maintained pursuant to this Chapter.
 - (c) The Division or its designated representative is authorized under the authority of O.C.G.A. [31-5-5](#) to classify as confidential and privileged such documents, reports, and other information and data obtained from persons, firms, corporations, municipalities, counties, and other public authorities and political subdivisions where such matters relate to:
 1. Trade secrets and commercial or financial information furnished to the Division on a privileged or confidential basis. Matters subject to this

exemption are those that are customarily held in confidence by the originator. They include, but are not limited to:

- (i) Information received in confidence, such as trade secrets, inventions, and proprietary data;
 - (ii) Technical reports and data, designs, drawings, specifications, formulas, or other types of proprietary information which are furnished to the Division or which are generated or developed by the Division or for the Division under contract.
- 2. Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Examples of files exempt from disclosure include, but are not limited to names or identifying information regarding individuals who have received exposure to radiation.
- (d) Discovery of material qualified pursuant to 391-3-17-.01(5)(c) shall be subject to the statutory requirements found in O.C.G.A. [31-5-5](#).
- (6) **Tests.** Each licensee shall perform upon instructions from the Division, or shall permit the Division to perform, such reasonable tests as the Division deems appropriate or necessary, including, but not limited to, tests of:
 - (a) Sources of radiation;
 - (b) Facilities wherein sources of radiation are used or stored;
 - (c) Radiation detection and monitoring instruments; and
 - (d) Other equipment and devices used in connection with utilization or storage of licensed sources of radiation.
- (7) **Additional Requirements.** The Director by Order, may impose upon any licensee such requirements in addition to those established in this Chapter as it deems appropriate or necessary to minimize danger to public health and safety or property.
- (8) **Violations.**
 - (a) An injunction or other court order may be obtained prohibiting any violation of the provisions of the Act, this Chapter, or any Order issued thereunder in accordance with Rule [391-3-17-.11](#). Any person who willfully violates any provision of the Act, this Chapter, or any Order issued thereunder may be guilty of a misdemeanor as provided by law. Violators of this Chapter may also be subject to civil penalties in accordance with O.C.G.A. [31-13-15](#).

- (b) Any licensee, certificate of registration holder, applicant for a license or certificate of registration, employee of a licensee, certificate of registration holder or applicant; or any contractor (including a supplier or consultant), subcontractor, employee of a contractor or subcontractor of any licensee or certificate of registration holder or applicant for a license or certificate of registration, who knowingly provides to any licensee, applicant, certificate holder, contractor, or subcontractor, any components, equipment, materials, or other goods or services that relate to a licensee's, certificate holder's or applicant's activities in this part, may not:
 - 1. Engage in deliberate misconduct that causes or would have caused, if not detected, a licensee, certificate of registration holder, or applicant to be in violation of any Rule, Regulation, or Order; or any term, condition, or limitation of any license issued by the Director; or
 - 2. Deliberately submit to the Division, a licensee, certificate of registration holder, an applicant, or a licensee's, certificate holder's or applicant's, contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the Division.
- (c) A person who violates 8(b)1. or 8(b)2. may be subject to enforcement action in accordance with the provisions of Rule .11 of this Chapter.
- (d) For the purposes of 8(b)1., deliberate misconduct by a person means an intentional act or omission that the person knows:
 - 1. Would cause a licensee, certificate of registration holder or applicant to be in violation of any Rule, Regulation, or Order; or any term, condition, or limitation, of any license issued by the Director; or
 - 2. Constitutes a violation of a requirement, procedure, instruction, contract, purchase order, or policy of a licensee, certificate of registration holder, applicant, contractor, or subcontractor.
- (9) **Impounding.** The Director shall have the authority in the event of an emergency to impound or order the impounding of radioactive material in the possession of any person who is not equipped to observe or fails to observe the provisions of this Chapter or any Rules issued thereunder.
 - (a) Upon a showing that the emergency no longer exists and the owner of the radioactive material has demonstrated that he has achieved and is capable of maintaining compliance with the Act, the terms and conditions of his license, all Rules and Orders of the Director, the Director may return the impounded radioactive material to its owner.

- (b) In the event an owner cannot demonstrate his ability to achieve and maintain compliance with the Act, the terms and conditions of his license, all Rules and Orders of the Director, the Director is authorized to seek a court order condemning such radioactive material and providing for its destruction or other disposition for the health and safety of the populace.
- (10) **Severability.** Should any section, paragraph, sentence, clause or phrase of this Chapter be declared unconstitutional or invalid for any reason, the remainder of this Chapter shall not be affected thereby.
- (11) **Units of Exposure and Dose.**
- (a) As used in this Chapter, the unit of Exposure is the Coulomb per kilogram (C/kg). One Roentgen is equal to 2.58×10^{-4} Coulomb per kilogram of air.
- (b) As used in this Chapter, the units of dose are:
1. Gray (Gy) is the SI unit of absorbed dose. One Gray is equal to an absorbed dose of 1 Joule/kilogram (100 rad).
 2. Rad is the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 ergs/gram or 0.01 Joule/kilogram (0.01 Gy).
 3. Rem is the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 Sv).
 4. Sievert is the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in Sievert is equal to the absorbed dose in Gray multiplied by the quality factor (1 Sv = 100 rem).
- (c) As used in this Chapter, the quality factors for converting absorbed dose to dose equivalent are shown in Table I.

TABLE I

QUALITY FACTORS AND ABSORBED DOSE EQUIVALENCIES

TYPE OF RADIATION	Quality Factor (Q)	Absorbed Dose Equal to a Unit Dose Equivalent ^(a)
X, gamma, or beta radiation and high-speed electrons	1	1

Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

^(a) Absorbed dose in rad equal to 1 rem or the absorbed dose in Gray equal to 1 Sv.

- (d) If it is more convenient to measure the neutron fluence rate than to determine the neutron dose equivalent rate in Sievert per hour or rem per hour, as provided in (11)(c) of this Rule, 0.01 Sv (1 rem) of neutron radiation of unknown energies may, for purposes of this Chapter, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee may use the fluence rate per unit dose equivalent or the appropriate Q value from Table II to convert a measured tissue dose in Gray or rad to dose equivalent in Sievert or rem.

TABLE II

MEAN QUALITY FACTORS, Q, AND FLUENCE PER UNIT DOSE EQUIVALENT FOR MONOENERGETIC NEUTRONS

Neutron Energy (MeV)	Quality Factor ^(a) (Q)	Fluence per Unit Dose Equivalent ^(b) (neutrons cm ⁻² rem ⁻¹)	Fluence per Unit Dose Equivalent ^(b) (neutrons cm ⁻² Sv ⁻¹)
(thermal) 2.5 x 10 ⁻⁸	2	980 x 10 ⁶	980 x 10 ⁸
1 x 10 ⁻⁷	2	980 x 10 ⁶	980 x 10 ⁸
1 x 10 ⁻⁶	2	810 x 10 ⁶	810 x 10 ⁸
1 x 10 ⁻⁵	2	810 x 10 ⁶	810 x 10 ⁸
1 x 10 ⁻⁴	2	840 x 10 ⁶	840 x 10 ⁸
1 x 10 ⁻³	2	980 x 10 ⁶	980 x 10 ⁸
1 x 10 ⁻²	2.5	1010 x 10 ⁶	1010 x 10 ⁸
1 x 10 ⁻¹	7.5	170 x 10 ⁶	170 x 10 ⁸
5 x 10 ⁻¹	11	39 x 10 ⁶	39 x 10 ⁸
1	11	27 x 10 ⁶	27 x 10 ⁸
2.5	9	29 x 10 ⁶	29 x 10 ⁸
5	8	23 x 10 ⁶	23 x 10 ⁸

7	7	24×10^6	24×10^8
10	6.5	24×10^6	24×10^8
14	7.5	17×10^6	17×10^8
20	8	16×10^6	16×10^8
40	7	14×10^6	14×10^8
60	5.5	16×10^6	16×10^8
1×10^2	4	20×10^6	20×10^8
2×10^2	3.5	19×10^6	19×10^8
3×10^2	3.5	16×10^6	16×10^8
4×10^2	3.5	14×10^6	14×10^8

(a) Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-cm diameter cylinder tissue-equivalent phantom.

(b) Monoenergetic neutrons incident normally on a 30-cm diameter cylinder tissue-equivalent phantom.

- (12) **Units of Radioactivity.** For purposes of this Chapter, activity is expressed in the SI unit of Becquerel (Bq) or in the special unit of Curie (Ci), or their multiples, or disintegrations or transformations per unit of time.

(a) One Becquerel (Bq) = 1 disintegration or transformation per second.

(b) One Curie (Ci) = 3.7×10^{10} disintegrations or transformations per second = 3.7×10^{10} Becquerel (Bq) = 2.22×10^{12} disintegrations or transformations per minute.

- (13) **Communications.** All communications and reports concerning this Chapter, and applications filed thereunder should be addressed to the Georgia Department of Natural Resources/Environmental Protection Division, Radioactive Materials Program, at 4244 International Parkway, Suite 120, Atlanta, Georgia 30354.

a) Georgia Emergency Radiological Assistance Numbers.

GEORGIA EMERGENCY RADIOLOGICAL ASSISTANCE TELEPHONE NUMBERS

To Report a Radiological Emergency or Request Emergency Radiological Assistance,

Call the Following Number **During Business Hours:**

Georgia Environmental Protection Division

Radioactive Materials Program and Environmental Radiation Program

(404) 363-7000

For **24-Hour** Radiological Assistance, Call:

Georgia Emergency Management Agency

Emergency Operations Center

1-800-241-4113

¹ Attention is directed to the fact that regulation by the State of source material, byproduct material, and special nuclear material in quantities not sufficient to form a critical mass is subject to the provisions of the agreement between the State of Georgia and the U.S. Nuclear Regulatory Commission and to 10 CFR Part 150 of the Commission's regulations.

Cite as Ga. Comp. R. & Regs. R. 391-3-17-.01

Authority: O.C.G.A. § [31-13-1](#) *et seq.*, as amended.

History. Original Rule entitled "General Provisions" adopted. F. May 2, 1991; eff. May 22, 1991.

Amended: F. Feb. 24, 1994; eff. Mar. 16, 1994.

Amended: F. Oct. 4, 1994; eff. Oct. 24, 1994.

Amended: F. Apr. 16, 1997; eff. May 6, 1997.

Amended: F. Mar. 29, 2002; eff. Apr. 18, 2002.

Amended: F. May 30, 2003; eff. July 1, 2003, as specified by the Agency.

Amended: F. Oct. 17, 2008; eff. Nov. 6, 2008.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 11, 2016; eff. May 1, 2016.

Amended: New title "General Provisions." F. June 1, 2017; eff. June 21, 2017.

Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.

Amended: F. Mar. 24, 2021; eff. Apr. 13, 2021.

Rule 391-3-17-.02. Licensing of Radioactive Material.

(1) Purpose and Scope.

- (a) This Rule, 391-3-17-.02, provides for the licensing of radioactive material. No person shall receive, possess, use, transfer, own, or acquire radioactive material except as authorized in a specific or general license issued pursuant to this Rule or as otherwise provided in this Chapter. However, nothing in this Rule shall apply to any person to the extent such person is subject to regulation by the U.S. Nuclear Regulatory Commission.

- (b) In addition to the requirements of this Rule, all licensees are subject to the requirements of Rules .01, .03, .06, .07, .10, and .11 of this Chapter. Licensees engaged in industrial radiographic operations are subject to the requirements of Rule .04 of this Chapter. Licensees using radioactive material in the healing arts are also subject to the requirements of Rule .05 of this Chapter. Licensees engaged in the extrusion, mining, storage, beneficiating, processing, use, transfer, or disposal of NORM in such a manner as to alter the chemical properties or physical state of the NORM or its potential exposure pathways to humans are also subject to the requirements of Rule .08 of this Chapter. Licensees using irradiators whose dose rate exceeds 500 rads (5 Grays) per hour at one meter from the radioactive sealed sources are also subject to the requirements of Rule .09 of this Chapter.

Note: All numbered and lettered references within this Rule refer to parts of this Rule, unless stated otherwise.

(2) Exemptions/Source Material.

- (a) Any person is exempt from this Rule to the extent that such person receives, possesses, uses, owns, or transfers source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than 1/20 of one percent (0.05 percent) of the mixture, compound, solution, or alloy.
- (b) Any person is exempt from this Rule to the extent that such person receives, possesses, uses, or transfers unrefined and unprocessed ore containing source material; provided that, except as authorized in a specific license, such person shall not refine or process such ore.
- (c) Any person is exempt from this Rule to the extent that such person receives, possesses, uses, or transfers:
1. Any quantities of thorium contained in:
 - (i) Incandescent gas mantles,
 - (ii) Vacuum tubes,
 - (iii) Welding rods,
 - (iv) Electric lamps for illuminating purposes provided that each lamp does not contain more than 50 milligrams of thorium,
 - (v) Germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting provided that each lamp does not contain more than two grams of thorium,

- (vi) Rare earth metals and compounds, mixtures, and products containing not more than 0.25 percent by weight thorium, uranium, or any combination of these, or
 - (vii) Personnel neutron dosimeters, provided that each dosimeter does not contain more than 50 milligrams of thorium;
2. Source material contained in the following products:
- (i) Glazed ceramic tableware manufactured before August 27, 2013, provided that the glaze contains not more than 20 percent by weight source material,
 - (ii) Glassware containing not more than ten percent by weight source material, but not including commercially manufactured glass brick, pane glass, ceramic tile, or other glass or ceramic used in construction,
 - (iii) Glassware containing not more than 2 percent by weight source material, or for glassware manufactured before August 27, 2013, 10 percent by weight source material; but not including commercially manufactured glass brick, pane glass, ceramic tile, or other glass or ceramic used in construction, or
 - (iv) Piezoelectric ceramic containing not more than two percent by weight source material;
3. Photographic film, negatives, and prints containing uranium or thorium;
4. Any finished product or part fabricated of, or containing, tungsten-thorium or magnesium-thorium alloys, provided that the thorium content of the alloy does not exceed four percent by weight and that this exemption shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any such product or part;
5. Uranium contained in counterweights installed in aircraft, rockets, projectiles, and missiles, or stored or handled in connection with installation or removal of such counterweights, provided that:
- (i) Each such counterweight has been impressed with the following legend clearly legible through any plating or other covering:
"DEPLETED URANIUM",

- (ii) Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the statement:
"UNAUTHORIZED ALTERATIONS PROHIBITED", and
- (iii) This exemption shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any such counterweights other than repair or restoration of any plating or other covering;

Note: The requirements specified in (2)(c)5.(i) and (ii) need not be met by counterweights manufactured prior to December 31, 1969, provided that such counterweights are impressed with the legend:
"CAUTION - RADIOACTIVE MATERIAL - URANIUM".

- 6. Natural or depleted uranium metal used as shielding constituting part of any shipping container which is conspicuously and legibly impressed with the legend: "CAUTION - RADIOACTIVE SHIELDING - URANIUM" and the uranium metal is encased in mild steel or equally fire-resistant metal of minimum wall thickness of 1/8 inch (3.2 mm);
- 7. Thorium or uranium contained in or on finished optical lenses and mirrors, provided that each lens or mirror does not contain more than 10 percent by weight thorium or uranium or, for lenses manufactured before August 27, 2013, 30 percent by weight of thorium; and that this exemption contained in this subparagraph (c) does not authorize either:
 - (i) The shaping, grinding, or polishing of such lens or mirror or manufacturing processes other than the assembly of such lens or mirror into optical systems and devices without any alteration of the lens or mirror; or
 - (ii) The receipt, possession, use, or transfer of uranium or thorium contained in contact lenses, in spectacles, or in eyepieces in binoculars or other optical instruments;
- 8. Uranium contained in detector heads for use in fire detection units, provided that each detector head contains not more than 0.005 microcurie of uranium; or
- 9. Thorium contained in any finished aircraft engine part containing nickel-thoria alloy, provided that:
 - (i) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide), and

- (ii) The thorium content in the nickel-thoria alloy does not exceed four percent by weight.
- 10. No person may initially transfer for sale or distribution a product containing source material to persons exempt under this subparagraph (c), or equivalent regulations of an Agreement State or the U.S. Nuclear Regulatory Commission, unless authorized by a license issued under [10 CFR 40.52](#) to initially transfer such products for sale or distribution.
 - (i) Persons initially distributing source material in products covered by the exemptions in this subparagraph (c) before August 27, 2013, without specific authorization may continue such distribution for 1 year beyond this date. Initial distribution may also be continued until the Commission takes final action on a pending application for license or license amendment to specifically authorize distribution submitted no later than 1 year beyond this date.
 - (ii) Persons authorized to manufacture, process, or produce these materials or products containing source material by an Agreement State, and persons who import finished products or parts, for sale or distribution must be authorized by a license issued under [10 CFR 40.52](#) for distribution only and are exempt from the requirements of 10 CFR 19 and 20, and 10 CFR 40.32(b) and (c).
- (d) The exemptions in paragraph (2)(c) do not authorize the manufacture of any of the products described.

(3) Exemptions/Radioactive Material Other Than Source Material.

- (a) Exempt Concentrations.
 - 1. Except as provided in (3)(a)3. and 4., any person is exempt from this Chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires products containing radioactive material in concentrations not in excess of those listed in (21)(a), Schedule A.
 - 2. This section shall not be deemed to authorize the import of radioactive material or products containing radioactive material.
 - 3. A manufacturer, processor, or producer of a product or material is exempt from the requirements of this Rule to the extent that this person transfers products containing radioactive material in concentrations not in excess of those listed in (21)(a) Schedule A and introduced into the product or material by a licensee holding a specific license issued by the Director

expressly authorizing such introduction. This exemption does not apply to the transfer of radioactive material contained in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

4. No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under (3)(a). or equivalent Regulations of the U.S. Nuclear Regulatory Commission or any Agreement State, except in accordance with a specific license issued pursuant to [10 CFR 32.11](#).

(b) Exempt Quantities.

1. Except as provided in (3)(b)3. through 5., any person is exempt from this Chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in (21)(b), Schedule B.
2. Any person, who possesses radioactive material received or acquired before September 25, 1971, under the general license then provided in [10 CFR 31.4](#), or similar general license of an Agreement State, is exempt from the requirements of this Chapter to the extent that this person possesses, uses, transfers, or owns byproduct material.
3. Paragraph (3)(b) does not authorize the production, packaging, repackaging, or transfer of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.
4. No person may, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in (21)(b), Schedule B, knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt under (3)(b) or equivalent regulations of the U.S. Nuclear Regulatory Commission or any Agreement State, except in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to Section 32.18 of 10 CFR, Part 32, or by the Director pursuant to (11)(b) which license states that the radioactive material may be transferred by the licensee to persons exempt under (3)(b) or the equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State.
5. No person may, for purposes of producing an increased radiation level, combine quantities of byproduct material covered by this exemption so that the aggregate quantity exceeds the limits set forth in (21)(b), Schedule B,

except for radioactive material combined within a device placed in use before May 3, 1999, or as otherwise permitted by this Chapter.

(c) Exempt Items.

1. Certain Items Containing Radioactive Material. Except for persons who apply radioactive material to, or who incorporate radioactive material into, the following products, or persons who initially transfer for sale or distribution the following products containing radioactive material, any person is exempt from the requirements for a license set forth in this Chapter to the extent that he receives, possesses, uses, transfers, owns, or acquires the following products:

Note: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing radioactive material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555.

- (i) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified radiation dose rates:
 - (I) 25 millicuries (925 MBq) of tritium per timepiece.
 - (II) 5 millicuries (185 MBq) of tritium per hand.
 - (III) 15 millicuries (555 MBq) of tritium per dial (bezels when used shall be considered as part of the dial).
 - (IV) 100 microcuries (3.7 MBq) of promethium-147 per watch or 200 microcuries (7.4 MBq) of promethium-147 per any other timepiece.
 - (V) 20 microcuries (0.74 MBq) of promethium-147 per watch hand or 40 microcuries (1.48 MBq) of promethium-147 per other timepiece hand.
 - (VI) 60 microcuries (2.22 MBq) of promethium-147 per watch dial or 120 microcuries (4.44 MBq) of promethium-147 per other timepiece dial (bezels when used shall be considered as part of the dial).

- (VII) The levels of radiation from hands and dials containing promethium-147 will not exceed, when measured through 50 milligrams per square centimeter of absorber:
 - I. For wrist watches, 0.1 millirad (1 μ Gy) per hour at ten centimeters from any surface.
 - II. For pocket watches, 0.1 millirad (1 μ Gy) per hour at one centimeter from any surface.
 - III. For any other timepiece, 0.2 millirad (2 μ Gy) per hour at ten centimeters from any surface.
- (VIII) One microcurie (37 kBq) of radium-226 per timepiece in intact timepieces manufactured prior to November 30, 2007.
- (ii) Static elimination devices which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 μ Ci) of polonium-210 per device.
- (iii) Ion generating tubes designed for ionization of air that contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 μ Ci) of polonium-210 per device or of a total of not more than 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.
- (iv) Such devices authorized before October 23, 2012, for use under the general license then provided in Section 31.3 of 10 CFR, Part 31 and equivalent regulations of Agreement States and manufactured, tested, and labeled by the manufacturer in accordance with the specifications contained in a specific license issued by the Director.
- (v) Precision balances containing not more than one millicurie (37 MBq) of tritium per balance or not more than 0.5 millicurie (18.5 MBq) of tritium per balance part manufactured before December 17, 2007.
- (vi) [Reserved]
- (vii) Marine compasses containing not more than 750 millicuries (27.8 GBq) of tritium gas and other marine navigational instruments containing not more than 250 millicuries (9.25 GBq) of tritium gas manufactured before December 17, 2007.

(viii) [Reserved]

- (ix) Ionization chamber smoke detectors containing not more than 1 microcurie (μCi) of americium-241 per detector in the form of a foil and designed to protect life and property from fires.
- (x) Electron tubes, provided that the levels of radiation from each electron tube containing radioactive material will not exceed one millirad ($10\ \mu\text{Gy}$) per hour at one centimeter from any surface when measured through seven milligrams per square centimeter of absorber. Provided also, that each tube does not contain more than one of the following specified quantities of radioactive material:
 - (I) 150 millicuries (5.55 GBq) of tritium per microwave receiver protector tube or ten millicuries (370 MBq) of tritium per any other electron tube.
 - (II) 1 microcurie (37 kBq) of cobalt-60.
 - (III) 5 microcuries (185 kBq) of nickel-63.
 - (IV) 30 microcuries (1.11 MBq) of krypton-85.
 - (V) 5 microcuries (185 kBq) of cesium-137.
 - (VI) 30 microcuries (1.11 MBq) of promethium-147.

NOTE: For the purpose of .02(3)(c)1.(x), "Electron tubes" includes spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes, and any other completely sealed tube that is designed to conduct or control electrical currents.

- (xi) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of radioactive material, provided that:
 - (I) Each source contains no more than one exempt quantity set forth in (21)(b), Schedule B;
 - (II) Each instrument contains no more than ten exempt quantities. For purposes of this requirement, an instrument's source(s) may contain either one or different types of

radionuclides and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities specified in (21)(b), Schedule B, provided that the sum of such fractions shall not exceed unity; and

- (III) For purposes of .02(3)(c)1.(xi), 0.05 microcurie (1.85 kBq) of americium-241 is considered an exempt quantity under (21)(b), Schedule B.

(xii) [Reserved]

- (xiii) Any person who desires to apply byproduct material to, or to incorporate byproduct material into, the products exempted in 3(c)1., or who desires to initially transfer for sale or distribution such products containing radioactive material, should apply for a specific license with the U.S. Nuclear Regulatory Commission pursuant to Section 32.14 of 10 CFR, Part 32, which license states that the product may be distributed by the licensee to persons exempt under (3)(c)1., or the equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State.

2. Self-Luminous Products Containing Radioactive Material.

- (i) Tritium, krypton-85, or promethium-147. Except for persons who manufacture, process, produce, or initially transfer for sale or distribution self-luminous products containing tritium, krypton-85, or promethium-147, any person is exempt from the requirements for a license set forth in this Chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to Section 32.22 of 10 CFR, Part 32, which license authorizes the initial transfer of the product to persons who are exempt from regulatory requirements. This exemption does not apply to tritium, krypton-85, or promethium-147 used in products for frivolous purposes or in toys or adornments.
- (ii) Radium-226. Any person is exempt from this Chapter to the extent that such person receives, possesses, uses, transfers, or owns articles containing less than 0.1 microcurie (3.7 kBq) of radium-226 that were acquired prior to July 12, 1982.

- (iii) Any person who desires to manufacture, process, or produce, or initially transfer for sale or distribution self-luminous products containing tritium, krypton-85, or promethium-147 for use under paragraph .02(3)(c)2.(i) should apply for a license with the U.S. Nuclear Regulatory Commission pursuant to Section 32.22 of 10 CFR Part 32 and apply to the U.S. Nuclear Regulatory Commission for a certificate of registration in accordance with Section 32.210 of 10 CFR Part 32.

3. Gas and Aerosol Detectors Containing Radioactive Material.

- (i) Except for persons who manufacture, process, produce, or initially transfer for sale or distribution gas and aerosol detectors containing radioactive material, any person is exempt from the requirements for a license set forth in this Chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires radioactive material in gas and aerosol detectors designed to protect health, safety, or property provided that detectors containing radioactive material shall have been manufactured, processed, produced, or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to Section 32.26 of 10 CFR, Part 32. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007, in accordance with a specific license issued by a State under comparable provisions to Section 32.26 of 10 CFR, Part 32 authorizing distribution to persons exempt from regulatory requirements.
- (ii) Gas and aerosol detectors containing naturally-occurring and accelerator-produced radioactive material (NARM) previously manufactured and distributed to general licensees in accordance with a specific license issued by an Agreement State shall be considered exempt under (3)(c)3.(i), provided that the device is labeled in accordance with the specific license authorizing distribution of the generally licensed device, and provided further that they meet the requirements of [10 CFR 32.26](#).
- (iii) Gas and aerosol detectors containing NARM previously manufactured and distributed in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or another Agreement State shall be considered exempt under (3)(c)3.(i), provided that the device is labeled in accordance with the specific license authorizing distribution, and provided further that they meet the requirements of [10 CFR 32.26](#).

- (iv) Any person who desires to manufacture, process, or produce gas and aerosol detectors containing radioactive material, or to initially transfer such products for use under .02(3)(c)3.(i) should apply for a license with the U.S. Nuclear Regulatory Commission pursuant to Section 32.26 of 10 CFR Part 32 and apply to the U.S. Nuclear Regulatory Commission for a certificate of registration in accordance with Section 32.210 of 10 CFR, Part 32.
4. Radioactive drug: Capsules containing carbon-14 urea for "in vivo" diagnostic use for humans.
- (i) Except as provided in .02(3)(c)4.(ii) and .02(3)(c)4.(iii), any person is exempt from the requirements for a license set forth in O.C.G.A. Section [31-13-5\(a\)\(9\)](#) (Georgia Radiation Control Act) and from the regulations in this Chapter provided that such person receives, possesses, uses, transfers, owns, or acquires capsules containing one μCi (37 kBq) carbon-14 urea (allowing for nominal variation that may occur during the manufacturing process) each, for "in vivo" diagnostic use for humans.
 - (ii) Any person who desires to use the capsules for research involving human subjects shall apply for and receive a specific license pursuant to Rule .02 and Rule .05 of this chapter.
 - (iii) Any person who desires to manufacture, prepare, process, produce, package, repackage, or transfer for commercial distribution such capsules shall apply for and receive a specific license pursuant to Rule .02 of this chapter.
 - (iv) Nothing in .02(3)(c)4. relieves persons from complying with applicable FDA, other Federal, and State requirements governing receipt, administration, and use of drugs.
5. Except for persons who manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing byproduct material designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing an ionized atmosphere, any person is exempt from the requirements for a license set forth in this Chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires byproduct material, in these certain detecting, measuring, gauging, or controlling devices and certain devices for producing an ionized atmosphere, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued

under Section 32.30 of 10 CFR Part 32, which license authorizes the initial transfer of the device for use under this section. This exemption does not cover sources not incorporated into a device, such as calibration and reference sources.

6. Any person who desires to manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing byproduct material for use under .02(3)(c)5. should apply for a license to the U.S. Nuclear Regulatory Commission pursuant to Section 32.30 of 10 CFR Part 32 and to the U.S. Nuclear Regulatory Commission for a certificate of registration in accordance with § 32.210 of 10 CFR, Part 32.

(4) **Types of Licenses.** Licenses for radioactive materials are of two types: general and specific.

- (a) General licenses provided in this Rule are effective without the filing of applications with the Division or the issuance of licensing documents to the particular persons, although the filing of a certificate with the Division may be required by the particular general license. The general licensee is subject to all other applicable portions of this Chapter and any limitations of the general license.
- (b) Specific licenses require the submission of an application to the Division and the issuance of a licensing document by the Director to a named person. The licensee is subject to all applicable portions of this Chapter as well as any limitations specified in the licensing document.

(5) **General Licenses - Source Material.**

- (a) A general license is hereby issued authorizing persons to hold bare title to source material without regard to quantity. This general license does not authorize any person to receive, possess, use, or transfer source material.
- (b) A general license is hereby issued authorizing commercial and industrial firms; research, educational, and medical institutions; and Federal, State and local government agencies to receive, possess, use, and transfer uranium and thorium, in their natural isotopic concentrations and in the form of depleted uranium, for research, development, educational, commercial, or operational purposes in the following forms and quantities:
 1. No more than 1.5 kg (3.3 lb) of uranium and thorium in dispersible forms (e.g., gaseous, liquid, powder, etc.) at any one time. Any material processed by the general licensee that alters the chemical or physical form of the material containing source material must be accounted for as a dispersible form. A person authorized to possess, use, and transfer source material under this subparagraph may not receive more than a total of 7 kg (15.4 lb)

of uranium and thorium in any one calendar year. Persons possessing source material in excess of these limits as of August 27, 2013, may continue to possess up to 7 kg (15.4 lb) of uranium and thorium at any one time for one year beyond this date, or until the Nuclear Regulatory Commission takes final action on a pending application submitted on or August 27, 2014, for a specific license for such material; and receive up to 70 kg (154 lb) of uranium or thorium in any one calendar year until December 31, 2014, or until the Nuclear Regulatory Commission takes final action on a pending application submitted on or before August 27, 2014, for a specific license for such material; and

2. No more than a total of 7 kg (15.4 lb) of uranium and thorium at any one time. A person authorized to possess, use, and transfer source material under this subparagraph may not receive more than a total of 70 kg (154 lb) of uranium and thorium in any one calendar year. A person may not alter the chemical or physical form of the source material possessed under this subparagraph unless it is accounted for under the limits of subparagraph (b)(1) of this section; or
 3. No more than 7 kg (15.4 lb) of uranium, removed during the treatment of drinking water, at any one time. A person may not remove more than 70 kg (154 lb) of uranium from drinking water during a calendar year under this subparagraph; or
 4. No more than 7 kg (15.4 lb) of uranium and thorium at laboratories for the purpose of determining the concentration of uranium and thorium contained within the material being analyzed at any one time. A person authorized to possess, use, and transfer source material under this subparagraph may not receive more than a total of 70 kg (154 lb) of source material in any one calendar year.
- (c) Any person who receives, possesses, uses, or transfers source material in accordance with the general license in subparagraph (b) of this section.
1. Is prohibited from administering source material, or the radiation there from, either externally or internally, to human beings except as may be authorized by the NRC in a specific license.
 2. Shall not abandon such source material. Source material may be disposed of as follows:
 - (i) A cumulative total of 0.5 kg (1.1 lb) of source material in a solid, non-dispersible form may be transferred each calendar year, by a person authorized to receive, possess, use, and transfer source material under this general license to persons receiving the material

for permanent disposal. The recipient of source material transferred under the provisions of this subparagraph (c) is exempt from the requirements to obtain a license under paragraph (5) to the extent the source material is permanently disposed. This provision does not apply to any person who is in possession of source material under a specific license issued under 391-3-17-.02(7) through 391-3-17-.02(13); or

(ii) In accordance with [391-3-17-.03\(13\)](#) of this Chapter.

3. Is subject to the provisions of [391-3-17-.03\(13\)](#) of this Chapter.
4. Is subject to the provisions in [391-3-17-.01\(4\)](#), [\(5\)](#), [\(6\)](#) and [\(8\)](#), 391-3-17-.02(13), (18) and (19), and [391-3-17-.03\(14\)](#) and [\(15\)](#).
5. Shall not export such source material except in accordance with 10 CFR Part 110.

(d) Depleted Uranium in Industrial Products and Devices.

1. A general license is hereby issued to receive, acquire, possess, use, or transfer, in accordance with the provisions of (5)(d)2., 3., 4., and 5., depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device.
2. The general license in (5)(d)1. applies only to industrial products or devices which have been manufactured either in accordance with a specific license issued to the manufacturer of the products or devices in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission or an Agreement State which authorizes manufacture of the products or devices for distribution to persons generally licensed by the U.S. Nuclear Regulatory Commission or an Agreement State.
3. Persons who receive, acquire, possess, or use depleted uranium pursuant to the general license established by (5)(d)1. shall:
 - (i) File Division form "Registration Certificate - Use of Depleted Uranium Under General License" with the Division. The form shall be submitted within 30 days after the first receipt or acquisition of such depleted uranium. The registrant shall furnish on the form the following information and such other information as may be required by that form:

- (I) Name and address of the registrant;
 - (II) A statement that the registrant has developed and will maintain procedures designed to establish physical control over the depleted uranium described in (5)(d)1. and designed to prevent transfer of such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and
 - (III) Name and/or title, address, and telephone number of the individual duly authorized to act for and on behalf of the registrant in supervising the procedures identified in (5)(d)3.(i)(II); and
- (ii) Report in writing to the Division any changes in information furnished by him in Division form "Registration Certificate - Use of Depleted Uranium Under General License". The report shall be submitted within 30 days after the effective date of such change.
4. A person who receives, acquires, possesses, or uses depleted uranium pursuant to the general license established by (5)(d)1:
- (i) Shall not introduce such depleted uranium, in any form, into a chemical, physical, or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium;
 - (ii) Shall not abandon such depleted uranium;
 - (iii) Shall transfer or dispose of such depleted uranium only by transfer in accordance with the provisions of (19). In the case where the transferee receives the depleted uranium pursuant to the general license established by (5)(d)1., the transferor shall furnish the transferee a copy of this Regulation and a copy of Division form "Registration Certificate - Use of Depleted Uranium Under General License". In the case where the transferee receives the depleted uranium pursuant to a general license contained in the U.S. Nuclear Regulatory Commission's or Agreement State's regulation equivalent to (5)(d)1., the transferor shall furnish the transferee a copy of this Regulation and a copy of Division form "Registration Certificate - Use of Depleted Uranium Under General License" accompanied by a note explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or

Agreement State under requirements substantially the same as those in this Regulation;

- (iv) Shall report in writing to the Division the name and address of the person receiving the depleted uranium pursuant to such transfer within 30 days of any transfer.

5. Any person receiving, acquiring, possessing, using, or transferring depleted uranium pursuant to the general license established by (5)(d)1. is exempt from the requirements of Rule .03 and Rule .07 of this Chapter with respect to the depleted uranium covered by that general license.

- (e) Any person who receives, possesses, uses, or transfers source material in accordance with subparagraph (b) of this section shall conduct activities so as to minimize contamination of the facility and the environment. When activities involving such source material are permanently ceased at any site, if evidence of significant contamination is identified, the general licensee shall notify the Division about such contamination and may consult with the Division as to the appropriateness of sampling and restoration activities to ensure that any contamination or residual source material remaining at the site where source material was used under this general license is not likely to result in exposures that exceed the limits in [10 CFR 20.1402](#).
- (f) Any person who receives, possesses, uses, or transfers source material in accordance with the general license granted in subparagraph (b) of this section is exempt from the provisions of [391-3-17-.03](#) and [391-3-17-.07](#) to the extent that such receipt, possession, use, and transfer are within the terms of this general license, except that such person shall comply with the provisions of [391-3-17-.03\(7\)\(b\)](#) and [391-3-17-.03\(13\)\(a\)](#) to the extent necessary to meet the provisions of subparagraphs (c)(2) and (e) of this section. However, this exemption does not apply to any person who also holds a specific license issued under this Chapter.
- (g) No person may initially transfer or distribute source material to persons generally licensed under subparagraph (b) of this section, or equivalent regulations of an Agreement State or NRC, unless authorized by a specific license issued in accordance with 391-3-17-.02(5)(h), [10 CFR 40.54](#), or equivalent provisions of an Agreement State. This prohibition does not apply to analytical laboratories returning processed samples to the client who initially provided the sample.
- (h) An application for a specific license to initially transfer source material for use under 391-3-17-.02 will be approved if:
 - 1. The applicant satisfies the general requirements specified in this Chapter; and

2. The applicant submits adequate information on, and the Division approves the methods to be used for quality control, labeling, and providing safety instructions to recipients.
- (i) Each person licensed under 391-3-17-.02 shall label the immediate container of each quantity of source material with the type of source material and quantity of material and the words, "radioactive material."
 - (j) Each person licensed under 391-3-17-.02 shall ensure that the quantities and concentrations of source material are as labeled and indicated in any transfer records.
 - (k) Each person licensed under 391-3-17-.02 shall report transfers as follows:
 1. File a report with the Division. The report shall include the following information:
 - (i) The name, address, and license number of the person who transferred the source material;
 - (ii) For each general licensee under 391-3-17-.02, [10 CFR 40.22](#) and equivalent Agreement State regulations or provisions to whom greater than 50 grams (0.11 lb) of source material has been transferred in a single calendar quarter, the name and address of the general licensee to whom source material is distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred; and
 - (iii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients.
 2. File a report with each responsible Agreement State agency or NRC that identifies all persons, operating under provisions equivalent to this Chapter, to whom greater than 50 grams (0.11 lb) of source material has been transferred within a single calendar quarter. The report shall include the following information specific to those transfers made to the Agreement State or NRC being reported to:
 - (i) The name, address, and license number of the person who transferred the source material; and
 - (ii) The name and address of the general licensee to whom source material was distributed; a responsible agent, by name and/or

position and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred.

- (iii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients within the Agreement State or NRC.
- 3. Submit each report by January 31 of each year covering all transfers for the previous calendar year. If no transfers were made to persons generally licensed under [10 CFR Part 40.22](#) or equivalent Agreement State or NRC provisions during the current period, a report shall be submitted indicating so. If no transfers have been made to general licensees in a particular Agreement State or falling under the jurisdiction of the NRC, during the reporting period, this information shall be reported to the NRC or responsible Agreement State agency upon request of the agency or NRC.
- (l) Each person licensed under 391-3-17-.02 shall maintain all information that supports the reports required by this subparagraph concerning each transfer to a general licensee for a period of 1 year after the event is included in a report to the Division, Commission or to an Agreement State agency.
- (m) Each person licensed under 391-3-17-.02(5)(h) shall provide the information specified in this paragraph to each person to whom source material is transferred for use under 391-3-17-.02(5)(b). This information must be transferred before the source material is transferred for the first time in each calendar year to the particular recipient. The required information includes:
 - 1. A copy of 391-3-17-.02(5)(b) and .02(19) or relevant equivalent regulations of the NRC or an Agreement State.
 - 2. Appropriate radiation safety precautions and instructions relating to handling, use, storage, and disposal of the material.
- (6) **General Licenses - Radioactive Materials Other Than Source Material.** Each general license issued under (6) has its own specific conditions and requirements.
 - (a) **Ownership of Radioactive Material.** A general license is hereby issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of this Rule, this general license does not authorize the manufacture, production, transfer, receipt, possession, or use of radioactive material.
 - (b) [Reserved]

(c) Certain Detecting, Measuring, Gauging, or Controlling Devices and Certain Devices for Producing Light or an Ionizing Atmosphere.

1. A general license is hereby issued to commercial and industrial firms and to research, educational and medical institutions, individuals in the conduct of their business, and State or local government agencies to own, receive, acquire, possess, use, or transfer, in accordance with the provisions of (6)(c)2., 3., and 4., radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging, or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.
2. The general license in (6)(c)1. applies only to radioactive material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained:

- (i) in a specific license issued by the Director pursuant to (11)(d); or
- (ii) in accordance with the specifications contained in a specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State, which authorizes distribution of devices to persons generally licensed by the U.S. Nuclear Regulatory Commission or an Agreement State.

The devices must have been received from one of the specific licensees described in (i) or (ii) above or through a transfer made under (6)(c)3.(viii).

Note: Regulations under the Federal Food, Drug, and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in Section 179.21 of the Code of Federal Regulations, Title 21.

3. Any person who owns, receives, acquires, possesses, uses, or transfers radioactive material in a device pursuant to the general license in (6)(c)1.:
 - (i) Shall assure that all labels affixed to the device at the time of receipt, and bearing a statement that removal of the label is prohibited, are maintained thereon and shall comply with all instructions and precautions provided by such labels;
 - (ii) Shall assure that the device is tested for leakage of radioactive material and proper operation of the on/off mechanism and indicator, if any, at no longer than six-month intervals or at such other intervals as are specified in the label; however,

- (I) Devices containing only krypton need not be tested for leakage of radioactive material, and
 - (II) Devices containing only tritium or not more than 100 microcuries (3.7 MBq) of other beta- and/or gamma-emitting material or ten microcuries (0.37 MBq) of alpha-emitting material and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose;
- (iii) Shall assure that the tests required by (6)(c)3.(ii) and other testing, installation, servicing, and removal from installation involving the radioactive material, its shielding or containment, are performed:
- (I) In accordance with the instructions provided by the labels, or
 - (II) By a person holding an applicable specific license from the Director, the U.S. Nuclear Regulatory Commission or an Agreement State to perform such activities;
- (iv) Shall maintain records showing compliance with the requirements of (6)(c)3.(ii) and (iii). The records shall show the results of tests. The records also shall show the dates of performance of, and the names of persons performing, testing, installation, servicing, and removal from installation concerning the radioactive material, its shielding, or containment. Records of tests for leakage of radioactive material required by (6)(c)3.(ii) shall be maintained for three years after the next required leak test is performed. Records of tests of the on/off mechanism and indicator required by (6)(c)3.(ii) shall be maintained for three years after the next required test of the on/off mechanism and indicator is performed. Records which are required by (6)(c)3.(iii) shall be maintained for three years. In case of transfer or disposal, records required by this paragraph (iv) shall be maintained for three years after the transfer or disposal.
- (v) Shall, upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on/off mechanism or indicator, or upon the detection of 0.005 microcurie (185 Bq) or more removable radioactive material, immediately suspend operation of the device. The device may not be operated until it has been repaired by the manufacturer or other person holding an applicable specific license from the Director, the U.S. Nuclear Regulatory Commission or an

Agreement State to repair such devices. The device and any radioactive material from the device may only be disposed of by transfer to a person authorized by an applicable specific license to receive the radioactive material contained in the device or as otherwise approved by the Division. A report containing a brief description of the event and the remedial action taken; and, in the case of detection of 0.005 microcurie (185 Bq) or more of removable radioactive material, or failure or damage to a source likely to result in contamination of the premises or environs, a plan for ensuring that the premises and environs are acceptable for unrestricted use, must be furnished to the Division within 30 days. Under these circumstances, the criteria set out in Rule .03(7)(b) "Radiological requirements for unrestricted use" may be applicable, as determined by the Division on a case-by-case basis;

- (vi) Shall not abandon the device containing radioactive material;
- (vii)
 - (I) Shall transfer or dispose of the device containing radioactive material only by export as provided in (6)(c)3.(xiv), by transfer to another general licensee as specified in (6)(c)3.(viii) or equivalent regulations of the NRC or another Agreement State, by transfer to a specific licensee of the Director, the U.S. Nuclear Regulatory Commission or an Agreement State whose specific license authorizes him to receive the device or authorizes him to collect waste, or as otherwise approved under (6)(c)(3)(vii)(III).
 - (II) Within 30 days after transfer of a device to a specific licensee or export, the licensee shall furnish to the Division a report containing identification of the device by manufacturer's (or initial transferor's) name, model number, serial number, the name and address and license number (license number not applicable if exported) of the person receiving the device and the date of transfer;
 - (III) If transfer is to any other licensee not identified in (vii)(I), the licensee shall obtain written approval from the Division before transferring the device to any other person; however, a holder of a specific license may transfer a device for possession and use under its own specific license without prior approval, if, the holder:

- I. Verifies that the specific license authorizes the possession and use, or applies for and obtains an amendment to the license authorizing the possession and use;
- II. Removes, alters, covers, or clearly and unambiguously augments the existing label (otherwise required by Rule .02(6)(c)3.(i) so that the device is labeled in compliance with Rule .03(12)(d); however the manufacturer, model number, and serial number must be retained;
- III. Obtains the manufacturer's or initial transferor's information concerning maintenance that would be applicable under the specific license (such as leak testing procedures); and
- IV. Reports the transfer under Rule .02(6)(c)3.(vii)

(viii) Shall transfer the device to another general licensee only:

- (I) Where the device remains in use at a particular location. In such case the transferor shall give the transferee a copy of this Regulation and any safety documents identified in the label on the device. Within 30 days of the transfer, report to the Division the manufacturer's (or initial transferor's) name, model number, serial number of the device transferred, the name and mailing address for place of use of the transferee, and the name, title and telephone number of a person identified by the transferee as the individual responsible for having knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements; or
- (II) Where the device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use by a general licensee;

(ix) Shall comply with the provisions of Rule .03(15) of this Chapter for reporting radiation incidents, or the theft or loss of licensed material, but shall be exempt from the other requirements contained in Rules .03 and .07 of this Chapter;

- (x) Shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure the day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard;
- (xi)
 - (I) Shall register, in accordance with paragraphs (6)(c)3.(xi)(II) and (III), devices containing at least 10 mCi (370 MBq) of cesium-137, 0.1 mCi (3.7 MBq) of strontium-90, 1 mCi (37 MBq) of cobalt-60, 0.1 mCi (3.7 MBq) of radium 226, or 1 mCi (37 MBq) of americium-241 or any other transuranic [i.e., element with atomic number greater than uranium (92)], based on the activity indicated on the label. Each address for a location of use, as described under paragraph 3.(xi)(III)IV. of this section, represents a separate general licensee and requires a separate registration.
 - (II) If in possession of a device meeting the criteria of paragraph (6)(c)3.(xi)(I), shall register these devices annually with the Division. Registration must be done by verifying, correcting, and/or adding to the information provided in a request for registration received from the Division. The registration information must be submitted to the Division within 30 days of the date of the request for registration or as otherwise indicated in the request. In addition, a general licensee holding devices meeting the criteria of (6)(c)3.(xi)(I) is subject to the bankruptcy notification requirement in (13)(e) of this rule.
 - (III) In registering devices, the general licensee shall furnish the following information and any other information specifically requested by the Division;
 - I. Name and mailing address of the general licensee.
 - II. Information about each device: the manufacturer (or initial transferor), model number, serial number, the radioisotope and activity (as indicated on the label).

- III. Name, title, and telephone number of the responsible person designated as a representative of the general licensee under (6)(c)3.(x).
- IV. Address or location at which the device(s) are used and/or stored.
- V. Certification by the responsible representative of the general licensee that the information concerning the device(s) has been verified through a physical inventory and checking of label information.
- VI. Certification by the responsible representative of the general licensee that they are aware of the requirements of the general license.

(IV) Persons generally licensed by the NRC or an Agreement State are not eligible for reciprocity.

- (xii) Shall report changes to the mailing address for the location of use (including change in name of general licensee) to the Division within 30 days of the effective date of the change;
- (xiii) May not hold devices that are not in use for longer than two years. If devices with shutters are not being used, the shutter must be locked in the closed position. The testing required by (6)(c)3.(ii) need not be performed during the period of storage only. However, when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they must be tested for leakage before use or transfer and the shutter tested before use. Devices kept in standby for future use are excluded from the two-year time limit if the general licensee performs quarterly physical inventories of these devices while they are in standby.
- (xiv) Shall not export the device containing byproduct material except in accordance with the requirements of 10 CFR Part 110.
- (xv) Shall respond to written requests from the Program to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information

within the allotted time, it shall, within that same time period, request a longer period to supply the information by providing the Program a written justification for the request.

4. The general license in (6)(c)1. does not authorize the manufacture or import of devices containing radioactive material.
5. The general license provided in (6)(c)1. is subject to the provisions of (13), (18), and (19) of this rule, of paragraphs (4), (5), (6), (7), (8), (9) and (10) of Rule .01, and of Rule .06 of this Chapter.

(d) Luminous Safety Devices for Aircraft.

1. A general license is hereby issued to own, receive, acquire, possess, and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided:
 - (i) Each device contains not more than ten Curies (370 GBq) of tritium or 300 millicuries (11.1 GBq) of promethium-147; and
 - (ii) Each device has been manufactured, assembled, or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the Director or any Agreement State to the manufacturer or assembler of such device pursuant to licensing requirements equivalent to those in Section 32.53 of 10 CFR, Part 32, of the regulations of the U.S. Nuclear Regulatory Commission.
2. Persons who own, receive, acquire, possess, or use luminous safety devices pursuant to the general license in (6)(d) are exempt from the requirements of Rules .03 and .07 of this Chapter, except that they shall comply with the provisions of Rule .03(15) of this Chapter.
3. This general license does not authorize the manufacture, assembly, or repair of luminous safety devices containing tritium or promethium-147.
4. This general license does not authorize the ownership, receipt, acquisition, possession, or use of promethium-147 contained in instrument dials.
5. This general license is subject to the provisions of paragraphs (13), (18), and (19) of this Rule, of paragraphs (4), (5), (6), (7), (8), (9) and (10) of Rule .01, and of Rule .06 of this Chapter.

(e) Ice-Detection Devices.

1. A general license is hereby issued to own, receive, acquire, possess, use, and transfer strontium-90 contained in ice-detection devices, provided each device contains not more than 50 microcuries (1.85 MBq) of strontium-90 and each device has been manufactured or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or each device has been manufactured in accordance with the specifications contained in a specific license issued by the Director or any Agreement State to the manufacturer of such device pursuant to licensing requirements equivalent to those in Section 32.61 of 10 CFR, Part 32, of the regulations of the U.S. Nuclear Regulatory Commission.
2. Persons who own, receive, acquire, possess, use, or transfer strontium-90 contained in ice-detection devices pursuant to the general license in (6)(e)1.:
 - (i) Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating to the device, discontinue use of the device until it has been inspected, tested for leakage, and repaired by a person holding a specific license or equivalent licensing document from the U.S. Nuclear Regulatory Commission or an Agreement State to manufacture or service such devices; or shall dispose of the device pursuant to the provisions of Rule .03(13) of this Chapter;
 - (ii) Shall assure that all labels affixed to the device at the time of receipt and which bear a statement that prohibits removal of the labels are maintained thereon; and
 - (iii) Are exempt from the requirements of Rules .03 and .07 of this Chapter except that such persons shall comply with the provisions of Rule .03(13) and (15) of this Chapter.
3. This general license does not authorize the manufacture, assembly, disassembly, or repair of strontium-90 in ice-detection devices.
4. This general license is subject to the provisions of paragraphs (13), (18), and (19) of this Rule, of paragraphs (4), (5), (6), (7), (8), (9) and (10) of Rule .01, and of Rule .06 of this Chapter.

(f) Calibration and Reference Sources.

1. A general license is hereby issued to those persons listed below to own, receive, acquire, possess, use, and transfer, in accordance with the provisions of (6)(f)4. and 5., americium-241 in the form of calibration or reference sources:

- (i) Any person who holds a specific license issued by the Director which authorizes him to receive, possess, use, and transfer radioactive material; and
 - (ii) Any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission which authorizes him to receive, possess, use, and transfer special nuclear material.
- 2. A general license is hereby issued to own, receive, possess, use, and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of (6)(f)4. and 5. to any person who holds a specific license issued by the Director which authorizes him to receive, possess, use, and transfer radioactive material.
- 3. A general license is hereby issued to own, receive, possess, use, and transfer radium-226 in the form of calibration or reference sources in accordance with the provisions of (6)(f)4. and 5. to any person who holds a specific license issued by the Director which authorizes him to receive, possess, use, and transfer radioactive material.
- 4. The general licenses in (6)(f)1., 2., and 3. apply only to calibration or reference sources which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory Commission pursuant to Section 32.57 of 10 CFR, Part 32, or Section 70.39 of 10 CFR, Part 70, or which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer by the Director or any Agreement State pursuant to licensing requirements equivalent to those contained in Section 32.57 of 10 CFR, Part 32, or Section 70.39 of 10 CFR, Part 70, of the regulations of the U.S. Nuclear Regulatory Commission.
- 5. The general licenses provided in (6)(f)1., 2., and 3. are subject to the provisions of paragraphs (13), (18), and (19) of this Rule, of paragraphs (4), (5), (6), (7), (8), (9) and (10) of Rule .01, and of Rules .03, .06, and .07 of this Chapter. In addition, persons who own, receive, acquire, possess, use, or transfer one or more calibration or reference sources pursuant to these general licenses:
 - (i) Shall not possess at any one time, at any one location of storage or use, more than five microcuries (185 kBq) of americium-241, five microcuries (185 kBq) of plutonium, or five microcuries (185 kBq) of radium-226 in such sources;

- (ii) Shall not receive, possess, use, or transfer such source unless the source, or the storage container, bears a label that includes the following statement, or a substantially similar statement that contains the information called for, as appropriate:

- (I) The receipt, possession, use, and transfer of this source, Model _____, Serial No. _____, are subject to a general license and the regulations of the U.S. Nuclear Regulatory Commission or of a State with which the U.S. Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL -

THIS SOURCE CONTAINS (AMERICIUM-241)*

(PLUTONIUM)*. DO NOT TOUCH RADIOACTIVE
PORTION OF THIS SOURCE.

(NAME OF MANUFACTURER OR IMPORTER)

*Note: Showing only the name of the appropriate material, i.e., either plutonium or americium.

- (iii) Shall not transfer, abandon, or dispose of such source except by transfer to a person authorized by a license from the Director, the U.S. Nuclear Regulatory Commission or an Agreement State to receive the source;
 - (iv) Shall store such source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium, or radium-226 which might otherwise escape during storage; and
 - (v) Shall not use such source for any purpose other than the calibration of radiation detectors or the standardization of other sources.
- 6. These general licenses do not authorize the manufacture of calibration or reference sources containing americium-241, plutonium, or radium-226.
- (g) General License for Use of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing.

Note: The new drug provisions of the Federal Food, Drug, and Cosmetic Act also govern the availability and use of any specified diagnostic drugs in interstate commerce.

1. A general license is hereby issued to any physician, veterinarian in the practice of veterinary medicine, clinical laboratory, or hospital to receive, acquire, possess, transfer, or use, for any of the following radioactive material, in accordance with the provisions of (6)(g) 2., 3., 4., 5., and 6., the following radioactive materials in prepackaged units for use in in-vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals:
 - (i) Iodine-125, in units not exceeding ten microcuries (370 kBq) each.
 - (ii) Iodine-131, in units not exceeding ten microcuries (370 kBq) each.
 - (iii) Carbon-14, in units not exceeding ten microcuries (370 kBq) each.
 - (iv) Hydrogen-3 (tritium), in units not exceeding 50 microcuries (1.85 MBq) each.
 - (v) Iron-59, in units not exceeding 20 microcuries (740 kBq) each.
 - (vi) Cobalt-57, in units not exceeding ten microcuries (370 kBq) each.
 - (vii) Selenium-75, in units not exceeding ten microcuries (370 kBq) each.
 - (viii) Mock Iodine-125 reference or calibration sources, in units not exceeding 0.05 microcurie (1.85 kBq) of iodine-129 and 0.005 microcurie (185 Bq) of americium-241 each.
2. No person shall receive, acquire, possess, use, or transfer radioactive material pursuant to the general license established by (6)(g)1. until he has filed Division form, "Certificate - In-Vitro Testing with Radioactive Material Under General License" with the Division and received from the Division a validated copy of this form with certification number assigned or until he has been authorized pursuant to (9)(e)3. to use radioactive material under the general license in (6)(g). The physician, veterinarian in the practice of veterinary medicine, clinical laboratory, or hospital shall furnish on the form the following information and such other information as may be required by that form:

- (i) Name and address of the physician, veterinarian in the practice of veterinary medicine, clinical laboratory, or hospital;
 - (ii) The location of use; and
 - (iii) A statement that the physician, veterinarian in the practice of veterinary medicine, clinical laboratory, or hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with radioactive material as authorized under the general license in (6)(g)1. and that such tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive material.
3. A person who receives, acquires, possesses, or uses radioactive material pursuant to the general license established by (6)(g)1. shall comply with the following:
- (i) The general licensee shall not possess at any one time, pursuant to the general license in (6)(g)1., at any one location of storage or use, a total amount of iodine-125, iodine-131, selenium-75, iron-59, and/or cobalt-57 in excess of 200 microcuries (7.4 MBq).
 - (ii) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing the equivalent amount of radiation protection.
 - (iii) The general licensee shall use the radioactive material only as authorized by (6)(g)1.
 - (iv) The general licensee shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the Director, the U.S. Nuclear Regulatory Commission or any Agreement State, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.
 - (v) The general licensee shall dispose of the Mock Iodine-125 reference or calibration sources described in (6)(g)1.(viii) as required by Rule .03(13) of this Chapter.
4. The general licensee shall not receive, acquire, possess, or use radioactive material pursuant to (6)(g)1.:

- (i) Except as prepackaged units which are labeled in accordance with the provisions of an applicable specific license issued pursuant to (11)(g) or in accordance with the provisions of a specific license issued by the U.S. Nuclear Regulatory Commission or any Agreement State which authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, selenium-75, cobalt-57, or Mock Iodine-125 to persons generally licensed under (6)(g) or its equivalent, and
- (ii) Unless the following statement, or a statement which contains the information called for, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:
 - (I) This radioactive material shall be received, acquired, possessed, and used only by physicians, veterinarians in the practice of veterinary medicine, clinical laboratories, or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority.

(NAME OF MANUFACTURER)

- 5. The physician, veterinarian in the practice of veterinary medicine, clinical laboratory, or hospital possessing or using radioactive material under the general license of (6)(g)1. shall report in writing to the Division any changes in the information furnished by him in the "Certificate - In Vitro Testing with Radioactive Material Under General License". The report shall be furnished within 30 days after the effective date of such change.
- 6. Any person using radioactive material pursuant to the general license of (6)(g)1. is exempt from the requirements of Rules .03 and .07 of this Chapter with respect to radioactive material covered by that general license, except that such persons using the Mock Iodine-125 described in (6)(g)1.(viii) shall comply with the provisions of (13) and (15) of Rule .03 of this Chapter.

(7) Filing Application for Specific Licenses.

- (a) Applications for specific licenses shall be filed on forms supplied by the Georgia Department of Natural Resources, Environmental Protection Division, Radioactive Materials Program, 4244 International Parkway, Suite 120, Atlanta, Georgia, 30354, or current mailing address. The application shall set forth all applicable information called for by the form.
- (b) The Division may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Director to determine whether the application should be granted or denied or whether a license should be modified or revoked.
- (c) Each application shall be signed by the applicant or person duly authorized to act for and on his behalf.
- (d) An application for a license may include a request for a license authorizing one or more activities.
- (e) In his application, the applicant may incorporate, by reference, information contained in previous applications, statements, or reports filed with the Division, provided that such references are clear and specific by page, paragraph, and date.
- (f) Applications and documents submitted to the Division may be made available for public inspection except those documents described in Rule .01(5)(c) which may be withheld from public inspection or discovery.
- (g) The Division may verify information contained in applications and secure additional information deemed necessary to make a reasonable determination as to whether to issue a license and whether special conditions should be attached thereto by visiting the facility or location where radioactive materials would be possessed, or used, and by discussing details of proposed possession or use of the radioactive materials with the applicant or the applicant's designated representatives.
- (h) Emergency Plan for Large Quantity Users.
 - 1. Each application to possess radioactive materials in unsealed form, on foils or plated sources, or sealed in glass in excess of the quantities specified in (21)(e), Schedule E, must contain either:
 - (i) An evaluation showing that the maximum dose to a person offsite due to a release of radioactive materials would not exceed one rem (.01 Sv) effective dose equivalent or five rems (.05 Sv) to the thyroid; or

- (ii) An emergency plan for responding to a release of radioactive material.
- 2. One or more of the following factors may be used to support an evaluation submitted under (7)(h)1.(i):
 - (i) The radioactive material is physically separated so that only a portion could be involved in an accident;
 - (ii) All or part of the radioactive material is not subject to release during an accident because of the way it is stored or packaged;
 - (iii) The release fraction in the respirable size range would be lower than the release fraction shown in (21)(e), Schedule E, due to the chemical or physical form of the material;
 - (iv) The solubility of the radioactive material would reduce the dose received;
 - (v) Facility design or engineered safety features in the facility would cause the release fraction to be lower than shown in (21)(e), Schedule E;
 - (vi) Operating restrictions or procedures would prevent a release fraction as large as that shown in (21)(e), Schedule E; or
 - (vii) Other factors appropriate for the specific facility.
- 3. An emergency plan for responding to a release of radioactive material submitted under (7)(h)1.(ii) must include the following information:
 - (i) Facility description - a brief description of the licensee's facility and the area near the site.
 - (ii) Types of accidents - an identification of each type of radioactive materials accident for which protective actions may be needed.
 - (iii) Classification of accidents - a classification system for classifying accidents as alerts or site area emergencies.
 - (iv) Detection of accidents - identification of the means of detecting each type of accident in a timely manner.
 - (v) Mitigation of consequences - a brief description of the means and equipment for mitigating the consequences of each type of accident,

including those provided to protect workers on site, and a description of the program for maintaining the equipment.

- (vi) Assessment of releases - a brief description of the methods and equipment to assess releases of radioactive materials.
- (vii) Responsibilities - a brief description of the responsibilities of licensee personnel should an accident occur, including identification of personnel responsible for promptly notifying offsite response organizations and the Division; also responsibilities for developing, maintaining, and updating the plan.
- (viii) Notification and coordination - a commitment to and a brief description of the means to promptly notify offsite response organizations and request offsite assistance, including medical assistance for the treatment of contaminated injured onsite workers when appropriate. A control point must be established to prevent spreading of contamination during recovery activities. The notification and coordination must be planned so that unavailability of some personnel, parts of the facility, and some equipment will not prevent the notification and coordination. The licensee shall also commit to notify the Division immediately after notification of the appropriate offsite response organizations and not later than one hour after the licensee declares an emergency.

Note: This Chapter does not supersede or release licensees from complying with the requirements under the Emergency Planning and Community Right-to-Know Act of 1986, Title III, Pub. L-99-499 or other State or Federal reporting requirements.

- (ix) Information to be communicated - a brief description of the types of information on facility status, radioactive releases, and recommended protective actions, if necessary, to be given to offsite response organizations and to the Division.
- (x) Training - a brief description of the frequency, performance objectives, and plans for the training that the licensee will provide workers on how to respond to an emergency, including any special instruction and orientation tours the licensee would offer to fire, police, medical, and other emergency personnel. The training shall familiarize personnel with site-specific emergency procedures. Also, the training shall thoroughly prepare site personnel for their responsibilities in the event of accident scenarios postulated as most

probable for the specific site, including the use of team training for such scenarios.

- (xi) Safe shutdown - a brief description of the means of restoring the facility to a safe condition after an accident.
 - (xii) Exercises - provisions for conducting quarterly communications checks with offsite response organizations and biennial onsite exercises to test response to simulated emergencies. Quarterly communications checks with offsite response organizations must include the check and update of all necessary telephone numbers. The licensee shall invite offsite response organizations to participate in the biennial exercises. Participation of offsite response organizations in biennial exercises, although recommended, is not required. Exercises must use accident scenarios postulated as most probable for the specific site, and the scenarios shall not be known to most exercise participants. The licensee shall critique each exercise using individuals not having direct implementation responsibility for the plan. Critiques of exercises must evaluate the appropriateness of the plan, emergency procedures, facilities, equipment, training of personnel, and the overall effectiveness of the response. These exercises must be documented and deficiencies found by the critiques must be corrected.
 - (xiii) Hazardous chemicals - a certification that the applicant has met its responsibilities under the Emergency Planning and Community Right-to-Know Act of 1986, Title III, Pub. L. 99-499, if applicable to the applicant's activities at the proposed place of use of the radioactive material.
4. The licensee shall allow the offsite response organizations expected to respond in case of an accident 60 days to comment on the licensee's emergency plan before submitting it to the Division. The licensee shall provide any comments received within the 60 days to the Division with the emergency plan.
- (i) Except as provided in paragraphs 2., 3. and 4. of this section, an application for a specific license to use radioactive material in the form of a sealed source or in a device that contains the sealed source must:
- 1. Identify the source or device by manufacturer and model number as registered with the Nuclear Regulatory Commission, an Agreement State, or for a source or a device containing radium-226 or accelerator produced

radioactive material with a State under provisions comparable to Section 32.210 of 10 CFR Part 32.

2. For sources or devices manufactured before October 23, 2012, that are not registered with the Commission under Section 32.210 of 10 CFR, Part 32 or with an Agreement State, and for which the applicant is unable to provide all categories of information specified in [Section 32.210\(c\) of 10 CFR, Part 32](#), the application must include:
 - (i) All available information identified in [Section 32.210\(c\) of 10 CFR, Part 32](#) concerning the source, and, if applicable, the device; and
 - (ii) Sufficient additional information to demonstrate that there is reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. Such information must include a description of the source or device, a description of radiation safety features, the intended use and associated operating experience, and the results of a recent leak test.
 3. For sealed sources and devices allowed to be distributed without registration of safety information in accordance with [Section 32.210\(g\)\(1\) of 10 CFR, Part 32](#), the applicant may supply only the manufacturer, model number, and radionuclide and quantity.
 4. If it is not feasible to identify each sealed source and device individually, the applicant may propose constraints on the number and type of sealed sources and devices to be used and the conditions under which they will be used, in lieu of identifying each sealed source and device.
- (j) An application from a medical facility, educational institution, or Federal facility to produce Positron Emission Tomography (PET) radioactive drugs for noncommercial transfer to licensees in its consortium authorized for medical use under Rule .05 or equivalent Nuclear Regulatory Commission or Agreement State requirements shall include:
1. A request for authorization for the production of PET radionuclides or evidence of an existing license issued under Rule .02, Nuclear Regulatory Commission or of this chapter or Agreement State requirements for a PET radionuclide production facility within its consortium from which it receives PET radionuclides.
 2. Evidence that the applicant is qualified to produce radioactive drugs for medical use by meeting one of the criteria in .02(11)(i)2. of this Rule.

3. Identification of individual(s) authorized to prepare the PET radioactive drugs if the applicant is a pharmacy, and documentation that each individual meets the requirements of an authorized nuclear pharmacist as specified in .02(11)(i)5. of this Rule.
4. Information identified in Rule .02(11)(i)3. of this Rule on the PET drugs to be noncommercially transferred to members of its consortium.

(8) **General Requirements for the Issuance of Specific Licenses.** A license application will be approved if the Division determines the following:

- (a) That the applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with this Chapter in such a manner as to minimize danger to public health and safety or property;
- (b) That the applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property;
- (c) That the issuance of the license will not be inimical to the health and safety of the public; and
- (d) That the applicant satisfies any applicable special requirements in (9), (10), and (11).

(e) **Bonding Requirements.**

1. Pursuant to Georgia Laws 1979, pp. 1059, 1060, a specific license will be issued to a Major Processor as defined in Rule .01(2) of this Chapter only if the applicant has posted a surety bond with, and made payable to, the Director, Environmental Protection Division, Department of Natural Resources, to ensure the protection of the public health and safety in the event of abandonment, insolvency, or other inability of the licensee to meet the requirements of the Act and this Chapter.
 - (i) The bond provided shall be not less than \$100,000.00, nor more than \$5,000,000.00.
 - (ii) The exact amount of the bond shall be determined by the Director, Environmental Protection Division, and shall be based on the probable extent of contamination, the amount of possible property damage, the costs of removal and disposal of sources of radiation used by the licensee, and the costs of reclamation of the property in the event of abandonment, insolvency, or other inability of the licensee to meet the requirements of the Act and this Chapter,

including performing such services to the satisfaction of the Division.

2. Persons licensed at the time the bonding requirements of this Chapter became effective, and upon notice by the Division, must, within a period of 90 days following such notice, provide the bond required by (8)(e)1. as a condition for continuation of the license.
- (f) Environmental Report, Commencement of Construction. In the case of an application for a license to receive and possess radioactive material for the conduct of any activity which the Division determines will significantly affect the quality of the environment, commencement of construction of the plant or facility in which the activity will be conducted shall not begin until the Director has concluded, after weighing the environmental, economic, technical, and other benefits against environmental costs and considering available alternatives, that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values. Commencement of construction prior to such conclusion shall be grounds for denial of a license to receive and possess radioactive material in such plant or facility. As used in this paragraph, the term "commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the environment of a site. The term does not mean site exploration, necessary borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the site or the protection of environmental values.
- (g) Financial assurance and record-keeping for decommissioning.
1. The following are required to furnish financial assurance and record-keeping for decommissioning:
 - (i) Each applicant for a specific license authorizing the possession and use of unsealed radioactive material of half-life greater than 120 days and in quantities exceeding 10^5 times the applicable quantities set forth in Schedule F shall submit a decommissioning funding plan as described in subparagraphs (8)(g)5 and (8)(g)6. The decommissioning funding plan must also be submitted when a combination of isotopes is involved if R divided by 10^5 is greater than 1 (unity Rule), where R is defined here as the sum of the ratios of the quantity of each isotope to the applicable value in Schedule F.
 - (ii) Each applicant for a specific license authorizing the possession and use of sealed sources or plated foils of half-life greater than 120 days and in quantities exceeding 10^{12} times the applicable quantities set

forth in Schedule F shall submit a decommissioning funding plan as described in subparagraphs (8)(g)5 and (8)(g)6. The decommissioning funding plan must also be submitted when a combination of isotopes is involved if R divided by 10^{12} is greater than 1 (unity Rule), where R is defined here as the sum of the ratios of the quantity of each isotope to the applicable value in Schedule F.

2. Each applicant for a specific license authorizing the possession and use of radioactive material of half-life greater than 120 days and in quantities specified in subparagraphs (8)(g)4. shall either:
 - (i) Submit a decommissioning funding plan as described in subparagraphs (8)(g)5 and (8)(g)6.; or
 - (ii) Submit a certification that financial assurance for decommissioning has been provided in the amount prescribed by (8)(g)4. using one of the methods described in (8)(g)7. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued but prior to the receipt of licensed material. As part of the certification, a copy of the financial instrument obtained to satisfy the requirements of (8)(g)7. is to be submitted to the Division. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements (8)(g)7. must be submitted to the Division before the receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to the Division, as part of the certification a signed original of the financial instrument obtained to satisfy the requirements of (8)(g)7.
3.
 - (i) Each holder of a specific license issued on or after January 1, 1993, which is of a type described in (8)(g)1. or 2. shall provide financial assurance for decommissioning in accordance with the criteria set forth in this Rule.
 - (ii) Each holder of a specific license issued before January 1, 1993, which is of a type described in (8)(g)1. shall submit, on or before January 1, 1993, a decommissioning funding plan or a certification of financial assurance for decommissioning in an amount at least equal to \$1,125,000 in accordance with the criteria set forth in this Rule. If the licensee submits the certification of financial assurance rather than a decommissioning funding plan at this time, the licensee

shall include a decommissioning funding plan in any application for license renewal.

- (iii) Each holder of a specific license issued before January 1, 1993, and of a type described in (8)(g)2. shall submit, on or before January 1, 1993, a certification of financial assurance for decommissioning or a decommissioning funding plan in accordance with the criteria set forth in this .02(8)(g).
- (iv) Waste collectors and waste processors shall provide financial assurance in an amount based on a decommissioning funding plan as described in subparagraphs .02(8)(g)5 and (8)(g)6. The decommissioning funding plan must also include the cost of disposal of the maximum amount (curies) of radioactive material permitted by the license, and the cost of disposal of the maximum quantity, by volume, of radioactive material that could be present at the licensee's facility at any time, in addition to the cost to remediate the licensee's site to meet the license termination requirements in .02(18).

4. Table of required amounts of financial assurance for decommissioning by quantity of material.

Greater than 10^4 but less than or equal to 10^5 times the applicable quantities of Schedule F in unsealed form. (For a combination of isotopes, if R, as defined in (8)(g), divided by 10^4 is greater than 1 but R divided by 10^5 is less than or equal to 1): \$1,125,000

Greater than 10^3 but less than or equal to 10^4 times the applicable quantities of Schedule F in unsealed form. (For a combination of isotopes, if R, as defined in (8)(g), divided by 10^3 is greater than 1 but R divided by 10^4 is less than or equal to 1): \$225,000

Greater than 10^{10} times the applicable quantities of Schedule F in sealed sources or plated foils. (For a combination of isotopes, if R, as defined in (8)(g), divided by 10^{10} is greater than 1): \$113,000

5. Each decommissioning funding plan must be submitted for review and approval and must contain
- (i) A detailed cost estimate for decommissioning, in an amount reflecting:

- (I) The cost of an independent contractor to perform all decommissioning activities;
 - (II) The cost of meeting the .03(7)(b) criteria for unrestricted use, provided that, if the applicant or licensee can demonstrate its ability to meet the provisions of .03(7)(c), the cost estimate may be based on meeting the .03(7)(c) criteria;
 - (III) The volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the criteria for license termination; and
 - (IV) An adequate contingency factor.
- (ii) Identification of and justification for using the key assumptions contained in the DCE;
 - (iii) A description of the method of assuring funds for decommissioning from subparagraph 7 of this section, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility;
 - (iv) A certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning; and
 - (v) A signed original of the financial instrument obtained to satisfy the requirements of subparagraph 7 of this section (unless a previously submitted and accepted financial instrument continues to cover the cost estimate for decommissioning).
6. At the time of license renewal and at intervals not to exceed 3 years, the decommissioning funding plan must be resubmitted with adjustments as necessary to account for changes in costs and the extent of contamination. If the amount of financial assurance will be adjusted downward, this cannot be done until the updated decommissioning funding plan is approved. The decommissioning funding plan must update the information submitted with the original or prior approved plan, and must specifically consider the effect of the following events on decommissioning costs:
- (i) Spills of radioactive material producing additional residual radioactivity in onsite subsurface material;

- (ii) Waste inventory increasing above the amount previously estimated;
 - (iii) Waste disposal costs increasing above the amount previously estimated;
 - (iv) Facility modifications;
 - (v) Changes in authorized possession limits;
 - (vi) Actual remediation costs that exceed the previous cost estimate;
 - (vii) Onsite disposal; and
 - (viii) Use of a settling pond.
7. Financial assurance for decommissioning must be provided by one or more of the following methods:
- (i) Prepayment. Prepayment is the deposit prior to the start of operation into an account segregated from licensee assets and outside the licensee's administrative control of cash or liquid assets such that the amount of funds would be sufficient to pay decommissioning costs. Prepayment may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities.
 - (ii) A surety method, insurance, or other guarantee method. These methods guarantee that decommissioning costs will be paid. A surety method may be in the form of a surety bond, letter of credit, or line of credit. A parent company guarantee of funds for decommissioning costs based on a financial test may be used if the guarantee and test are as contained in (21)(d) Schedule D. A parent company guarantee may not be used in combination with other financial methods to satisfy the requirements of this section. For commercial corporations that issue bonds, a guarantee of funds by the applicant or licensee for decommissioning costs based on a financial test may be used if the guarantee and test are as contained in (21)(g) Schedule G. For commercial companies that do not issue bonds, a guarantee of funds by the applicant or licensee for decommissioning costs may be used if the guarantee and test are as contained in (21)(d) Schedule D. For nonprofit entities, such as colleges, universities, and nonprofit hospitals, a guarantee of funds by the applicant or licensee may be used if the guarantee and test are as contained in (21)(h) Schedule H. A guarantee by the applicant or

licensee may not be used in combination with any other financial methods used to satisfy the requirements of this section or in any situation where the applicant or licensee has a parent company holding majority control of the voting stock of the company. Any surety method or insurance used to provide financial assurance for decommissioning must contain the following conditions:

- (I) The surety method or insurance must be open-ended or, if written for a specified term, such as five years, must be renewed automatically, unless 90 days or more prior to the renewal date the issuer notifies the Division, the beneficiary, and the licensee of its intention not to renew. The surety method or insurance must also provide that the full face amount be paid to the beneficiary automatically prior to the expiration without proof of forfeiture if the licensee fails to provide a replacement acceptable to the Division within 30 days after receipt of notification of cancellation.
 - (II) The surety method or insurance must be payable to a trust established for decommissioning costs. The trustee and trust must be acceptable to the Division. An acceptable trustee includes an appropriate State or Federal government agency or an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.
 - (III) The surety method or insurance must remain in effect until the Director has terminated the license.
- (iii) An external sinking fund in which deposits are made at least annually, coupled with a surety method or insurance, the value of which may decrease by the amount being accumulated in the sinking fund. An external sinking fund is a fund established and maintained by setting aside funds periodically in an account segregated from licensee assets and outside the licensee's administrative control in which the total amount of funds would be sufficient to pay decommissioning costs at the time termination of operation is expected. An external sinking fund may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities. The surety or insurance provisions must be as stated in (8)(g)2.
- (iv) In the case of Federal, State, or local government licensees, a statement of intent containing a cost estimate for decommissioning

or an amount based on the Table in (8)(g)4., and indicating that funds for decommissioning will be obtained when necessary.

8. Each person licensed under this Chapter shall keep records of information important to the safe and effective decommissioning of the facility in an identified location until the site is released for unrestricted use by the Division. Before licensed activities are transferred or assigned in accordance with .02(13)(b), licensees shall transfer all records described in (7)(i) through (iv) to the new licensee. In this case, the new licensee will be responsible for maintaining these records until the license is terminated. If records of relevant information to the decommissioning of a facility are kept for other purposes, references to these records and their locations may be used. Information the Division considers important to decommissioning consists of:
 - (i) Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site. These records may be limited to instances when contamination remains after any cleanup procedures or when there is reasonable likelihood that contaminants may have spread to inaccessible areas as in the case of possible seepage into porous materials such as concrete. These records must include any known information on identification of involved nuclides, quantities, forms, and concentrations.
 - (ii) As-built drawings and modifications of structures and equipment in restricted areas where radioactive materials are used and/or stored, and of locations of possible inaccessible contamination such as buried pipes which may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.
 - (iii) Except for areas containing only sealed sources (provided the sources have not leaked or no contamination remains after any leak) or radioactive materials having only half-lives of less than 65 days, or depleted uranium used only for shielding or as penetrators in unused munitions, a list contained in a single document and updated every two years, of the following:
 - (I) All areas designated and formerly designated as restricted areas as defined under Rule [391-3-17-.01\(2\)](#);

- (II) All areas outside of restricted areas that require documentation under (8)(g)8.(i);
 - (III) All areas outside of restricted areas where current and previous wastes have been buried as documented under Rule .03(14)(i) of this Chapter; and
 - (IV) All areas outside of restricted areas that contain materials such that, if the license expired, the licensee would be required to either decontaminate the area to unrestricted release levels or apply for approval for disposal under Rule .03(13)(b) of this Chapter.
- (iv) Records of the cost estimate performed for the decommissioning funding plan or of the amount certified for decommissioning, and records of the funding method used for assuring funds if either a funding plan or certification is used.
9. Teletherapy licensees are exempted from decommissioning financial assurance requirements for possession of licensed material in sealed sources in quantities greater than 10^{10} times the applicable quantities of Schedule F of this rule, for the purpose of source changes only. This exemption is granted for no more than 30 days for any one source change.
- (h) Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.
1. Each specific license continues in effect, beyond the expiration date if necessary, with respect to possession of radioactive material until the Director notifies the licensee in writing that the license is terminated. During this time, the licensee shall:
 - (i) Limit actions involving radioactive material to those related to decommissioning; and
 - (ii) Continue to control entry to restricted areas until they are suitable for release in accordance with Division requirements.
 2. Within 60 days of the occurrence of any of the following, each licensee shall provide notification to the Division in writing of such occurrence, and either begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity so that the building or outdoor area is suitable for release in accordance with Division requirements, or submit

within 12 months of notification a decommissioning plan, if required by (8)(h)5.(i), and begin decommissioning upon approval of that plan if:

- (i) The license has expired pursuant to (14) or (18)(c); or
 - (ii) The licensee has decided to permanently cease principal activities, as defined in this part, at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with Division requirements; or
 - (iii) No principal activities under the license have been conducted for a period of 24 months; or
 - (iv) No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with Division requirements.
3. Coincident with the notification required by (8)(h)2., the licensee shall maintain in effect all decommissioning financial assurances established by the licensee pursuant to (8)(g) in conjunction with a license issuance or renewal or as required by this section. The amount of the financial assurance must be increased or may be decreased, as appropriate, to cover the detailed cost estimate for decommissioning established pursuant to (8)(h)5.(iv)(V).
- (i) Any licensee who has not provided financial assurance to cover the detailed cost estimate submitted with the decommissioning plan shall do so when this rule becomes effective.
 - (ii) Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the Director.
4. The Division may grant a request to extend the time periods in (8)(h)2. if the Division determines that this relief is not detrimental to the public health and safety and is otherwise in the public interest. The request must be submitted no later than 30 days before notification pursuant to (8)(h)2. The schedule for decommissioning set forth in (8)(h)2. may not commence until the Director has made a determination on the request.

- 5.
- (i) A decommissioning plan must be submitted if required by license condition or if the procedures and activities necessary to carry out decommissioning of the site or separate building or outdoor area have not been previously approved by the Division and these procedures could increase potential health and safety impacts to workers or to the public, such as in any of the following cases:
 - (I) Procedures would involve techniques not applied routinely during cleanup or maintenance operations;
 - (II) Workers would be entering areas not normally occupied where surface contamination and radiation levels are significantly higher than routinely encountered during operation;
 - (III) Procedures could result in significantly greater airborne concentrations of radioactive materials than are present during operation or;
 - (IV) Procedures could result in significantly greater releases of radioactive material to the environment than those associated with operation.
 - (ii) The Division may approve an alternate schedule for submittal of a decommissioning plan required pursuant to (8)(h)2. if the Division determines that the alternative schedule is necessary to the effective conduct of decommissioning operations and presents no undue risk from radiation to the public health and safety and is otherwise in the public interest.
 - (iii) Procedures such as those listed in (8)(h)5.(i) with potential health and safety impacts may not be carried out prior to approval of the decommissioning plan.
 - (iv) The proposed decommissioning plan for the site or separate building or outdoor area must include:
 - (I) A description of the conditions of the site or separate building or outdoor area sufficient to evaluate the acceptability of the plan;
 - (II) A description of planned decommissioning activities;

- (III) A description of methods used to ensure protection of workers and the environment against radiation hazards during decommissioning;
 - (IV) A description of the planned final radiation survey; and
 - (V) An updated detailed cost estimate for decommissioning, comparison of that estimate with present funds set aside for decommissioning, and a plan for assuring the availability of adequate funds for completion of decommissioning.
 - (VI) For decommissioning plans calling for completion of decommissioning later than 24 months after plan approval, the plan shall include a justification for the delay based on the criteria in (8)(h)7.
- (v) The proposed decommissioning plan will be approved by the Division if the information therein demonstrates that the decommissioning will be completed as soon as practicable and that the health and safety of workers and the public will be adequately protected.
- 6.
- (i) Except as provided in (8)(h)7., licensees shall complete decommissioning of the site or separate building or outdoor area as soon as practical but no later than 24 months following the initiation of decommissioning.
 - (ii) Except as provided in (8)(h)7. when decommissioning involves the entire site, the licensee shall request license termination as soon as practical but no later than 24 months following the initiation of decommissioning.
7. The Division may approve a request for an alternative schedule for completion of decommissioning of the site or separate building or outdoor area, and license termination if appropriate, if the Division determines that the alternative is warranted by consideration for the following:
- (i) Whether it is technically feasible to complete decommissioning within the allotted 24-month period;
 - (ii) Whether sufficient waste disposal capacity is available to allow completion of decommissioning within the allotted 24-month period;

- (iii) Whether a significant volume reduction in wastes requiring disposal will be achieved by allowing short-lived radionuclides to decay;
- (iv) Whether a significant reduction in radiation exposure to workers can be achieved by allowing short-lived radionuclides to decay; and
- (v) Other site-specific factors which the Division may consider appropriate on a case-by-case basis, such as the regulatory requirements of other government agencies, lawsuits, ground-water treatment activities, monitored natural ground-water restoration, actions that could result in more environmental harm than deferred cleanup, and other factors beyond the control of the licensee.

8. As the final step in decommissioning, the licensee shall follow the requirements of Rule .02(18)(d).

(9) Special Requirements for Issuance of Certain Specific Licenses for Radioactive Material.

- (a) **Use of Sealed Sources in Industrial Radiography.** In addition to the requirements set forth in (8), a specific license for the use of sealed sources in industrial radiography will be issued if the licensee meets all of the requirements of Rule .04 of this Chapter.
- (b) **Human Use of Radioactive Materials in Institutions.** In addition to the requirements set forth in (8), a specific license for the human use of radioactive material in an institution will be issued only if the licensee also meets all of the requirements of Rule .05 of this Chapter.
- (c) **Specific Licenses to Individual Physicians for Human Use of Radioactive Material.**
 - 1. An application by an individual physician or group of physicians for a specific license for human use of radioactive material will be approved if:
 - (i) The applicant satisfies the general requirements specified in (8), and all of the requirements of Rule .05 of this Chapter;
 - (ii) The application is for use in the applicant's practice in an office outside a medical institution;
 - (iii) The applicant has access to a hospital possessing adequate facilities to hospitalize and monitor the applicant's radioactive patients whenever it is advisable; and

- (iv) The applicant has extensive experience in the proposed use, the handling and administration of radionuclides, and where applicable, the clinical management of radioactive patients.
- 2. The Director will not approve an application by an individual physician or group of physicians for a specific license to receive, possess, or use radioactive material on the premises of a medical institution unless:
 - (i) The use of radioactive material is limited to:
 - (I) The administration of radiopharmaceuticals for diagnostic or therapeutic purposes;
 - (II) The performance of diagnostic studies on patients to whom a radiopharmaceutical has been administered;
 - (III) The performance of in vitro diagnostic studies; or
 - (IV) The calibration and quality control checks of radioactive assay instrumentation, radiation safety instrumentation, and diagnostic instrumentation;
 - (ii) The physician brings the radioactive material with him and removes the radioactive material when he departs (The institution cannot receive, possess, or store radioactive material other than the amount of material remaining in the patient.); and
 - (iii) The medical institution does not hold a radioactive material license under (9)(b).
- (d) Human Use of Sealed Sources Containing Radioactive Material. In addition to the requirements set forth in (8), a specific license for the human use of sealed sources containing radioactive material will be issued only if the applicant, or, if the application is made by an institution, the individual user is a physician and either:
 - 1. Has specialized training in the therapeutic use of the sealed source considered (e.g., teletherapy unit, beta applicator), or has experience equivalent to such training; or
 - 2. Has specialized training in the diagnostic use of the sealed source considered (e.g., bone mineral analyzer) or has experience equivalent to such training.
- (e) Specific Licenses for Certain Medical Uses of Radioactive Material.

1. Subject to the provisions of (9)(e)2. and 3., an application for a specific license pursuant to (9)(b), (c), or (d), for any medical use or uses of radioactive material specified in Rule .05 of this Chapter, will be approved if:
 - (i) The applicant satisfies the requirements of (9)(b), (c), or (d);
 - (ii) The applicant, or the physician designated in the application as the individual user, has adequate clinical experience in the types of uses specified in the application;
 - (iii) The applicant, or the physicians and all other personnel who will be involved in the preparation and use of the radioactive material, has adequate training and experience in the handling of radioactive material appropriate to his participation in the uses specified in the application;
 - (iv) The applicant's radiation detection and measuring instrumentation is adequate for conducting the procedures involved in the uses specified in the application;
 - (v) The applicant's radiation safety operating procedures are adequate for handling and disposal of the radioactive material involved in the uses specified in the application; and
 - (vi) For uses regulated by Rules .05(41) and (44) of this Chapter, any licensee using radioactive material for clinical procedures other than those specified in the product labeling (package insert) shall comply with the product labeling regarding:
 - (I) Chemical and physical form,
 - (II) Route of administration, and
 - (III) Dosage range.
2. Any licensee who is authorized to use radioactive material pursuant to (9)(e) and to Rule .05 of this Chapter is subject to the following conditions:
 - (i) For paragraphs (41), (44), and (48) of Rule .05 of this Chapter, no licensee shall receive, possess, or use radioactive material except as a radiopharmaceutical manufactured in the form to be administered to the patient, and labeled, packaged, and distributed in accordance with a specific license issued by the Director pursuant to (11)(i), a specific license issued by the U.S. Nuclear Regulatory Commission pursuant

to Section 32.72 of 10 CFR, Part 32, or a specific license issued by an Agreement State pursuant to equivalent regulations.

- (ii) For Rule [391-3-17-.05\(44\)](#), no licensee shall receive, possess, or use generators or reagent kits containing radioactive material or shall use reagent kits that do not contain radioactive material to prepare radiopharmaceuticals containing radioactive material, except:

- (I) Reagent kits not containing radioactive material that are approved by the Division, the U.S. Nuclear Regulatory Commission or an Agreement State for use by persons licensed pursuant to (9)(d) and to Rule .05 of this Chapter or
- (II) Generators or reagent kits containing radioactive material that are manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the Director pursuant to (11)(i), a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to Section 32.73 of 10 CFR, Part 32, or a specific license issued by an Agreement State pursuant to equivalent regulations; and

- (iii) For Brachytherapy, regulated by Rule .05 of this Chapter, no licensee shall receive, possess, or use radioactive material except as contained in a source or device that has been manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the Director pursuant to (11)(j), a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to Section 32.74 of 10 CFR, Part 32, or a specific license issued to the manufacturer by an Agreement State pursuant to equivalent regulations.

- 3. Any licensee who is licensed pursuant to (9) for one or more of the medical uses regulated by Rule .05 of this Chapter also is authorized to use radioactive material under the general license in (6)(g) for in vitro uses without filing the Certificate as required by (6)(g)2, provided that the licensee is subject to the other provisions of (6)(g).

- (f) Use of Naturally-Occurring Radioactive Material (NORM). In addition to the requirements set forth in (8), a specific license for the use of NORM will be issued if the licensee meets all of the requirements of Rule .08 of this Chapter.
- (g) Use of Sealed Sources in Irradiators. In addition to the requirements set forth in (8), a specific license for the use of sealed sources in large irradiators will be issued if the licensee meets all of the requirements of Rule .09 of this Chapter.

- (10) **Special Requirements for Specific Licenses of Broad Scope.** These requirements are for the issuance of non-medical specific licenses of broad scope for radioactive material ("broad licenses") and contain certain regulations governing holders of such licenses. (The issuance of medical specific licenses of broad scope is addressed in (9).)

Nota Bene: See Note, in (3)(c)1.

(a) The different types of broad scope licenses are set forth below:

1. A "Type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use, and transfer of any chemical or physical form of the radioactive material specified in the license, but not exceeding quantities specified in the license, for any authorized purpose. The quantities specified are usually in the multicurie range.
2. A "Type B specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use, and transfer of any chemical or physical form of radioactive material specified in (21)(c), Schedule C, for any authorized purpose. The possession limit for a Type B broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in (21)(c), Schedule C, Column I. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in (21)(c), Schedule C, Column I, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.
3. A "Type C specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use, and transfer of any chemical or physical form of radioactive material specified in (21)(c), Schedule C, for any authorized purpose. The possession limit for a Type C broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in (21)(c), Schedule C, Column II. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in (21)(c), Schedule C, Column II, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

(b) An application for a Type A specific license of broad scope will be approved if:

1. The applicant satisfies the general requirements specified in (8);

2. The applicant has engaged in a reasonable number of activities involving the use of radioactive material; and
 3. The applicant has established administrative controls and provisions relating to organization and management, procedures, record-keeping, material control and accounting, and management review that are necessary to assure safe operations, including:
 - (i) The establishment of a Radiation Safety Committee composed of such persons as a Radiation Safety Officer, a representative of management, and persons trained and experienced in the safe use of radioactive material;
 - (ii) The appointment of a Radiation Safety Officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and
 - (iii) The establishment of appropriate administrative procedures to assure:
 - (I) Control of procurement and use of radioactive material;
 - (II) Completion of safety evaluations of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, the training and experience of the user, and the operating or handling procedures; and
 - (III) Review, approval, and recording by the Radiation Safety Committee of safety evaluations of proposed uses prepared in accordance with (10)(b)3.(iii)(II) prior to the use of the radioactive material.
- (c) An application for a Type B specific license of broad scope will be approved if:
1. The applicant satisfies the general requirements specified in (8); and
 2. The applicant has established administrative controls and provisions relating to organization and management, procedures, record-keeping, material control and accounting, and management review that are necessary to assure safe operations, including:
 - (i) The appointment of a Radiation Safety Officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters, and

- (ii) The establishment of appropriate administrative procedures to assure:
 - (I) Control of procurement and use of radioactive material,
 - (II) Completion of safety evaluations of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, the training and experience of the user, and the operating or handling procedures, and
 - (III) Review, approval, and recording by the Radiation Safety Officer of safety evaluations of proposed uses prepared in accordance with (10)(c)2.(ii)(II) prior to the use of the radioactive material.
- (d) An application for a Type C specific license of broad scope will be approved if:
 - 1. The applicant satisfies the general requirements specified in (8);
 - 2. The applicant submits a statement that radioactive material will be used only by, or under the direct supervision of, individuals who have received:
 - (i) A college degree at the bachelor level, or equivalent training and experience, in the physical or biological sciences or in engineering, and
 - (ii) At least 40 hours of training and experience in the safe handling of radioactive material, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation, and biological hazards of exposure to radiation appropriate to the type and forms of radioactive material to be used; and
 - 3. The applicant has established administrative controls and provisions relating to procurement of radioactive material, procedures, record-keeping, material control and accounting, and management review necessary to assure safe operations.
- (e) Specific non-medical licenses of broad scope are subject to the following conditions:
 - 1. Unless specifically authorized, persons licensed pursuant to (10) shall not:

- (i) Conduct tracer studies in the environment involving direct release of radioactive material;
 - (ii) Receive, acquire, own, possess, use, or transfer devices containing 100,000 Curies (3.7 PBq) or more of radioactive material in sealed sources used for irradiation of materials;
 - (iii) Conduct activities for which a specific license issued by the Division under (9) or (11) is required; or
 - (iv) Add or cause the addition of radioactive material to any food, beverage, cosmetic, drug, or other product designed for ingestion or inhalation by, or application to, a human being.
2. Each Type A specific license of broad scope issued under (10) shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's Radiation Safety Committee.
 3. Each Type B specific license of broad scope issued under (10) shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's Radiation Safety Officer.
 4. Each Type C specific license of broad scope issued under (10) shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals who satisfy the requirements of (10)(d).

(11) Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices which Contain Radioactive Material.

- (a) [Reserved]
- (b) Licensing the Distribution of Naturally-Occurring and Accelerator-Produced Radioactive Material (NARM) in Exempt Quantities.

Nota Bene: See Note, in (3)(c)1.

1. An application for a specific license to distribute NARM to persons exempted from this Chapter pursuant to (3)(b) will be approved if:

- (i) The radioactive material is not contained in any food, beverage, cosmetic, drug, or other commodity designed for ingestion or inhalation by, or application to, a human being;
- (ii) The radioactive material is in the form of processed chemical elements, compounds, mixtures, tissue samples, bioassay samples, counting standards, plated or encapsulated sources, or similar substances identified as radioactive and to be used for its radioactive properties, but is not incorporated into any manufactured or assembled commodity, product, or device intended for commercial distribution; and
- (iii) The applicant submits copies of prototype labels and brochures and the Division approves such labels and brochures.

2. The license issued under (11)(b)1. is subject to the following conditions:

- (i) No more than ten exempt quantities shall be sold or transferred in any single transaction. However, an exempt quantity may be composed of fractional parts of one or more of the exempt quantities provided the sum of the fractions shall not exceed unity.
- (ii) Each exempt quantity shall be separately and individually packaged. No more than ten such packaged exempt quantities shall be contained in any outer package for transfer to persons exempt pursuant to (3)(b). The outer package shall be such that the dose rate at the external surface of the package does not exceed 0.5 millirem (5 μ Sv) per hour.
- (iii) The immediate container of each quantity or separately- packaged fractional quantity of radioactive material shall bear a durable and legible label which:
 - (I) Identifies the radionuclide and the quantity of radioactivity, and
 - (II) Bears the words "Radioactive Material".
- (iv) In addition to the labeling information required by (11)(b)2.(iii), the label affixed to the immediate container, or an accompanying brochure, shall:

- (I) State that the contents are exempt from applicable U.S. Nuclear Regulatory Commission or Agreement State requirements,
- (II) Bear the words "Radioactive Material - Not for Human Use - Introduction into Foods, Beverages, Cosmetics, Drugs, or Medicinals, or into Products Manufactured for Commercial Distribution is Prohibited - Exempt Quantities Should Not Be Combined", and
- (III) Set forth appropriate additional radiation safety precautions and instructions relating to the handling, use, storage, and disposal of the radioactive material.

3. Each person licensed under (11)(b) shall maintain records identifying, by name and address, each person to whom radioactive material is transferred for use under (3)(b) or the equivalent regulations of the U.S. Nuclear Regulatory Commission or another Agreement State, and stating the kinds and quantities of radioactive material transferred. An annual summary report stating the total quantity of each radionuclide transferred under the specific license shall be filed with the Division. Each report shall cover the year ending June 30, and shall be filed within 30 days thereafter. If no transfers of radioactive material have been made pursuant to (11)(b) during the reporting period, the report shall so indicate.

(c) [Reserved]

(d) Licensing the Manufacture and Initial Transfer of Devices to Persons Generally Licensed Under (6)(c).

1. An application for a specific license to initially transfer devices containing radioactive material to persons generally licensed under (6)(c) or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State will be approved if:
 - (i) The applicant satisfies the general requirements of (8);
 - (ii) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions, and potential hazards of the device to provide reasonable assurance that:

- (I) The device can be safely operated by persons not having training in radiological protection,
 - (II) Under ordinary conditions of handling, storage, and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device, and it is unlikely that any person will receive in any period of one year a dose in excess of ten percent of the annual limits specified in Rule .03(5)(a)1. of this Chapter, and
 - (III) Under accident conditions (such as fire and explosion) associated with handling, storage, and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:
 - I. Whole body; head and trunk; active blood-forming organs; gonads; or lens of eye

15 rem (150 mSv);
 - II. Hands and forearms; feet and ankles; localized areas of skin averaged over areas no larger than one square centimeter

200 rem (2 Sv);
 - III. Other Organs

50 rem (500 mSv); and
- (iii) Each device bears a durable, legible, and clearly visible label or labels approved by the Division, which contain in a clearly identified and separate statement:
- (I) Instructions and precautions necessary to assure safe installation, operation, and servicing of the device (documents such as operating and service manuals may be identified in the label and used to provide this information);
 - (II) The requirement, or lack of requirement, for leak testing, or for testing any on/off mechanism and indicator,

including the maximum time interval for such testing, and the identification of radioactive material by isotope, quantity of radioactivity, and date of determination of the quantity; and

- (III) The information called for in the following statement, in the same or substantially similar form:
- I. The receipt, possession, use, and transfer of this device, Model ____, Serial No. ____, are subject to a general license or the equivalent and to the regulations of the U.S. Nuclear Regulatory Commission or of a State with which the U.S. Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION - RADIOACTIVE MATERIAL

(NAME OF MANUFACTURER OR INITIAL
TRANSFEROR)

Note: The model, serial number, and name of the manufacturer or distributor may be omitted from the appropriate label provided the information is elsewhere specified in labeling affixed to the device. Devices distributed pursuant to Regulations equivalent to (11)(d) prior to January 1, 1981, may bear labels authorized by the Regulations in effect on January 1, 1980. Devices distributed on or after January 1, 1981, including devices redistributed upon radioactive sources exchange, shall bear labels authorized in (11)(d).

- (iv) Each device having a separable source housing that provides the primary shielding for the source also bears, on the source housing, a durable label containing the device model number and serial number, the isotope and quantity, the words, "Caution-Radioactive

Material," the radiation symbol described in Rule .03(12), and the name of the manufacturer or initial distributor.

- (v) Each device meeting the criteria of (6)(c)3.(xii), bears a permanent (e.g., embossed, etched, stamped, or engraved) label affixed to the source housing if separable, or the device if the source housing is not separable, that includes the words, "Caution-Radioactive Material," and, if practical, the radiation symbol described in Rule .03(12).
 - (vi) The device has been registered in the Sealed Source and Device Registry.
2. In the event the applicant desires that the device be tested at intervals longer than six months, either for proper operation of the on/off mechanism and indicator, if any, or for leakage of radioactive material, or for both, the applicant shall include in his application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the device or similar devices and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device or failure of the on/off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material, the Division will consider information that includes, but is not limited to:
- (i) Primary containment (source capsule);
 - (ii) Protection of primary containment;
 - (iii) Method of sealing containment;
 - (iv) Containment construction materials;
 - (v) Form of contained radioactive material;
 - (vi) Maximum temperature withstood during prototype tests;
 - (vii) Maximum pressure withstood during prototype tests;
 - (viii) Maximum quantity of contained radioactive material;
 - (ix) Radiotoxicity of contained radioactive material; and
 - (x) Operating experience with identical devices or similarly designed and constructed devices.

3. In the event the applicant desires that the general licensee under (6)(c), or under equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the on/off mechanism and indicator, or remove the device from installation, the applicant shall include in his application written instructions to be followed by the general licensee, estimated calendar quarter doses associated with such activity or activities, and the basis for such estimates. The submitted information shall demonstrate that the performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive a dose in excess of ten percent of the annual limits specified in Rule .03(5)(a)1. of this Chapter.
4. Each person licensed under (11)(d) shall provide the information specified in (11)(d)4.(i) to each generally licensed recipient to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person.
 - (i) The required information includes:
 - (I) A copy of the general license contained in (6)(c); if (6)(c)3.(ii) through (iv) or (6)(c)3.(xii) do not apply to the particular device, these rules may be omitted.
 - (II) A copy of Rule .01(4), (5), (6), (7), (8), (9) and (10), Rule .02(13), (18), and (19), Rule .03(15)(a) and (b) and Rule .06;
 - (III) A list of the services that can only be performed by a specific licensee;
 - (IV) Information on acceptable disposal options including estimated costs of disposal; and
 - (V) An indication that improper disposal can result in high civil penalties.
 - (ii) If a device containing radioactive material is to be transferred for use under a general license contained in the U.S. Nuclear Regulatory Commission's or Agreement State's regulation equivalent to (6)(c), the licensee shall provide the information specified in (11)(d)4.(ii) to each person to whom a device is to be

transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes:

- (I) A copy of this equivalent regulation or, alternatively, furnish a copy of the general license contained in (6)(c) to each person to whom he directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license of the U.S. Nuclear Regulatory Commission or the Agreement State. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. If a copy of the general license in (6)(c) is furnished to such a person, it shall be accompanied by a note explaining that the use of the device is regulated by the U.S. Nuclear Regulatory Commission or the Agreement State under requirements substantially the same as those in (6)(c); if certain paragraphs of the regulations do not apply to the particular device, those paragraphs may be omitted;
 - (II) A list of the services that can only be performed by a specific licensee;
 - (III) Information on acceptable disposal options including estimated costs of disposal;
 - (IV) An indication that improper disposal can result in high civil penalties; and
 - (V) The name or title, address, and telephone number of the contact at the appropriate NRC Regional Office or Agreement State from which additional information may be obtained.
- (iii) An alternative approach to informing customers may be proposed by the licensee for approval by the Division.
5. Each device that is transferred after January 1, 2003, must meet the labeling requirements of (11)(d)1.(iii) through (v).

6. If a notification of bankruptcy has been made under (13)(e) or the license is to be terminated, each person licensed under (11)(d) shall provide, upon request, to the Division and as appropriate to any Agreement State or the NRC, records of final disposition required under (11)(d)4.(viii).
7. The licensee shall report to the Division all transfers of such devices to persons for use under the general license in (6)(c) and report all receipts of such devices from persons licensed under (6)(c).
 - (i) Such report shall identify each general licensee by the following:
 - (I) The name and mailing address for the location of use; if there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use;
 - (II) The name, title, and telephone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;
 - (III) The date of the transfer;
 - (IV) The type, model number, and serial number of the device transferred; and
 - (V) The quantity and type of radioactive material contained in the device.
 - (ii) If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include the same information for both the intended user and each intermediate person, and clearly designate the intermediate person(s).
 - (iii) For devices received from a (6)(c) general licensee, the report must include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.
 - (iv) If the licensee makes changes to a device possessed by a (6)(c) general licensee, such that the label must be changed to update

required information, the report must identify the general licensee, the device, and the changes to information on the device label.

- (v) The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.
- (vi) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.
- (vii) If no transfers have been made to or from persons generally licensed under (6)(c) during the reporting period, the report shall so indicate.

8. The licensee shall furnish reports to other agencies as follows:

- (i) Report to the U.S. Nuclear Regulatory Commission all transfers of such devices to persons for use under the U.S. Nuclear Regulatory Commission general license in Section 31.5 of 10 CFR, Part 31 and all receipts of devices from U.S. Nuclear Regulatory Commission Section 31.5 general licensees;
- (ii) Report to the responsible state agency all transfers of devices manufactured and distributed pursuant to (11)(d) for use under a general license in that state's regulations equivalent to (6)(c) and all receipts of devices from general licensees in the state agency's jurisdiction;
- (iii) The reports identified in 8.(i) and 8.(ii) shall identify each general licensee by the following:
 - (I) The name and mailing address for the location of use; if there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use.
 - (II) The name, title and telephone number the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;
 - (III) The date of the transfer;

- (IV) The type, model, and serial number of the device transferred; and
 - (V) The quantity and type of radioactive material contained in the device.
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- (iv) If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include the same information for both the intended user and each intermediate person, and clearly designate the intermediate person(s).
 - (v) For devices received from a (6)(c) general licensee, the report must include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.
 - (vi) If the licensee makes changes to a device possessed by a general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.
 - (vii) The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.
 - (viii) The report must clearly identify the specific licensee submitting the report and must include the license number of the specific licensee.
 - (ix) If no transfers have been made to U.S. Nuclear Regulatory Commission licensees during the reporting period, report this information to the U.S. Nuclear Regulatory Commission; and
 - (x) If no transfers have been made to general licensees within a particular state during the reporting period, report this information to the responsible state agency upon request of that agency.
9. Each person licensed under (11)(d) to distribute devices to generally licensed persons shall maintain all information concerning transfers and receipts of devices that supports the reports required by (11)(d)4. These

records shall be maintained for a period of three years following the date of the recorded event.

- (e) Special Requirements for the Manufacture, Assembly, or Repair of Luminous Safety Devices for Use in Aircraft. An application for a specific license to manufacture, assemble, repair, or initially transfer luminous safety devices containing tritium or promethium-147 for use in aircraft, and for distribution to persons generally licensed under (6)(d), will be approved subject to the following conditions:
 - 1. The applicant satisfies the general requirements specified in (8), and
 - 2. The applicant satisfies the requirements of [Sections 32.53](#), [32.54](#), [32.55](#), and 32.56 of 10 CFR, Part 32, or their equivalent.
- (f) Special Requirements for License to Manufacture or Initially Transfer Calibration Sources Containing Americium-241, Plutonium, or Radium-226 for Distribution to Persons Generally Licensed Under (6)(f). An application for a specific license to manufacture or initially transfer calibration and reference sources containing americium-241, plutonium, or radium-226 to persons generally licensed under (6)(f) will be approved subject to the following conditions:
 - 1. The applicant satisfies the general requirement of (8), and
 - 2. The applicant satisfies the requirements of [Sections 32.57](#), [32.58](#), and 32.59 of 10 CFR, Part 32, and Section 70.39 of 10 CFR, Part 70, or their equivalent.
- (g) Manufacture and Distribution of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing Under General License. An application for a specific license to manufacture or distribute radioactive material for use under the general license of (6)(g) will be approved subject to the following conditions:
 - 1. The applicant satisfies the general requirements specified in (8);
 - 2. The radioactive material is to be prepared for distribution in prepackaged units of:
 - (i) Iodine-125 in units not exceeding ten microcuries (370 kBq) each,
 - (ii) Iodine-131 in units not exceeding ten microcuries (370 kBq) each,
 - (iii) Carbon-14 in units not exceeding ten microcuries (370 kBq) each,
 - (iv) Hydrogen-3 (tritium) in units not exceeding 50 microcuries (1.85 MBq) each,

- (v) Iron-59 in units not exceeding 20 microcuries (740 kBq) each,
- (vi) Cobalt-57 in units not exceeding ten microcuries (370 kBq) each,
- (vii) Selenium-75 in units not exceeding ten microcuries (370 kBq) each,
- (viii) Mock Iodine-125 in units not exceeding 0.05 microcurie (1.85 kBq) of iodine-129 and 0.005 microcurie (185 Bq) of americium-241 each;

3. Each prepackaged unit bears a durable and clearly visible label:

- (i) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed ten microcuries (370 kBq) of iodine-125, iodine-131, carbon-14, cobalt-57, or selenium-75; 50 microcuries (1.85 Mbq) of hydrogen-3 (tritium); 20 microcuries (740 kBq) of iron-59; or Mock Iodine-125 in units not exceeding 0.05 microcurie (1.85 kBq) of iodine-129 and 0.005 microcurie (185 Bq) of americium-241 each; and
- (ii) Displaying the radiation caution symbol described in Rule [391-3-17-.03](#), of this Chapter, and the words, "CAUTION, RADIOACTIVE MATERIAL", and "Not for Internal or External Use in Humans or Animals";

4. The following statement, as appropriate, or a substantially similar statement which contains the information called for in the following statement, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:

- (i) This radioactive material may be received, acquired, possessed, and used only by physicians, veterinarians in the practice of veterinary medicine, clinical laboratories, or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the regulations of and a general license of the U.S. Nuclear Regulatory Commission or of a State with which the U.S. Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority.

(NAME OF MANUFACTURER)

and

5. The label affixed to the unit, or the leaflet or brochure, which accompanies the package, contains adequate information as to the precautions to be observed in handling and storing such radioactive material. In the case of the Mock Iodine-125 reference or calibration source, the information accompanying the source must also contain directions to the licensee regarding the waste disposal requirements set out in Rule .03(13) of this Chapter.
- (h) Licensing the Manufacture and Distribution of Ice-Detection Devices. An application for a specific license to manufacture and initially transfer ice-detection devices to persons generally licensed under (6)(e) will be approved subject to the following conditions:
1. The applicant satisfies the general requirements of (8), and
 2. The criteria of [Sections 32.61](#) and 32.62 of 10 CFR, Part 32, are met.
- (i) Manufacture, Preparation, or Transfer, for Commercial Distribution of Pharmaceuticals Containing Radioactive Material for Medical Use. An application for a specific license to manufacture, prepare, or transfer for commercial distribution pharmaceuticals containing radioactive material for use by persons licensed pursuant to (9) for the uses listed in (41), (44), and (48) of Rule .05 of this Chapter will be approved subject to the following conditions:
1. The applicant satisfies the general requirements specified in (8);
 2. The applicant submits evidence that the applicant is at least one of the following:
 - (i) Registered or licensed with the U.S. Food and Drug Administration (FDA) as the owner or operator of a drug establishment that engages in the manufacture, preparation, propagation, compounding, or processing of a drug under 21 CFR 207.20(a);
 - (ii) Registered or licensed with a State Agency as a drug manufacturer;
 - (iii) Licensed as a pharmacy by the Georgia State Board of Pharmacy;

- (iv) Operating as a nuclear pharmacy within a Federal medical institution; or
 - (v) A Positron Emission Tomography (PET) drug production facility registered with a State agency.
- 3. The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per vial, syringe, generator, or other container of the radiopharmaceutical, and shielding provided by the packaging to show it is appropriate for safe handling and storage of radiopharmaceuticals by licensees; and
- 4. The applicant commits to the following labeling requirements:
 - (i) A label is affixed to each transport radiation shield, whether it is constructed of lead, glass, plastic, or other material, of a radiopharmaceutical to be transferred for commercial distribution. The label must include the radiation symbol and words "Caution, Radioactive Material" or "Danger Radioactive Material"; the name of the radiopharmaceutical or its abbreviation, and quantity of radioactivity at a specified date and time. For radiopharmaceuticals with a half-life greater than 100 days, the time may be omitted.
 - (ii) A label is affixed to each syringe, vial, or other container used to hold a radiopharmaceutical to be transferred for commercial distribution. The label must include the words "Caution, Radioactive Material" or "Danger Radioactive Material" and an identifier that ensures that the syringe, vial, or other container can be correlated with the information on the transport radiation shield label, leaflet, or brochure.
- 5. A licensee described by (11)(i)2.(iii) or (iv):
 - (i) May prepare radiopharmaceuticals for medical use, as defined in Rule .05(2)(s) provided that the radiopharmaceutical is prepared by either an authorized nuclear pharmacist, as specified in (ii) and (iv) or an individual under the supervision of an authorized nuclear pharmacist as specified in Rule .05(18)(b).
 - (ii) May allow a pharmacist to work as an authorized nuclear pharmacist if this individual:
 - (I) Qualifies as an authorized nuclear pharmacist as defined in .05(2)(e),

- (II) Meets the requirements specified in Rule .05(24)(b) and .05(27) and the licensee has received an approved license amendment identifying this individual as an authorized nuclear pharmacist, or has notified the Division in accordance with Rule .05(11), or
 - (III) Is designated as an authorized nuclear pharmacist in accordance with (iv).
 - (iii) The actions authorized in (i) and (ii) are permitted notwithstanding more restrictive language in license conditions.
 - (iv) May designate a nuclear pharmacist in accordance with Rule .05(26) as an authorized nuclear pharmacist if the individual is identified as of December 31, 1996, as an "authorized user" on a license issued by the Director, the NRC, or an Agreement State, under this rule or equivalent requirements, or if the individual was a nuclear pharmacist preparing only radiopharmaceuticals containing accelerator produced radioactive material and the individual practiced at a Government Agency or Federally recognized Indian Tribe before November 30, 2007 or at all other pharmacies before August 8, 2009, or an earlier date as noticed by the NRC.
 - (v) Shall provide to the Division a copy of each individual's certification by a specialty board whose certification process has been recognized by the Commission or an Agreement State as specified in [391-3-17-.05\(24\)](#), or a Division, NRC, or Agreement State issued license, or permit issued by a licensee of broad scope, or documentation that only accelerator-produced radioactive materials were used in the practice of nuclear pharmacy at a Government agency or Federally recognized Indian Tribe before November 30, 2007 or at all other locations of use before August 8, 2009, or an earlier date as noticed by the NRC, and a copy of the individual's license to practice pharmacy in the State of Georgia issued by the Secretary of State's office, no later than 30 days after the date that the licensee allows pursuant to (ii) and (iii), the individual to work as an authorized nuclear pharmacist.
6. A licensee shall possess and use instrumentation to measure the radioactivity of radiopharmaceuticals. The licensee shall measure, by direct measurements or by combination of measurements and calculations, the amount of radioactivity in dosages of alpha-, beta-, or photon-emitting

radiopharmaceuticals prior to transfer for commercial distribution. In addition, the licensee shall:

- (i) Perform test before initial use, periodically, and following repair, on each instrument for accuracy, linearity, and geometry dependence, as appropriate for the use of the instrument; and make adjustments when necessary; and
- (ii) Check each instrument for constancy and proper operation at the beginning of each day of use.

7. A licensee shall satisfy the labeling requirements in subparagraph (11)(i)4.

8. Nothing in this section relieves the licensee from complying with applicable FDA, other Federal, or other State requirements governing radiopharmaceuticals.

(j) **Manufacture and Distribution of Sources or Devices Containing Radioactive Material for Medical Use.** An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to Rule .05 of this chapter for use as a calibration, transmission, or reference source or for medical uses regulated by Rule .05(55), (65), or (67) of this Chapter will be approved subject to the following conditions:

- 1. The applicant satisfies the general requirements of (8);
- 2. The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:
 - (i) The radioactive material contained, its chemical and physical form, and amount,
 - (ii) Details of design and construction of the source or device,
 - (iii) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents,
 - (iv) For devices containing radioactive material, the radiation profile of a prototype device,
 - (v) Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests,
 - (vi) Procedures and standards for calibrating sources and devices,

- (vii) Legend and methods for labeling sources and devices as to their radioactive content, and
 - (viii) Instructions for handling and storing the source or device from the radiation safety standpoint. (These instructions are to be included on a durable label attached to the source or device or attached to a permanent storage container for the source or device. Instructions which are too lengthy for such label may be summarized on the label and printed in detail on a brochure that is referenced on the label.)
 - 3. The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, quantity, and date of assay, and a statement that the source or device is licensed by the Director for distribution to persons licensed pursuant to (9) and to Rule .05(55), (65), or (67) of this Chapter or under equivalent licenses of the U.S. Nuclear Regulatory Commission or an Agreement State;
 - 4. The source or device has been registered in the Sealed Source and Device Registry;
 - 5. In the event the applicant desires that the source or device be required to be tested for leakage of radioactive material at intervals longer than six months, he shall include in his application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of leakage of radioactive material from the source;
 - 6. In determining the acceptable interval for test of leakage of radioactive material, the Division will consider information that includes, but is not limited to, that which is listed in (11)(d)2.
- (k) Requirements for License to Manufacture and Distribute Industrial Products Containing Depleted Uranium for Mass-Volume Applications.
- 1. An application for a specific license to manufacture industrial products and devices containing depleted uranium for use pursuant to (5)(d) or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State will be approved subject to the following conditions:
 - (i) The applicant satisfies the general requirements specified in (8);

- (ii) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, proposed uses, and potential hazards of the industrial product or device to provide reasonable assurance that possession, use, or transfer of the depleted uranium in the product or device is not likely to cause any individual to receive in any period of 1 year a radiation dose in excess of ten percent of the annual limits specified in Rule .03(5)(a)1. of this Chapter; and
 - (iii) The applicant submits sufficient information regarding the industrial product or device and the presence of depleted uranium for a mass-volume application in the product or device to provide reasonable assurance that unique benefits will accrue to the public because of the usefulness of the product or device.
- 2. In the case of an industrial product or device whose unique benefits are questionable, the Director will approve an application for a specific license under (11)(k) only if the product or device is found to combine a high degree of utility and low probability of uncontrolled disposal and dispersal of significant quantities of depleted uranium into the environment.
- 3. The Director may deny any application for a specific license under (11)(k) if the end use(s) of the industrial product or device cannot be reasonably foreseen.
- 4. Each person licensed pursuant to (11)(k)1. shall:
 - (i) Maintain the level of quality control required by the license in the manufacture of the industrial product or device and in the installation of the depleted uranium into the product or device;
 - (ii) Label or mark each unit to:
 - (I) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium, and the quantity of depleted uranium in each product or device; and
 - (II) State that the receipt, possession, use, and transfer of the product or device are subject to a general license or the equivalent and to the regulations of the U.S. Nuclear Regulatory Commission or an Agreement State;

- (iii) Assure that the depleted uranium before being installed in each product or device has been impressed with the following legend clearly legible through any plating or other covering: "Depleted Uranium";
- (iv) Furnish a copy of the general license contained in:
 - (I) (5)(d) and a copy of Division form "Registration Certificate - Use of Depleted Uranium Under General License" to each person to whom he transfers depleted uranium in a product or device for use pursuant to the general license contained in (5)(d), or
 - (II) The U.S. Nuclear Regulatory Commission's or Agreement State's regulation equivalent to (5)(d) and a copy of the U.S. Nuclear Regulatory Commission's or Agreement State's certificate, or, alternatively, furnish a copy of the general license contained in (5)(d) and a copy of Division form "Registration Certificate - Use of Depleted Uranium Under General License" to each person to whom he transfers depleted uranium in a product or device for use pursuant to the general license of the U.S. Nuclear Regulatory Commission or an Agreement State, with a note explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or an Agreement State under requirements substantially the same as those in (5)(d);
- (v) Report to the Division all transfers of industrial products or devices to persons for use under the general license in (5)(d). Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Division and the general licensee, the type and model number of device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which such a product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under (5)(d) during the reporting period, the report shall so indicate;
- (vi) Report to other agencies as follows:

- (I) To the U.S. Nuclear Regulatory Commission all transfers of industrial products or devices to persons for use under the U.S. Regulatory Commission general license in Section 40.25 of 10 CFR, Part 40;
- (II) To the responsible state agency all transfers of devices manufactured and distributed pursuant to [10CFR 32.210](#) for use under a general license in that state's regulations equivalent to (5)(d);
- (III) Have such reports identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the agency and the general licensee, the type and model number of the device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which such product or device is transferred to the generally licensed person;
- (IV) If no transfers have been made to U.S. Nuclear Regulatory Commission licensees during the reporting period, report this information to the U.S. Nuclear Regulatory Commission; and
- (V) If no transfers have been made to general licensees within a particular Agreement State during the reporting period, report this information to the responsible Agreement State agency upon the request of that agency; and
- (vii) Keep records showing the name, address, and point of contact for each general licensee to whom he transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in (5)(d) or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State. The records shall be maintained for a period of two years and shall show the date of each transfer, the quantity of depleted uranium in each product or device transferred, and compliance with the report requirements of (11).

(I) [Reserved]

(12) Issuance of Specific Licenses.

- (a) Upon a determination that an application meets the requirements of the Act and the Rules of the Division, the Director may issue a specific license authorizing the proposed activity in such form and containing such conditions and limitations as it deems appropriate or necessary to effectuate the purposes of the Act.
- (b) The Director may incorporate in any license at the time of issuance, or thereafter, such additional requirements and conditions, as authorized by the Act or Rules, or Order, with respect to the licensee's receipt, possession, use, and transfer of radioactive material subject to this Chapter as necessary in order to:
 - 1. Minimize danger to public health and safety or property;
 - 2. Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as necessary to effectuate the purposes of the Act; and
 - 3. Prevent loss or theft of material subject to this Rule.

(13) Specific Terms and Conditions of Licenses.

- (a) Each license issued pursuant to this Rule shall be subject to all the provisions of the Act, and to all Rules of the Division and Orders of the Director.
- (b) No license issued or granted under this Rule and no right to possess or utilize radioactive material granted by any license issued pursuant to this Rule shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person unless the Division, after securing full information, finds that the transfer is in accordance with the provisions of the Act, and gives its consent in writing.
 - 1. An application for transfer of license must include:
 - (i) The identity, technical and financial qualification of the proposed transferee; and
 - (ii) Financial assurance for decommissioning information required by .02(8)(g).
- (c) Each person licensed by the Director pursuant to this Rule shall confine use and possession of the material licensed to the locations and purposes authorized in the license.
- (d) Each licensee shall notify the Division in writing immediately and request termination of his license when the licensee decides to terminate all activities

involving radioactive materials authorized under the license. This notification and request for termination must include the information specified in (18)(d).

- (e) Each general licensee required to register by (6)(c)3.(xi) and each specific licensee shall notify the Division in writing immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the United States Code by or against:
 - 1. The licensee;
 - 2. An entity (as that term is defined in [11 U.S.C. 101\(15\)](#)) controlling the licensee or listing the license or licensee as property of the estate; or
 - 3. An affiliate (as that term is defined in [11 U.S.C. 101\(2\)](#)) of the licensee.
- (f) The notification specified in (13)(e) shall indicate the bankruptcy court in which the petition for bankruptcy was filed and the date of the filing of the petition.
- (g) Security requirements for portable gauges. Each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.
- (h) Each licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators or rubidium-82 from strontium-82/rubidium-82 generators shall test the generator eluates for molybdenum-99 breakthrough or strontium-82 and strontium-85 contamination, respectively, in accordance with Rule .05(45)(a)(b) and (c). The licensee shall record the results of each test and retain each record for 3 years after the record is made. The licensee shall report the results of any test that exceeds the permissible concentration listed in [391-3-17-.05\(45\)](#) at the time of generator elution, in accordance with [391-3-17-.05\(120\)](#).
- (i) Authorization under .02(7)(j) to produce Positron Emission Tomography (PET) radioactive drugs for noncommercial transfer to medical use licensees in its consortium does not relieve the licensee from complying with applicable FDA, other Federal, and State requirements governing radioactive drugs.
 - 1. Each licensee authorized under .02(7)(j) to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium shall:
 - (i) Satisfy the labeling requirements in .02(11)(i)4. of this Rule for each PET radioactive drug transport radiation shield and each syringe, vial, or other container used to hold a PET radioactive drug intended for noncommercial distribution to members of its consortium.

- (ii) Possess and use instrumentation to measure the radioactivity of the PET radioactive drugs intended for noncommercial distribution to members of its consortium and meet the procedural, radioactivity measurement, instrument test, instrument check, and instrument adjustment requirements in .02(11)(i)6. of this Rule.
- 2. A licensee that is a pharmacy authorized under .02(7)(j) to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium shall require that any individual that prepares PET radioactive drugs shall be:
 - (i) an authorized nuclear pharmacist that meets the requirements in .02(11)(i)5. of this Rule, or
 - (ii) an individual under the supervision of an authorized nuclear pharmacist as specified in Rule .05(18).
- 3. A pharmacy, authorized under .02(7)(j) to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium that allows an individual to work as an authorized nuclear pharmacist, shall meet the requirements of .02(11)(i)5.(v) of this Rule.

(14) **Expiration of Licenses.** Except as provided in (15)(b), each specific license shall expire at the end of the day, in the month and year stated therein.

(15) **Renewal of Licenses.**

- (a) No less than 30 days before the expiration date specified in a specific license, the licensee shall either:
 - 1. Submit an application for license renewal filed in accordance with (7), or
 - 2. Notify the Division in writing in accordance with (13)(d) and (15)(c) if the licensee decides not to renew the license.
- (b) In any case in which a licensee, not less than 30 days prior to the expiration of his existing license, has filed an application in proper form for renewal or for a new license authorizing the same activities, such existing license shall not expire until the application has been finally determined by the Division.
- (c) If a licensee does not submit an application for license renewal on or before the expiration date specified in the license, then the licensee shall, on or before that expiration date:
 - 1. Terminate the use of radioactive material,

2. Remove radioactive contamination to the extent practicable,
3. Properly dispose of the radioactive material, and
4. Submit the information specified in (18)(d).

(16) **Amendment of Licenses at Request of Licensee.** Applications for amendment of a license shall be filed in accordance with (7) and shall specify the respects in which the licensee desires the license to be amended and the grounds for such amendment.

(17) **Action on Applications to Renew or Amend.** In considering an application by a licensee to renew or amend the license, the Director will apply the criteria set forth in (8), (9), (10), or (11), as applicable.

(18) **Modification, Revocation, and Termination of Licenses.**

- (a) The terms and conditions of all licenses shall be subject to amendment, revision, or modification, or the license may be suspended or revoked by reason of amendments to the Act, or by reason of Rules, and Orders issued by the Director.
- (b) Any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under provisions of the Act or of this Rule, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Director to refuse to grant a license on an original application, or for violation of, or failure to observe, any of the terms and conditions of the Act, of the license, or of any Rule or Order of the Director.
- (c) Each specific license revoked by the Director expires at the end of the day on the date of the Director's final determination to revoke the license, or on the expiration date stated in the determination, or as otherwise provided by Order of the Director.
- (d) The Director may terminate a specific license upon request submitted by the licensee to the Division in writing provided the following:
 1. The licensee certifies the disposition of all licensed material, including accumulated wastes, by submitting a completed "Request to Terminate Radioactive Materials License" form or equivalent information; and
 2. The licensee conducts a radiation survey of the premises where the licensed activities were carried out and submits a report of the results of the survey unless the licensee demonstrates that the premises are suitable for release in accordance with the requirements for decommissioning in Rule .03(7). As appropriate, the licensee shall:

- (i) Report levels of gamma radiation in units of microroentgen (millisieverts) per hour at one meter from surfaces, and report levels of radioactivity, including alpha and beta, in units of disintegrations per minute or microcuries (megabecquerels) per 100 square centimeters - removable and fixed - for surfaces, microcuries (megabecquerels) per milliliter for water, and picocuries (becquerels) per gram for solids such as soils or concrete; and
 - (ii) Specify the survey instrument(s) used and certify that each instrument is properly calibrated and tested.
 - 3. If detectable levels of residual radioactive contamination are found, the license continues to be in effect, even beyond the expiration date if necessary, with respect to possession of residual radioactive material as contamination until the Division notifies the licensee in writing that the license is terminated. Each licensee who possesses residual radioactive material under this paragraph shall initiate decommissioning activities as required by (8)(h).
 - 4. If no residual radioactive contamination is detected, the licensee shall submit a certification that no detectable radioactive contamination was found. If the information submitted is found to be adequate, the Director will notify the licensee in writing that the license is terminated.
- (e) Specific licenses, including expired licenses, will be terminated by written notice to the licensee when the Director determines that:
- 1. Radioactive material has been properly disposed;
 - 2. Reasonable effort has been made to eliminate residual radioactive contamination, if present; and
 - 3.
 - (i) A radiation survey has been performed which demonstrates that the premises are suitable for release in accordance with Division requirements for decommissioning in Rule .03(7); or
 - (ii) Other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release in accordance with Division requirements for decommissioning in Rule .03(7).
 - 4. Prior to license termination, each licensee authorized to possess radioactive material with a half-life greater than 120 days, in an unsealed form, shall forward the following records to the Division:

- (i) Records of disposal of licensed material made under Rule .03(13)(b) (including burials authorized before January 28, 1982), .03(13)(c), .03(13)(d), .03(13)(e); and
 - (ii) Records required by Rule .03(14)(c)2.(iv).
- 5. If licensed activities are transferred or assigned in accordance with Rule .02(13)(b), each licensee authorized to possess radioactive material, with a half-life greater than 120 days, in an unsealed form, shall transfer the following records to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated:
 - (i) Records of disposal of licensed material made under Rule .03(13)(b) (including burials authorized before January 28, 1982), .03(13)(c), .03(13)(d), .03(13)(e); and
 - (ii) Records required by Rule .03(14)(c)2.(iv).
- 6. Prior to license termination, each licensee shall forward the records required by Rule .02(8)(g)8. to the Division.

(19) Transfer of Material.

- (a) Authorization for Transfer. No licensee shall transfer radioactive material except as authorized pursuant to (19)(b).
- (b) Condition of Transfer. Any licensee may transfer radioactive material, subject to acceptance by the transferee, to:
 - 1. The Division, after receiving prior approval from the Division;
 - 2. The United States Department of Energy or any successor thereto;
 - 3. Any person exempt from this Rule to the extent permitted under such exemption;
 - 4. Any person licensed to receive such material under terms of a general license or its equivalent, or specific license or equivalent licensing document issued by the Director, the U.S. Nuclear Regulatory Commission or any Agreement State, to any person otherwise authorized to receive such material by the Federal Government or any agency thereof, the Division or any Agreement State; or
 - 5. Any person authorized by the Division in writing.

- (c) Before transferring radioactive material to a specific licensee of the Director, the U.S. Nuclear Regulatory Commission or an Agreement State or to a general licensee who is required to register with the Division, the U.S. Nuclear Regulatory Commission or an Agreement State prior to receipt of the radioactive material, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the type, form, and quantity of radioactive material to be transferred.
- (d) The following methods for the verification required by (19)(c) are acceptable:
 - 1. The transferor may possess, and read, a current copy of the transferee's specific license or registration certificate.
 - 2. The transferor may have in his possession a written certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date.
 - 3. For emergency shipments, the transferor may accept oral certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date; provided that the oral certification is confirmed in writing within ten days.
 - 4. The transferor may obtain other sources of information compiled by a reporting service from official records of the Division, the U.S. Nuclear Regulatory Commission or the licensing agency of an Agreement State regarding the identity of licensees and the scope and expiration date of licenses and registration.
 - 5. When none of the methods of verification described in paragraphs (19)(d)1., 2., 3., and 4. is readily available or when a transferor desires to verify that information received by one of such methods is correct or up-to-date, the transferor may obtain and record confirmation from the Division, the U.S. Nuclear Regulatory Commission or the licensing agency of an Agreement State that the transferee is licensed to receive the radioactive material.
- (e) Preparation for shipment and transport of radioactive material shall be in accordance with the provisions of Rule .06 of this Chapter.
- (f) Each person who receives source or byproduct material pursuant to a license issued pursuant to the regulations in Rule 391-3-17-.02 shall keep records

showing the receipt, transfer, and disposal of this source or byproduct material as specified in [10 CFR 40.61](#).

(20) Reciprocity.

- (a) Persons licensed by other Agencies. Subject to the provisions of this Chapter, any person who holds a specific license from the U.S. Nuclear Regulatory Commission or any Agreement State, other than this State, and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document within this State, except in areas of exclusive federal jurisdiction, for a period not in excess of 180 days in any calendar year provided that:
 - 1. The licensing document does not limit the activity authorized by such document to specified installations or locations;
 - 2. The out-of-state licensee notifies the Division in writing at least three days prior to engaging in such activity. Such notification shall indicate the location, period, and type of proposed possession and use within the State, and shall be accompanied by a copy of the pertinent licensing document. If, for a specific case, the 3-day period would impose an undue hardship on the out-of-state licensee, he may, upon application to the Division, obtain permission to proceed sooner;
 - 3. The out-of-state licensee complies with all applicable Rules of the Division, and with all the terms and conditions of his licensing document except any such terms and conditions that may be inconsistent with applicable Rules of the Division;
 - 4. Provided further that the Division may require the out-of-state licensee to supply such other information as the Division may reasonably request; and
 - 5. The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in (20)(a) except by transfer to a person who is:
 - (i) Specifically licensed by the Director or the U.S. Nuclear Regulatory Commission to receive such material; or
 - (ii) Exempt from the requirements for a license for such material under (3)(a).
- (b) Notwithstanding the provisions of (20)(a), any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement

State authorizing the holder to manufacture, transfer, install, or service a device described in (6)(c)1. within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate, or service such device in this State provided that:

1. Such person shall file a report with the Division within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this State. Each such report shall identify each general licensee to whom such a device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;
2. The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the U.S. Nuclear Regulatory Commission or an Agreement State;
3. Such person shall assure that any labels required to be affixed to the device under regulations of the authority which licensed the manufacturing of the device bear a statement that "Removal of This Label is Prohibited"; and
4. The holder of the specific license shall furnish to each general licensee to whom he transfers such a device or on whose premises he installs such a device a copy of the general license contained in (6)(c).

- (c) The Division may withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by another agency, or any product distributed pursuant to such licensing document, upon determining that such action is necessary in order to prevent undue hazard to public health and safety, to property, or to the environment.

(21) **Schedules.**

- (a) Schedule A.

SCHEDULE A

EXEMPT CONCENTRATIONS

Exempt Concentrations		Schedule A	Column I Gas Concentration ($\mu\text{Ci/mL}$) ⁽¹⁾	Column II Liquid and Solid Concentration ($\mu\text{Ci/mL}$) ⁽²⁾
Element (Atomic Number)		Isotope		
Antimony (51)		Sb 122		3×10^{-4}
		Sb 124		2×10^{-4}

	Sb 125		1×10^{-3}
Argon (18)	Ar 37	1×10^{-3}	
	Ar 41	4×10^{-7}	
Arsenic (33)	As 73		5×10^{-3}
	As 74		5×10^{-4}
	As 76		2×10^{-4}
	As 77		8×10^{-4}
Barium (56)	Ba 131		2×10^{-3}
	Ba 140		3×10^{-4}
Beryllium (4)	Be 7		2×10^{-2}
Bismuth (83)	Bi 206		4×10^{-4}
Bromine (35)	Br 82	4×10^{-7}	3×10^{-3}
Cadmium (48)	Cd 109		2×10^{-3}
	Cd 115m		3×10^{-4}
	Cd 115		3×10^{-4}
Calcium (20)	Ca 45		9×10^{-5}
	Ca 47		5×10^{-4}
Carbon (6)	C 14	1×10^{-6}	8×10^{-3}
Cerium (58)	Ce 141		9×10^{-4}
	Ce 143		4×10^{-4}
	Ce 144		1×10^{-4}
Cesium (55)	Cs 131		2×10^{-2}
	Cs 134m		6×10^{-2}
	Cs 134		9×10^{-5}
Chlorine (17)	Cl 38	9×10^{-7}	4×10^{-3}
Chromium (24)	Cr 51		2×10^{-2}
Cobalt (27)	Co 57		5×10^{-3}
	Co 60		5×10^{-4}
Copper (29)	Cu 64		3×10^{-3}
Dysprosium (66)	Dy 165		4×10^{-3}
	Dy 166		4×10^{-4}
Erbium (68)	Er 169		9×10^{-4}
	Er 171		1×10^{-3}
Europium (63)	Eu 152		6×10^{-4}
($T^{0.5} = 9.2 \text{ h}$)			
	Eu 155		2×10^{-3}
Fluorine (9)	F 18	2×10^{-6}	8×10^{-3}

Gadolinium (64)	Gd 153		2×10^{-3}
	Gd 159		8×10^{-4}
Gallium (31)	Ga 72		4×10^{-4}
Germanium (32)	Ge 71		2×10^{-2}
Gold (79)	Au 196		2×10^{-3}
	Au 198		5×10^{-4}
	Au 199		2×10^{-3}
Hafnium (72)	Hf 181		7×10^{-4}
Hydrogen (1)	H 3	5×10^{-6}	3×10^{-2}
Indium (49)	In 113m		1×10^{-2}
	In 114m		2×10^{-4}
Iodine (53)	I 126	3×10^{-9}	2×10^{-5}
	I 131	3×10^{-9}	2×10^{-5}
	I 132	8×10^{-8}	6×10^{-4}
	I 133	1×10^{-8}	7×10^{-5}
	I 134	2×10^{-7}	1×10^{-3}
Iridium (77)	Ir 190		2×10^{-3}
	Ir 192		4×10^{-4}
	Ir 194		3×10^{-4}
Iron (26)	Fe 55		8×10^{-3}
	Fe 59		6×10^{-4}
Krypton (36)	Kr 85m	1×10^{-6}	
	Kr 85	3×10^{-6}	
Lanthanum (57)	La 140		2×10^{-4}
Lead (82)	Pb 203		4×10^{-3}
Lutetium (71)	Lu 177		1×10^{-3}
Manganese (25)	Mn 52		3×10^{-4}
	Mn 54		1×10^{-3}
	Mn 56		1×10^{-3}
Mercury (80)	Hg 197m		2×10^{-3}
	Hg 197		3×10^{-3}
	Hg 203		2×10^{-4}
Molybdenum (42)	Mo 99		2×10^{-3}
Neodymium (60)	Nd 147		6×10^{-4}
	Nd 149		3×10^{-3}
Nickel (28)	Ni 65		1×10^{-3}
Niobium	Nb 95		1×10^{-3}

(columbium) (41)	Nb 97	9×10^{-3}
Osmium (76)	Os 185	7×10^{-4}
	Os 191m	3×10^{-2}
	Os 191	2×10^{-3}
	Os 193	6×10^{-4}
Palladium (46)	Pd 103	3×10^{-3}
	Pd 109	9×10^{-4}
Phosphorus (15)	P 32	2×10^{-4}
Platinum (78)	Pt 191	1×10^{-3}
	Pt 193m	1×10^{-2}
	Pt 197m	1×10^{-2}
	Pt 197	1×10^{-3}
Polonium (84)	Po 210	7×10^{-6}
Potassium (19)	K 42	3×10^{-3}
Praseodymium (59)	Pr 142	3×10^{-4}
	Pr 143	5×10^{-4}
Promethium (61)	Pm 147	2×10^{-3}
	Pm 149	4×10^{-4}
Radium (88)	Ra 226	1×10^{-7}
	Ra 228	3×10^{-7}
Rhenium (75)	Re 183	6×10^{-3}
	Re 186	9×10^{-4}
	Re 188	6×10^{-4}
Rhodium (45)	Rh 103m	1×10^{-1}
Rubidium (37)	Rb 86	7×10^{-4}
Ruthenium (44)	Ru 97	4×10^{-3}
	Ru 103	8×10^{-4}
	Ru 105	1×10^{-3}
	Ru 106	1×10^{-4}
Samarium (62)	Sm 153	8×10^{-4}
Scandium (21)	Sc 46	4×10^{-4}
	Sc 47	9×10^{-4}
	Sc 48	3×10^{-3}
Selenium (34)	Se 75	3×10^{-3}
Silicon (14)	Si 31	9×10^{-3}

Silver (47)	Ag 105		1×10^{-3}
	Ag 110m		3×10^{-4}
	Ag 111		4×10^{-4}
Sodium (11)	Na 24		2×10^{-3}
Strontium (38)	Sr 85		1×10^{-3}
	Sr 89		1×10^{-4}
	Sr 91		7×10^{-4}
	Sr 92		7×10^{-4}
Sulfur (16)	S 35	9×10^{-8}	6×10^{-4}
Tantalum (73)	Ta 182		4×10^{-4}
Technetium (43)	Tc 96m		1×10^{-1}
	Tc 96		1×10^{-3}
Tellurium (52)	Te 125m		2×10^{-3}
	Te 127m		6×10^{-4}
	Te 127		3×10^{-3}
	Te 129m		3×10^{-4}
	Te 131m		6×10^{-4}
	Te 132		3×10^{-4}
Terbium (65)	Tb 160		4×10^{-4}
Thallium (81)	Tl 200		4×10^{-3}
	Tl 201		3×10^{-3}
	Tl 202		1×10^{-3}
	Tl 204		1×10^{-3}
Thulium (69)	Tm 170		5×10^{-4}
Tin (50)	Sn 113		9×10^{-4}
	Sn 125		2×10^{-4}
Tungsten (wolfram) (74)	W 181		4×10^{-3}
	W 187		7×10^{-4}
Vanadium (23)	V 48		3×10^{-4}
Xenon (54)	Xe 131m	4×10^{-6}	
	Xe 133	3×10^{-6}	
	Xe 135	1×10^{-6}	
Ytterbium (70)	Yb 175		1×10^{-3}
Yttrium (39)	Y 90		2×10^{-4}
	Y 91m		3×10^{-2}
	Y 91		3×10^{-4}

	Y 92	6×10^{-4}
	Y 93	3×10^{-4}
Zinc (30)	Zn 65	1×10^{-3}
	Zn 69m	7×10^{-4}
	Zn 69	2×10^{-2}
Zirconium (40)	Zr 95	6×10^{-4}
	Zr 97	2×10^{-4}
Beta- and/or gamma-emitting radioactive material not listed above with halflife less than three years	1×10^{-10}	1×10^{-6}

Note: Many radioisotopes disintegrate into isotopes that are also radioactive. In expressing the concentrations in Schedule A, the activity stated is that of the parent isotope and takes into account the daughters. For purposes of (3)(a) where there is involved a combination of isotopes, the limit for the combination should be derived as follows:

Determine for each isotope in the product the ratio between the concentration present in the product and the exempt concentration established in Schedule A for the specific isotope when not in combination. The sum of such ratios may not exceed "1" (i.e., unity).

EXAMPLE: $\frac{\text{Concentration of Isotope A in Product}}{\text{Exempt concentration of Isotope A}} +$

$\frac{\text{Concentration of Isotope B in Product}}{\text{Exempt concentration of Isotope B}} \leq 1$

(b) Schedule B.

SCHEDULE B

EXEMPT QUANTITIES

Schedule B - Exempt Quantities

Radioactive Material	Exempt Quantity (Microcuries)
Antimony-122 (Sb 122)	100
Antimony-124 (Sb 124)	10
Antimony-125 (Sb 125)	10

Arsenic-73 (As 73)	100
Arsenic-74 (As 74)	10
Arsenic-76 (As 76)	10
Arsenic-77 (As 77)	100
Barium-131 (Ba 131)	10
Barium-133 (Ba 133)	10
Barium-140 (Ba 140)	10
Bismuth-210 (Bi 210)	1
Bromine-82 (Br 82)	10
Cadmium-109 (Cd 109)	10
Cadmium-115m (Cd 115m)	10
Cadmium-115 (Cd 115)	100
Calcium-45 (Ca 45)	10
Calcium-47 (Ca 47)	10
Carbon-14 (C 14)	100
Cerium-141 (Ce 141)	100
Cerium-143 (Ce 143)	100
Cerium-144 (Ce 144)	1
Cesium-129 (Cs 129)	100
Cesium-131 (Cs 131)	1,000
Cesium-134m (Cs 134m)	100
Cesium-134 (Cs 134)	1
Cesium-135 (Cs 135)	10
Cesium-136 (Cs 136)	10
Cesium-137 (Cs 137)	10
Chlorine-36 (Cl 36)	10
Chlorine-38 (Cl 38)	10
Chromium-51 (Cr 51)	1,000
Cobalt-57 (Co 57)	100
Cobalt-58m (Co 58m)	10
Cobalt-58 (Co 58)	10
Cobalt-60 (Co 60)	1
Copper-64 (Cu 64)	100
Dysprosium-165 (Dy 165)	10
Dysprosium-166 (Dy 166)	100
Erbium-169 (Er 169)	100
Erbium-171 (Er 171)	100

Europium-152 (Eu 152) 9.2h	100
Europium-152 (Eu 152) 13 yr	1
Europium-154 (Eu 154)	1
Europium-155 (Eu 155)	10
Fluorine-18 (F 18)	1,000
Gadolinium-153 (Gd 153)	10
Gadolinium-159 (Gd 159)	100
Gallium-67 (Ga 67)	100
Gallium-72 (Ga 72)	10
Germanium-68 (Ge 68)	10
Germanium-71 (Ge 71)	100
Gold-195 (Au 195)	10
Gold-198 (Au 198)	100
Gold-199 (Au 199)	100
Hafnium-181 (Hf 181)	10
Holmium-166 (Ho 166)	100
Hydrogen-3 (H 3)	1,000
Indium-111 (In 111)	100
Indium-113m (In 113m)	100
Indium-114m (In 114m)	10
Indium-115m (In 115m)	100
Indium-115 (In 115)	10
Iodine-123 (I 123)	100
Iodine-125 (I 125)	1
Iodine-126 (I 126)	1
Iodine-129 (I 129)	0.1
Iodine-131 (I 131)	1
Iodine-132 (I 132)	10
Iodine-133 (I 133)	1
Iodine-134 (I 134)	10
Iodine-135 (I 135)	10
Iridium-192 (Ir 192)	10
Iridium-194 (Ir 194)	100
Iron-52 (Fe 52)	10
Iron-55 (Fe 55)	100
Iron-59 (Fe 59)	10
Krypton-85 (Kr 85)	100

Krypton-87 (Kr 87)	10
Lanthanum-140 (La 140)	10
Lutetium-177 (Lu 177)	100
Manganese-52 (Mn 52)	10
Manganese-54 (Mn 54)	10
Manganese-56 (Mn 56)	10
Mercury-197m (Hg 197m)	100
Mercury-197 (Hg 197)	100
Mercury-203 (Hg 203)	10
Molybdenum-99 (Mo 99)	100
Neodymium-147 (Nd 147)	100
Neodymium-149 (Nd 149)	100
Nickel-59 (Ni 59)	100
Nickel-63 (Ni 63)	10
Nickel-65 (Ni 65)	100
Niobium-93m (Nb 93m)	10
Niobium-95 (Nb 95)	10
Niobium-97 (Nb 97)	10
Osmium-185 (Os 185)	10
Osmium-191m (Os 191m)	100
Osmium-191 (Os 191)	100
Osmium-193 (Os 193)	100
Palladium-103 (Pd 103)	100
Palladium-109 (Pd 109)	100
Phosphorus-32 (P 32)	10
Platinum-191 (Pt 191)	100
Platinum-193m (Pt 193m)	100
Platinum-193 (Pt 193)	100
Platinum-197m (Pt 197m)	100
Platinum-197 (Pt 197)	100
Polonium-210 (Po 210)	0.1
Potassium-42 (K 42)	10
Potassium-43 (K 43)	10
Praseodymium-142 (Pr 142)	100
Praseodymium-143 (Pr 143)	100
Promethium-147 (Pm 147)	10
Promethium-149 (Pm 149)	10

Rhenium-186 (Re 186)	100
Rhenium-188 (Re 188)	100
Rhodium-103m (Rh 103m)	100
Rhodium-105 (Rh 105)	100
Rubidium-81 (Rb 81)	10
Rubidium-86 (Rb 86)	10
Rubidium-87 (Rb 87)	10
Ruthenium-97 (Ru 97)	100
Ruthenium-103 (Ru 103)	10
Ruthenium-105 (Ru 105)	10
Ruthenium-106 (Ru 106)	1
Samarium-151 (Sm 151)	10
Samarium-153 (Sm 153)	100
Scandium-46 (Sc 46)	10
Scandium-47 (Sc 47)	100
Scandium-48 (Sc 48)	10
Selenium-75 (Se 75)	10
Silicon-31 (Si 31)	100
Silver-105 (Ag 105)	10
Silver-110m (Ag 110m)	1
Silver-111 (Ag 111)	100
Sodium-22 (Na 22)	10
Sodium-24 (Na 24)	10
Strontium-85 (Sr 85)	10
Strontium-89 (Sr 89)	1
Strontium-90 (Sr 90)	0.1
Strontium-91 (Sr 91)	10
Strontium-92 (Sr 92)	10
Sulphur-35 (S 35)	100
Tantalum-182 (Ta 182)	10
Technetium-96 (Tc 96)	10
Technetium-97m (Tc 97m)	100
Technetium-97 (Tc 97)	100
Technetium-99m (Tc 99m)	100
Technetium-99 (Tc 99)	10
Tellurium-125m (Te 125m)	10
Tellurium-127m (Te 127m)	10

Tellurium-127 (Te 127)	100
Tellurium-129m (Te 129m)	10
Tellurium-129 (Te 129)	100
Tellurium-131m (Te 131m)	10
Tellurium-132 (Te 132)	10
Terbium-160 (Tb 160)	10
Thallium-200 (Tl 200)	100
Thallium-201 (Tl 201)	100
Thallium-202 (Tl 202)	100
Thallium-204 (Tl 204)	10
Thulium-170 (Tm 170)	10
Thulium-171 (Tm 171)	10
Tin 113-(Sn 113)	10
Tin 125-(Sn 125)	10
Tungsten-181 (W 181)	10
Tungsten-185 (W 185)	10
Tungsten-187 (W 187)	100
Vanadium-48 (V 48)	10
Xenon-131m (Xe 131m)	1,000
Xenon-133 (Xe 133)	100
Xenon-135 (Xe 135)	100
Ytterbium-175 (Yb 175)	100
Yttrium-87 (Y 87)	10
Yttrium-88 (Y 88)	10
Yttrium-90 (Y 90)	10
Yttrium-91 (Y 91)	10
Yttrium-92 (Y 92)	100
Yttrium-93 (Y 93)	100
Zinc-65 (Zn 65)	10
Zinc-69m (Zn 69m)	100
Zinc-69 (Zn 69)	1,000
Zirconium-93 (Zr 93)	10
Zirconium-95 (Zr 95)	10
Zirconium-97 (Zr 97)	10
Any radioactive material not listed above other than alpha- emitting radioactive material	0.1

(c) Schedule C.

SCHEDULE C

LIMITS FOR BROAD LICENSES

Schedule C - Limits For Broad Licenses

Radioactive Materials	Column I (Curies)	Column II (Curies)
Antimony-122 (Sb 122)	1	0.01
Antimony-124 (Sb 124)	1	0.01
Antimony-125 (Sb 125)	1	0.01
Arsenic-73 (As 73)	10	0.1
Arsenic-74 (As 74)	1	0.01
Arsenic-76 (As 76)	1	0.01
Arsenic-77 (As 77)	10	0.1
Barium-131 (Ba 131)	10	0.1
Barium-140 (Ba 140)	1	0.01
Beryllium-7 (Be 7)	10	0.1
Bismuth-210 (Bi 210)	0.1	0.001
Bromine-82 (Br 82)	10	0.1
Cadmium-109 (Cd 109)	1	0.01
Cadmium-115m (Cd 115m)	1	0.01
Cadmium-115 (Cd 115)	10	0.1
Calcium-45 (Ca 45)	1	0.01
Calcium-47 (Ca 47)	10	0.1
Carbon-14 (C 14)	100	1.0
Cerium-141 (Ce 141)	10	0.1
Cerium-143 (Ce 143)	10	0.1
Cerium-144 (Ce 144)	0.1	0.001
Cesium-131 (Cs 131)	100	1.0
Cesium-134m (Cs 134m)	100	1.0
Cesium-134 (Cs 134)	0.1	0.001
Cesium-135 (Cs 135)	1	0.01
Cesium-136 (Cs 136)	10	0.1
Cesium-137 (Cs 137)	0.1	0.001
Chlorine-36 (Cl 36)	0.01	0.001
Chlorine-38 (Cl 38)	100	1.0

Chromium-51 (Cr 51)	100	1.0
Cobalt-57 (Co 57)	10	0.1
Cobalt-58m (Co 58m)	100	1.0
Cobalt-58 (Co 58)	1	0.01
Cobalt-60 (Co 60)	0.1	0.001
Copper-64 (Cu 64)	10	0.1
Dysprosium-165 (Dy 165)	100	1.0
Dysprosium-166 (Dy 166)	10	0.1
Erbium-169 (Er 169)	10	0.1
Erbium-171 (Er 171)	10	0.1
Europium-152 (Eu 152) 9.2h	10	0.1
Europium-152 (Eu 152) 13 yr	0.1	0.001
Europium-154 (Eu 154)	0.1	0.001
Europium-155 (Eu 155)	1	0.01
Fluorine-18 (F 18)	100	1.0
Gadolinium-153 (Gd 153)	1	0.01
Gadolinium-159 (Gd 159)	10	0.1
Gallium-72 (Ga 72)	10	0.1
Germanium-71 (Ge 71)	100	1.0
Gold-198 (Au 198)	10	0.1
Gold-199 (Au 199)	10	0.1
Hafnium-181 (Hf 181)	1	0.01
Holmium-166 (Ho 166)	10	0.1
Hydrogen-3 (H 3)	100	1.0
Indium-113m (In 113m)	100	1.0
Indium-114m (In 114m)	1	0.01
Indium-115m (In 115m)	100	1.0
Indium-115 (In 115)	1	0.01
Iodine-125 (I 125)	0.1	0.001
Iodine-126 (I 126)	0.1	0.001
Iodine-129 (I 129)	0.1	0.001
Iodine-131 (I 131)	0.1	0.001
Iodine-132 (I 132)	10	0.1
Iodine-133 (I 133)	1	0.01
Iodine-134 (I 134)	10	0.1
Iodine-135 (I 135)	1	0.01
Iridium-192 (Ir 192)	1	0.01

Iridium-194 (Ir 194)	10	0.1
Iron-55 (Fe 55)	10	0.1
Iron-59 (Fe 59)	1	0.01
Krypton-85 (Kr 85)	100	1.0
Krypton-87 (Kr 87)	10	0.1
Lanthanum-140 (La 140)	1	0.01
Lutetium-177 (Lu 177)	10	0.1
Manganese-52 (Mn 52)	1	0.01
Manganese-54 (Mn 54)	1	0.01
Manganese-56 (Mn 56)	10	0.1
Mercury-197m (Hg 197m)	10	0.1
Mercury-197 (Hg 197)	10	0.1
Mercury-203 (Hg 203)	1	0.01
Molybdenum-99 (Mo 99)	10	0.1
Neodymium-147 (Nd 147)	10	0.1
Neodymium-149 (Nd 149)	10	0.1
Nickel-59 (Ni 59)	10	0.1
Nickel-63 (Ni 63)	1	0.01
Nickel-65 (Ni 65)	10	0.1
Niobium-93m (Nb 93m)	1	0.01
Niobium-95 (Nb 95)	1	0.01
Niobium-97 (Nb 97)	100	1.0
Osmium-185 (Os 185)	1	0.01
Osmium-191m (Os 191m)	100	1.0
Osmium-191 (Os 191)	10	0.1
Osmium-193 (Os 193)	10	0.1
Palladium-103 (Pd 103)	10	0.1
Palladium-109 (Pd 109)	10	0.1
Phosphorus-32 (P 32)	1	0.01
Platinum-191 (Pt 191)	10	0.1
Platinum-193m (Pt 193m)	100	1.0
Platinum-193 (Pt 193)	10	0.1
Platinum-197m (Pt 197m)	100	1.0
Platinum-197 (Pt 197)	10	0.1
Polonium-210 (Po 210)	0.01	0.0001
Potassium-42 (K 42)	1	0.01
Praseodymium-142 (Pr 142)	10	0.1

Praseodymium-143 (Pr 143)	10	0.1
Promethium-147 (Pm 147)	1	0.01
Promethium-149 (Pm 149)	10	0.1
Radium-226	0.01	0.0001
Rhenium-186 (Re 186)	10	0.1
Rhenium-188 (Re 188)	10	0.1
Rhodium-103m (Rh 103m)	1,000	0
Rhodium-105 (Rh 105)	10	0.1
Rubidium-86 (Rb 86)	1	0.01
Rubidium-87 (Rb 87)	1	0.01
Ruthenium-97 (Ru 97)	100	1.0
Ruthenium-103 (Ru 103)	1	0.01
Ruthenium-105 (Ru 105)	10	0.1
Ruthenium-106 (Ru 106)	0.1	0.001
Samarium-151 (Sm 151)	1	0.01
Samarium-153 (Sm 153)	10	0.1
Scandium-46 (Sc 46)	1	0.01
Scandium-47 (Sc 47)	10	0.1
Scandium-48 (Sc 48)	1	0.01
Selenium-75 (Se 75)	1	0.01
Silicon-31 (Si 31)	10	0.1
Silver-105 (Ag 105)	1	0.01
Silver-110m (Ag 110m)	0.1	0.001
Silver-111 (Ag 111)	10	0.1
Sodium-22 (Na 22)	0.1	0.001
Sodium-24 (Na 24)	1	0.01
Strontium-85m (Sr 85m)	1,000	10.0
Strontium-85 (Sr 85)	1	0.01
Strontium-89 (Sr 89)	1	0.01
Strontium-90 (Sr 90)	0.01	0.0001
Strontium-91 (Sr 91)	10	0.1
Strontium-92 (Sr 92)	10	0.1
Sulphur-35 (S 35)	10	0.1
Tantalum-182 (Ta 182)	1	0.01
Technetium-96 (Tc 96)	10	0.1
Technetium-97m (Tc 97m)	10	0.1
Technetium-97 (Tc 97)	10	0.1

Technetium-99m (Tc 99m)	100	1.0
Technetium-99 (Tc 99)	1	0.01
Tellurium-125m (Te 125m)	1	0.01
Tellurium-127m (Te 127m)	1	0.01
Tellurium-127 (Te 127)	10	0.1
Tellurium-129m (Te 129m)	1	0.01
Tellurium-129 (Te 129)	100	1.0
Tellurium-131m (Te 131m)	10	0.1
Tellurium-132 (Te 132)	1	0.01
Terbium-160 (Tb 160)	1	0.01
Thallium-200 (Tl 200)	10	0.1
Thallium-201 (Tl 201)	10	0.1
Thallium-202 (Tl 202)	10	0.1
Thallium-204 (Tl 204)	1	0.01
Thulium-170 (Tm 170)	1	0.01
Thulium-171 (Tm 171)	1	0.01
Tin 113-(Sn 113)	1	0.01
Tin 125-(Sn 125)	1	0.01
Tungsten-181 (W 181)	1	0.01
Tungsten-185 (W 185)	1	0.01
Tungsten-187 (W 187)	10	0.1
Vanadium-48 (V 48)	1	0.01
Xenon-131m (Xe 131m)	1,000	0
Xenon-133 (Xe 133)	100	1.0
Xenon-135 (Xe 135)	100	1.0
Ytterbium-175 (Yb 175)	10	0.1
Yttrium-90 (Y 90)	1	0.1
Yttrium-91 (Y 91)	1	0.1
Yttrium-92 (Y 92)	10	0.1
Yttrium-93 (Y 93)	1	0.01
Zinc-65 (Zn 65)	1	0.01
Zinc-69m (Zn 69m)	10	0.1
Zinc-69 (Zn 69)	100	1.0
Zirconium-93 (Zr 93)	1	0.01
Zirconium-95 (Zr 95)	1	0.01
Zirconium-97 (Zr 97)	1	0.01

Any radioactive material other than source material,
or alpha-emitting radioactive material not listed 0.1 0.001
above.

(d) Schedule D. Criteria Relating to Use of Financial Tests and Parent Company Guarantees for Providing Reasonable Assurance of Funds for Decommissioning.

1. Introduction. An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on obtaining a parent company guarantee that funds will be available for decommissioning costs and on a demonstration that the parent company passes a financial test. This schedule establishes criteria for passing the financial test and for obtaining the parent company guarantee.

2. Financial Test. To pass the financial test, the parent company must meet the criteria of either (21)(d)2.(i) or (21)(d)2.(ii) as follows:

(i) The parent company must have:

(I) two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5;

(II) Net working capital and tangible net worth each at least six times the current decommissioning cost estimates (or prescribed amount if a certification is used);

(III) Tangible net worth of at least \$10 million; and

(IV) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the current decommissioning cost estimates (or prescribed amount if a certification is used).

(ii) The parent company must have:

(I) A current rating for its most recent bond issuance of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's;

(II) Tangible net worth each at least six times the current decommissioning cost estimates for the total of all facilities or parts thereof (or prescribed amount if a certification is used);

- (III) Tangible net worth of at least \$10 million; and
 - (IV) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the current decommissioning cost estimates for the total of all facilities or parts thereof (or prescribed amount if a certification is used).
- (iii) The parent company's independent certified public accountant must have compared the data used by the parent company in the financial test, which is derived from the independently-audited, year-end financial statements for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure the licensee shall inform the Director and Division within 90 days of any matters coming to the auditor's attention that cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test.
 - (iv) After the initial financial test, the parent company must repeat the passage of the test within 120 days after the close of each succeeding fiscal year. If the parent company no longer meets the requirements, as appropriate, of either (21)(d)2.(i) or (21)(d)2.(ii), the licensee must send notice to the Director and Division of intent to establish alternate financial assurance as specified in the Division's Rules. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the parent company no longer meets the financial test requirements. The licensee must provide alternate financial assurance within 120 days after the end of such fiscal year.
3. Parent Company Guarantee. The terms of a parent company guarantee which an applicant or licensee obtains must provide that:
- (i) The parent company guarantee shall remain in force unless the guarantor sends notice of cancellation by certified mail to the licensee and the Director and Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the licensee and the Director, as evidenced by the return receipts;

- (ii) If the licensee fails to provide alternate financial assurance as specified in the Division's Rules within 90 days after receipt by the licensee and the Director and Division of a notice of cancellation of the parent company guarantee from the guarantor, the guarantor shall provide such alternative financial assurance in the name of the licensee;
- (iii) The parent company guarantee and financial test provisions must remain in effect until the Department has terminated the license; and
- (iv) If a trust is established for decommissioning costs, the trustee and trust must be acceptable to the Department. An acceptable trustee includes an appropriate State or Federal government agency or an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.

(e) Schedule E.

SCHEDULE E

QUANTITIES OF RADIOACTIVE MATERIALS REQUIRING CONSIDERATION OF THE NEED FOR AN EMERGENCY PLAN FOR RESPONDING TO A RELEASE

Schedule E - Emergency Plan For Responding to a Release

Radioactive Material ⁽¹⁾	Release Fraction	Quantity (Curies)
Actinium-228	0.001	4,000
Americium-241	0.001	2
Americium-242	0.001	2
Americium-243	0.001	2
Antimony-124	0.01	4,000
Antimony-126	0.01	6,000
Barium-133	0.01	10,000
Barium-140	0.01	30,000
Bismuth-207	0.01	5,000
Bismuth-210	0.01	600
Cadmium-109	0.01	1,000

Cadmium-113	0.01	80
Calcium-45	0.01	20,000
Californium-252	0.001	9 (20 mg)
Carbon-14 (Non Carbon dioxide)	0.01	50,000
Cerium-141	0.01	10,000
Cerium-144	0.01	300
Cesium-134	0.01	2,000
Cesium-137	0.01	3,000
Chlorine-36	0.5	100
Chromium-51	0.01	300,000
Cobalt-60	0.001	5,000
Copper-64	0.01	200,000
Curium-242	0.001	60
Curium-243	0.001	3
Curium-244	0.001	4
Curium-245	0.001	2
Europium-152	0.01	500
Europium-154	0.01	400
Europium-155	0.01	3,000
Germanium-68	0.01	2,000
Gadolinium-153	0.01	5,000
Gold-198	0.01	30,000
Hafnium-172	0.01	400
Hafnium-181	0.01	7,000
Holmium-166m	0.01	100
Hydrogen-3	0.5	20,000
Iodine-125	0.5	10
Iodine-131	0.5	10
Indium-114m	0.01	1,000
Iridium-192	0.001	40,000
Iron-55	0.01	40,000
Iron-59	0.01	7,000
Krypton-85	1.0	6,000,000
Lead-210	0.01	8
Manganese-56	0.01	60,000
Mercury-203	0.01	10,000
Molybdenum-99	0.01	30,000

Neptunium-237	0.001	2
Nickel-63	0.01	20,000
Niobium-94	0.01	300
Phosphorus-32	0.5	100
Phosphorus-33	0.5	1,000
Polonium-210	0.01	10
Potassium-42	0.01	9,000
Promethium-145	0.01	4,000
Promethium-147	0.01	4,000
Radium-226	0.001	100
Ruthenium-106	0.01	200
Samarium-151	0.01	4,000
Scandium-46	0.01	3,000
Selenium-75	0.01	10,000
Silver-110m	0.01	1,000
Sodium-22	0.01	9,000
Sodium-24	0.01	10,000
Strontium-89	0.01	3,000
Strontium-90	0.01	90
Sulfur-35	0.5	900
Technetium-99	0.01	10,000
Technetium-99m	0.01	400,000
Tellurium-127m	0.01	5,000
Tellurium-129m	0.01	5,000
Terbium-160	0.01	4,000
Thulium-170	0.01	4,000
Tin-13	0.01	10,000
Tin-123	0.01	3,000
Tin-126	0.01	1,000
Titanium-44	0.01	100
Vanadium-48	0.01	7,000
Xenon-133	1.0	900,000
Yttrium-91	0.01	2,000
Zinc-65	0.01	5,000
Zirconium-93	0.01	400
Zirconium-95	0.01	5,000
Any other beta-/gamma-emitter	0.01	10,000

Mixed fission products	0.01	1,000
Mixed Corrosion Products	0.01	10,000
Contaminated equipment, beta/gamma	0.001	10,000
Irradiated material, any form other than solid noncombustible	0.01	1,000
Irradiated material, solid noncombustible	0.001	10,000
Mixed radioactive waste, beta/gamma	0.01	1,000
Packaged mixed waste, beta/gamma ²	0.001	10,000
Any other alpha-emitter	0.001	2
Contaminated equipment, alpha	0.0001	20
Packaged waste, alpha ⁽²⁾	0.0001	20

(f) Schedule F

SCHEDULE F

QUANTITIES FOR USE WITH DECOMMISSIONING

Schedule F - Quantities for Use With Decommissioning

Radioactive Material	Quantity (Microcurie ^{(a)/})
Americium-241	0.01
Antimony-122	100
Antimony-124	10
Antimony-125	10
Arsenic-73	100
Arsenic-74	10
Arsenic-76	10
Arsenic-77	100
Barium-131	10
Barium-133	10
Barium-140	10
Bismuth-210	1
Bromine-82	10
Cadmium-109	10
Cadmium-115m	10
Cadmium-115	100
Calcium-45	10

Calcium-47	10
Carbon-14	100
Cerium-141	100
Cerium-143	100
Cerium-144	1
Cesium-131	1,000
Cesium-134m	100
Cesium-134	1
Cesium-135	10
Cesium-136	10
Cesium-137	10
Chlorine-36	10
Chlorine-38	10
Chromium-51	1,000
Cobalt-58m	10
Cobalt-58	10
Cobalt-60	1
Copper-64	100
Dysprosium-165	10
Dysprosium-166	100
Erbium-169	100
Erbium-171	100
Europium-152 (9.2 h)	100
Europium-152 (13 yr)	1
Europium-154	1
Europium-155	10
Fluorine-18	1,000
Gadolinium-153	10
Gadolinium-159	100
Gallium-72	10
Germanium-71	0
Hafnium-181	10
Holmium-166	100
Hydrogen-3	1,000
Indium-113m	100
Indium-114m	10
Indium-115m	100

Indium-115	10
Iodine-125	1
Iodine-126	1
Iodine-129	0.1
Iodine-131	1
Iodine-132	10
Iodine-133	1
Iodine-134	10
Iodine-135	10
Iridium-192	10
Iridium-194	100
Iron-55	100
Iron-59	10
Krypton-85	100
Krypton-87	10
Lanthanum-140	10
Lutetium-177	100
Manganese-52	10
Manganese-54	10
Manganese-56	10
Mercury-197m	100
Mercury-197	100
Mercury-203	10
Molybdenum-99	100
Neodymium-147	100
Neodymium-149	100
Nickel-59	100
Nickel-63	10
Nickel-65	100
Niobium-93m	10
Niobium-95	10
Niobium-97	10
Osmium-185	10
Osmium-191m	100
Osmium-191	100
Osmium-193	100
Palladium-103	100

Palladium-109	100
Phosphorus-32	10
Platinum-191	100
Platinum-193m	100
Platinum-193	100
Platinum-197m	100
Platinum-197	100
Plutonium-239	0.01
Polonium-210	0.1
Potassium-42	10
Praseodymium-142	100
Praseodymium-143	100
Promethium-147	10
Promethium-149	10
Radium-226	0.01
Rhenium-186	100
Rhenium-188	100
Rhodium-103m	100
Rhodium-105	100
Rubidium-86	10
Rubidium-87	10
Ruthenium-97	100
Ruthenium-103	10
Ruthenium-105	10
Ruthenium-106	1
Samarium-151	10
Samarium-153	100
Scandium-46	10
Scandium-47	100
Scandium-48	10
Selenium-75	10
Silicon-31	100
Silver-105	10
Silver-110m	1
Silver-111	100
Sodium-22	1
Sodium-24	10

Strontium-85	10
Strontium-89	1
Strontium-90	0.1
Strontium-91	10
Strontium-92	10
Sulfur-35	100
Tantalum-182	10
Technetium-96	10
Technetium-97m	100
Technetium-97	100
Technetium-99m	100
Technetium-99	10
Tellurium-125m	10
Tellurium-127m	10
Tellurium-127	100
Tellurium-129m	10
Tellurium-129	100
Tellurium-131m	10
Tellurium-132	10
Terbium-160	10
Thallium-200	100
Thallium-201	100
Thallium-202	100
Thallium-204	10
Thorium (natural) ^{b/}	100
Thulium-170	10
Thulium-171	10
Tin-113	10
Tin-125	10
Tungsten-181	10
Tungsten-185	10
Tungsten-187	100
Uranium (natural) ^{c/}	100
Uranium-233	0.01
Uranium-234	0.01
Uranium-235	0.01
Vanadium-48	10

Xenon-131m	1,000
Xenon-133	100
Xenon-135	100
Ytterbium-175	100
Yttrium-90	10
Yttrium-91	10
Yttrium-92	100
Yttrium-93	100
Zinc-65	10
Zinc-69m	100
Zinc-69	1,000
Zirconium-93	10
Zirconium-95	10
Zirconium-97	10
Any alpha emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition.	0.01
Any radionuclide other than alpha emitting radionuclides, not listed above or mixtures of beta emitters of unknown composition.	0.10

(g) Schedule G. Criteria Relating to Use of Financial Tests and Self Guarantees for Providing Reasonable Assurance of Funds for Decommissioning.

1. Introduction

An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on furnishing its own guarantee that funds will be available for decommissioning costs and on a demonstration that the company passes the financial test of (21)(g)2. The terms of the self-guarantee are in (21)(g)3. This schedule establishes criteria for passing the financial test for the self-guarantee and establishes the terms for a self-guarantee.

2. Financial Test

- (i) To pass the financial test, a company must meet all of the following criteria:
 - (I) Tangible net worth at least ten times the total current decommissioning cost estimate for the total of all facilities or parts thereof (or the current amount required if certification is

used) for all decommissioning activities for which the company is responsible as self-guaranteeing licensee.

- (II) Assets located in the United States amounting to at least 90 percent of total decommissioning cost estimate for the total of all facilities or parts thereof (or the current amount required if certification is used) for all decommissioning activities for which the company is responsible as self-guaranteeing licensee.
 - (III) A current rating for its most recent bond issuance of AAA, AA, or A as issued by Standard and Poors (S&P), or Aaa, Aa, or A as issued by Moodys.
- (ii) To pass the financial test, a company must meet all of the following additional requirements:
- (I) The company must have at least one class of equity securities registered under the Security Exchange Act of 1934.
 - (II) The company's independent certified public accountant must have compared the data used by the company in the financial test, which is derived from the independently audited, year-end financial statements for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure, the licensee shall inform the Director and Division within 90 days of any matters coming to the attention of the auditor that cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test.
 - (III) After the initial financial test, the company must repeat passage of the test within 90 days after the close of each succeeding fiscal year.
- (iii) If the licensee no longer meets the requirements of (21)(g)2.(i), the licensee must send immediate notice to the Director and Division of its intent to establish alternate financial assurance as specified in the Division's Rules within 120 days of such notice.

3. Company Self-Guarantee

The terms of a self-guarantee which an applicant or licensee furnishes must provide that:

- (i) The guarantee will remain in force unless the licensee sends notice of cancellation by certified mail to the Director and Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by the Director, as evidenced by the return receipt.
 - (ii) The licensee shall provide alternative financial assurance as specified in the Division's Rules within 90 days following receipt by the Director of a notice of cancellation of the guarantee.
 - (iii) The guarantee and financial test provisions must remain in effect until the Director has terminated the license or until another financial assurance method acceptable to the Director has been put in effect by the licensee.
 - (iv) The licensee will promptly forward to the Department, the Division and the licensee's independent auditor all reports covering the latest fiscal year filed by the licensee with the Securities and Exchange Commission pursuant to the requirements of Section 13 of the Securities and Exchange Act of 1934.
 - (v) If, at any time, the licensee's most recent bond issuance ceases to be rated in any category of "A" or above by either Standard and Poors or Moodys, the licensee will provide notice in writing of such fact to the Director and Division within 20 days after publication of the change by the rating service. If the licensee's most recent bond issuance ceases to be rated in any category of A or above by both Standard and Poors and Moodys, the licensee no longer meets the requirements of (21)(g)2.(i).
 - (vi) The applicant or licensee must provide to the Director and Division a written guarantee (a written commitment by a corporate officer) which states that the licensee will fund and carry out the required decommissioning activities or, upon issuance of an order by the Director, the licensee will set up and fund a trust in the amount of the current cost estimates for decommissioning.
- (h) Schedule H. Criteria Relating to Use of Financial Tests and Self-Guarantee For Providing Reasonable Assurance of Funds For Decommissioning by Nonprofit Colleges, Universities, and Hospitals.

1. Introduction

An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on furnishing its own guarantee that funds will be available for decommissioning costs and on a demonstration that the applicant or licensee passes the financial test of (h)2. The terms of the self-guarantee are in (h)3. This schedule establishes criteria for passing the financial test for the self-guarantee and establishes the terms for a self-guarantee.

2. Financial Test

- (i) For colleges and universities, to pass the financial test a college or university must meet either the criteria in (h)2.(i)(I) or the criteria in (h)2.(i)(II).
 - (I) For applicants or licensees that issue bonds, a current rating for its most recent uninsured, uncollateralized, and unencumbered bond issuance of AAA, AA, or A as issued by Standard and Poors (S&P) or Aaa, Aa, or A as issued by Moodys.
 - (II) For applicants or licensees that do not issue bonds, unrestricted endowment consisting of assets located in the United States of at least \$50 million, or at least 30 times the total current decommissioning cost estimate (or the current amount required if certification is used), whichever is greater, for all decommissioning activities for which the college or university is responsible as a self-guaranteeing licensee.
- (ii) For hospitals, to pass the financial test a hospital must meet either the criteria in (h)2.(ii)(I) or the criteria in (h)2.(ii)(II):
 - (I) For applicants or licensees that issue bonds, a current rating for its most recent uninsured, uncollateralized, and unencumbered bond issuance of AAA, AA, or A as issued by Standard and Poors (S&P) or Aaa, Aa, or A as issued by Moodys.
 - (II) For applicants or licensees that do not issue bonds, all the following tests must be met:
 - I. $(\text{Total Revenues less total expenditures}) / \text{total revenues}$ must be equal to or greater than 0.04.

- II. Long term debt divided by net fixed assets must be less than or equal to 0.67.
 - III. (Current assets and depreciation fund) divided by current liabilities must be greater than or equal to 2.55.
 - IV. Operating revenues must be at least 100 times the total current decommissioning cost estimate (or the current amount required if certification is used) for all decommissioning activities for which the hospital is responsible as a self-guaranteeing license.
- (iii) In addition, to pass the financial test, a licensee must meet all the following requirements:
- (I) The licensee's independent certified public accountant must have compared the data used by the licensee in the financial test, which is required to be derived from the independently audited year-end financial statements, based on United States generally accepted accounting practices, for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure, the licensee shall inform the Director and Division within 90 days of any matters coming to the attention of the auditor that cause the auditor to believe that the data specified in the financial test should be adjusted and that the licensee no longer passes the test.
 - (II) After the initial financial test, the licensee must repeat passage of the test within 90 days after the close of each succeeding fiscal year.
 - (III) If the licensee no longer meets the requirements of (h)1., the licensee must send notice to the Director and Division of its intent to establish alternative financial assurance as specified in Division's Rules. The notice must be sent by certified mail, return receipt requested, within 90 days after the end of the fiscal year for which the year-end financial data show that the licensee no longer meets the financial test requirements. The licensee must provide

alternate financial assurance within 120 days after the end of such fiscal year.

3. Self-Guarantee

The terms of a self-guarantee which an applicant or licensee furnishes must provide that:

- (i) The guarantee shall remain in force unless the licensee sends notice of cancellation by certified mail, and/or return receipt requested, to the Director and Division. Cancellation may not occur unless an alternative financial assurance mechanism is in place.
- (ii) The licensee shall provide alternative financial assurance as specified in the Division's Rules within 90 days following receipt by the Director of a notice of cancellation of the guarantee.
- (iii) The guarantee and financial test provisions must remain in effect until the Director has terminated the license or until another financial assurance method acceptable to the Director has been put in effect by the licensee.
- (iv) The applicant or licensee must provide to the Director and Division a written guarantee (a written commitment by a corporate officer or officer of the institution) which states that the licensee will fund and carry out the required decommissioning activities or, upon issuance of an order by the Director, the licensee will set up and fund a trust in the amount of the current cost estimates for decommissioning.
- (v) If, at any time, the licensee's most recent bond issuance ceases to be rated in any category of "A" or above by either Standard and Poors or Moodys, the licensee shall provide notice in writing of such fact to the Director and Division within 20 days after publication of the change by the rating service.

Footnotes: ⁽¹⁾ Values are given only for those materials normally used as gases.

⁽²⁾ $\mu\text{Ci/gm}$ for solids.

Footnotes:

⁽¹⁾ For combinations of radioactive materials listed above, consideration of the need for an emergency plan is required if the sum of the ratios of the quantity of each radioactive material authorized to the quantity listed for that material in Schedule E exceeds one.

⁽²⁾ Waste packaged in Type B containers does not require an emergency plan.

^{a/} To convert μCi to kBq , multiply the μCi value by 37.

^{b/} Based on alpha disintegration rate of Th-232, Th-230 and their daughter products.

^{c/} Based on alpha disintegration rate of U-238, U-234, and U-235.

Cite as Ga. Comp. R. & Regs. R. 391-3-17-.02

Authority: O.C.G.A. § [31-13-1](#) *et seq.*, as amended.

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Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Note: Correction of non-substantive typographical error in History, 'Original Rule entitled "Standards for Protection Against Radiation" adopted.' corrected to 'Original Rule entitled "Licensing of Radioactive Material" adopted.' Effective May 1, 2016.

Amended: F. Apr. 11, 2016; eff. May 1, 2016.

Amended: New title "Licensing of Radioactive Material." F. May 11, 2016; eff. May 31, 2016.

Amended: F. June 1, 2017; eff. June 21, 2017.

Amended: F. Dec. 14, 2017; eff. Jan. 3, 2018.

Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.

Amended: F. Feb. 26, 2020; eff. Mar. 17, 2020.

Amended: F. Mar. 24, 2021; eff. Apr. 13, 2021.

Rule 391-3-17-.03. Standards for Protection Against Radiation.

(1) General Provisions

(a) Purpose.

This Rule, 391-3-17-.03, establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses issued by the Director. The requirements in this Rule are designed to control the receipt, possession, use, transfer, and disposal of sources of radiation by any licensee so that the total dose to an individual, including doses resulting from all sources of radiation other than background radiation, does not exceed the standards for protection against radiation prescribed in this Rule. However, nothing in this Rule shall be construed as limiting actions that may be necessary to protect health and safety.

(b) Scope.

This Rule applies to persons licensed by the Director on or after January 1, 1994, to receive, possess, use, transfer, or dispose of sources of radiation. The limits in this Rule do not apply to doses due to background radiation, to exposure of patients to radiation for the purpose of medical diagnosis or therapy, or to voluntary participation in medical research programs.

(2) **Definitions**

The definitions set forth for certain terms under [391-3-17-.01](#) are applicable to those terms as used in this Rule, unless the term is otherwise defined herein. As used in this Rule:

- (a) "Air-purifying respirator" means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.
- (b) "Assigned protection factor" (APF) means the expected workplace level of respiratory protection that would be provided by a properly functioning respirator or a class of respirators to properly fitted and trained users. Operationally, the inhaled concentration can be estimated by dividing the ambient airborne concentration by the APF.
- (c) "Atmosphere-supplying respirator" means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units.
- (d) "Annual limit on intake" (ALI) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose

equivalent of five rem (0.05 Sv) or a committed dose equivalent of 50 rem (0.5 Sv) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in Table I, Columns 1 and 2, of Appendix B to 10 CFR 20.

- (e) "Chelating agent" means amine polycarboxylic acids, hydroxycarboxylic acids, gluconic acid, and polycarboxylic acids.
- (f) "Chemical description" means a description of the principal chemical characteristics of a low-level radioactive waste.
- (g) "Class" means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which apply to a range of clearance half-times: for Class D (Days), of less than ten days; for Class W (Weeks), from ten to 100 days; and for Class Y (Years), of greater than 100 days. For purposes of this Chapter, "lung class" and "inhalation class" are equivalent terms.
- (h) "Computer-readable medium" means that the Division's computer can transfer the information from the medium into its memory.
- (i) "Consignee" means the designated receiver of the shipment of low-level radioactive waste.
- (j) "Constraint (dose constraint)" means a value above which specified licensee actions are required.
- (k) "Critical Group" means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.
- (l) "Declared pregnant woman" means any woman who has voluntarily informed the licensee, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.
- (m) "Decommission" means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of the license.
- (n) "Decontamination facility" means a facility operating under a Division, U.S. Nuclear Regulatory Commission or Agreement State license whose principal purpose is decontamination of equipment or materials to accomplish recycle, reuse, or other waste management objectives, and, for purposes of this part, is not considered to be a consignee for LLW shipments.

- (o) "Demand respirator" means an atmosphere-supplying respirator that admits breathing air to the facepiece only when a negative pressure is created inside the facepiece by inhalation.
- (p) "Derived air concentration" (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of 2,000 hours under conditions of light work (inhalation rate of 1.2 cubic meters of air per hour), results in an intake of one ALI. DAC values are given in Table I, Column 3 of Appendix B to 10 CFR 20.
- (q) "Derived air concentration-hour" (DAC-hour) means the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide, and the time of exposure to that radionuclide, in hours. A licensee may take 2,000 DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of five rem (0.05 Sv).
- (r) "Disposable respirator" means a respirator for which maintenance is not intended and that is designed to be discarded after excessive breathing resistance, sorbent exhaustion, physical damage, or end-of-service-life renders it unsuitable for use. Examples of this type of respirator are a disposable half-mask respirator or a disposable escape-only self-contained breathing apparatus (SCBA).
- (s) "Disposal container" means a container principally used to confine low-level radioactive waste during disposal operations at a land disposal facility (also see "high integrity container"). Note that for some shipments, the disposal container may be the transport package.
- (t) "Distinguishable from background" means that the detectable concentration of a radionuclide is statistically different from the background concentration of that radionuclide in the vicinity of the site or, in the case of structures, in similar materials using adequate measurement technology, survey, and statistical techniques.
- (u) "Dosimetry processor" means a person that processes and evaluates individual monitoring equipment devices in order to determine the radiation dose delivered to the monitoring devices.
- (v) "EPA identification number" means the number received by a transporter following application to the Administrator of EPA as required by 40 CFR part 263.
- (w) "Filtering facepiece" (dust mask) means a negative pressure particulate respirator with a filter as an integral part of the facepiece or with the entire facepiece composed of the filtering medium, not equipped with elastomeric sealing surfaces and adjustable straps.

- (x) "Fit factor" means a quantitative estimate of the fit of a particular respirator to a specific individual, and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.
- (y) "Fit test" means the use of a protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual.
- (z) "Generator" means a licensee operating under a Division, U.S. Nuclear Regulatory Commission or Agreement State license who (1) is a waste generator or (2) is the licensee to whom waste can be attributed within the context of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (e.g., waste generated as a result of decontamination or recycle activities).
- (aa) "Helmet" means a rigid respiratory inlet covering that also provides head protection against impact and penetration.
- (bb) "High integrity container (HIC)" means a container commonly designed to meet the structural stability requirements of Rule 391-3-17-.03(13)(g), and to meet Department of Transportation requirements for a Type A package.
- (cc) "Hood" means a respiratory inlet covering that completely covers the head and neck and may also cover portions of the shoulders and torso.
- (dd) "Land disposal facility" means the land, buildings and structures, and equipment that are intended to be used for the disposal of radioactive waste. For purposes of this Rule, a "geologic repository" as defined in 10 CFR Part 60 is not considered a "land disposal facility."
- (ee) "Lens dose equivalent" (LDE) means the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm²).
- (ff) "Loose-fitting facepiece" means a respiratory inlet covering that is designed to form a partial seal with the face.
- (gg) "Nationally tracked source" means a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of any radioactive material listed in Table 3 of 391-3-17-.03(15). In this context a sealed source is defined as radioactive material that is sealed in a capsule or closely bonded, in a solid form and which is not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. Category 1 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 1 threshold. Category 2 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 2 threshold but less than the Category 1 threshold.

- (hh) "Negative pressure respirator" (tight fitting) means a respirator in which the air pressure inside the facepiece is negative during inhalation with respect to the ambient air pressure outside the respirator.
- (ii) "Nonstochastic effect" means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect. For purposes of this Chapter, "deterministic effect" is an equivalent term.
- (jj) "Positive pressure respirator" means a respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.
- (kk) "Physical description" means the items called for on NRC Form 541 or equivalent form to describe a low-level radioactive waste.
- (ll) "Planned special exposure" means an infrequent exposure to radiation separate from and in addition to the annual occupational dose limits.
- (mm) "Powered air-purifying respirator" (PAPR) means an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering.
- (nn) "Pressure demand respirator" means a positive pressure atmosphere-supplying respirator that admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.
- (oo) "Qualitative fit test" (QLFT) means a pass/fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent.
- (pp) "Quantitative fit test" (QNFT) means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.
- (qq) "Reference man" means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base.
- (rr) "Residual radioactivity" means radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with the provisions of Rule .03 of this Chapter.

- (ss) "Residual waste" means low-level radioactive waste resulting from processing or decontamination activities that cannot be easily separated into distinct batches attributable to specific waste generators. This waste is attributable to the processor or decontamination facility, as applicable.
- (tt) "Respiratory protective device" means an apparatus, such as a respirator, used to reduce an individual's intake of airborne radioactive materials.
- (uu) "Self-contained breathing apparatus" (SCBA) means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.
- (vv) "Sanitary sewerage" means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee.
- (ww) "Shipper" means the licensed entity (i.e., the waste generator, waste collector, or waste processor) who offers low-level radioactive waste for transportation, typically consigning this type of waste to a licensed waste collector, waste processor, or land disposal facility operator.
- (xx) "Shipping paper" means NRC Form 540 and, if required, NRC Form 540A or equivalent forms which include the information required by DOT in 49 CFR Part 172.
- (yy) "Source material" means
1. Uranium or thorium, or any combination thereof, in any physical or chemical form; or
 2. Ores that contain by weight one-twentieth of one percent (0.05 percent) or more of uranium, thorium, or any combination thereof. Source material does not include special nuclear material.
- (zz) "Stochastic effect" means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects. For purposes of this Chapter, "probabilistic effect" is an equivalent term.
- (aaa) "Supplied-air respirator" (SAR) or airline respirator means an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.
- (bbb) "Tight-fitting facepiece" means a respiratory inlet covering that forms a complete seal with the face.

- (ccc) "Uniform Low-Level Radioactive Waste Manifest" or "Uniform Manifest" means the combination of NRC Forms 540, 541, and if necessary, 542, and their respective continuation sheets as needed, or equivalent forms.
- (ddd) "User seal check" (fit check) means an action conducted by the respirator user to determine if the respirator is properly seated to the face. Examples include negative pressure check, positive pressure check, irritant smoke check, or isoamyl acetate check.
- (eee) "Very high radiation area" means an area, accessible to individuals, in which radiation levels from radioactive materials external to the body could result in an individual receiving an absorbed dose in excess of 500 rads (5 Gray) in one hour at one meter from a source of radiation or from any surface that the radiation penetrates.¹
- (fff) "Waste collector" means an entity, operating under a Division, U.S. Nuclear Regulatory Commission or Agreement State license, whose principal purpose is to collect and consolidate waste generated by others, and to transfer this waste, without processing or repackaging the collected waste, to another licensed waste collector, licensed waste processor, or licensed land disposal facility.
- (ggg) "Waste description" means the physical, chemical and radiological description of a low-level radioactive waste as called for on NRC Form 541 or equivalent form.
- (hhh) "Waste generator" means an entity, operating under a Division, U.S. Nuclear Regulatory Commission or Agreement State license, who (1) possesses any material or component that contains radioactivity or is radioactively contaminated for which the licensee foresees no further use, and (2) transfers this material or component to a licensed land disposal facility or to a licensed waste collector or processor for handling or treatment prior to disposal. A licensee performing processing or decontamination services may be a "waste generator" if the transfer of low-level radioactive waste from its facility is defined as "residual waste."
- (iii) "Waste processor" means an entity, operating under a Division, U.S. Nuclear Regulatory Commission or Agreement State license, whose principal purpose is to process, repackage, or otherwise treat low-level radioactive material or waste generated by others prior to eventual transfer of waste to a licensed low-level radioactive waste land disposal facility.
- (jjj) "Waste type" means a waste within a disposal container having a unique physical description (i.e., a specific waste descriptor code or description; or a waste sorbed on or solidified in a specifically defined media).

- (kkk) "Weighting factor" (w_T) for an organ or tissue (T) means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of w_T are:

ORGAN DOSE WEIGHTING FACTORS

<u>Organ or Tissue</u>	<u>w_T</u>
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30 ^a
Whole Body	1.00 ^b

^a 0.30 results from 0.06 for each of five "remainder" organs, excluding the skin and the lens of the eye, that receive the highest doses.

^b For the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor, $w_T = 1.0$, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

(3) **Implementation**

- (a) Any existing license condition that is more restrictive than this Rule remains in force until there is an amendment or renewal of the license.
- (b) If a license condition exempts a licensee from a provision of Rule 391-3-17-.03 in effect on or before January 1, 1994, it also exempts the licensee from the corresponding provision of this Rule.
- (c) If a license condition cites provisions of Rule 391-3-17-.03 in effect prior to January 1, 1994, which do not correspond to any provisions of this Rule, the license condition remains in force until there is an amendment or renewal of the license that modifies or removes this condition.

(4) **Radiation Protection Programs**

- (a) Each licensee shall develop, document, and implement a Radiation Protection Program sufficient to ensure compliance with the provisions of this Rule. See (14)(b) of this Rule for record-keeping requirements relating to these Programs.
- (b) The licensee shall use, to the extent practical, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and doses to members of the public that are as low as is reasonably achievable (ALARA).
- (c) The licensee shall, at least annually, review the Radiation Protection Program content and implementation.
- (d) To implement the ALARA requirements of .03(4)(b), and notwithstanding the requirements in .03(5)(i) of this rule, a constraint on air emissions of radioactive material to the environment, excluding Radon-222 and its daughters, shall be established by licensees such that the individual member of the public likely to receive the highest dose will not be expected to receive a total effective dose equivalent in excess of ten (10) mrem (0.1 mSv) per year from these emissions. If a licensee subject to this requirement exceeds this dose constraint, the licensee shall report the exceedance as provided in .03(15)(c) and promptly take appropriate corrective action to ensure against recurrence.

(5) Occupational Dose Limits and Dose Limits for Individual Members of the Public

- (a) Occupational Dose Limits for Adults.
 - 1. The licensee shall control the occupational dose to individual adults, except for planned special exposures pursuant to (5)(f) of this Rule, in accordance with the following dose limits:
 - (i) An annual limit, which is the more limiting of:
 - (I) The total effective dose equivalent being equal to five (5) rem (0.05 Sv); or
 - (II) The sum of the deep dose equivalent and the committed dose equivalent to any individual organ or tissue other than the lens of the eye being equal to 50 rem (0.50 Sv).
 - (ii) The annual limits to the lens of the eye, to the skin of the whole body, and to the skin of the extremities, which are:
 - (I) A lens dose equivalent of 15 rem (0.15 Sv); and
 - (II) A shallow dose equivalent of 50 rem (0.50 Sv) to the skin of the whole body or to the skin of any extremity.

2. Doses received in excess of the annual limits, including doses received during accidents, emergencies, and planned special exposures, shall be subtracted from the limits for planned special exposures that the individual may receive during the current year and during the individual's lifetime, listed in (5)(f)5.(i) and (ii) of this Rule.
3. When the external exposure is determined by measurement with an external personal monitoring device, the deep-dose equivalent must be used in place of the effective dose equivalent, unless the effective dose equivalent is determined by a dosimetry method approved by the NRC. The assigned deep dose equivalent shall be for the portion of the body receiving the highest exposure. The assigned shallow dose equivalent shall be the dose averaged over the contiguous ten (10) square centimeters of skin receiving the highest exposure.
4. The deep dose equivalent, lens dose equivalent, and shallow dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure or the results of individual monitoring are unavailable.
5. Derived air concentration (DAC) and annual limit on intake (ALI) values are specified in Table I of Appendix B to 10 CFR 20 and may be used to determine the individual's dose and to demonstrate compliance with the occupational dose limits. See (14)(g) of this Rule for maintaining records of these exposures.
6. Notwithstanding the annual dose limits, the licensee shall limit the soluble uranium intake by an individual to ten milligrams in a week in consideration of chemical toxicity. See footnote 3 of Appendix B 10 CFR 20.
7. The licensee shall reduce the dose that an individual may be allowed to receive in the current year by the amount of occupational dose received while employed by any other person during the current year. See (5)(e) of this Rule.

(b) Compliance with Requirements for Summation of External and Internal Doses.

1. General Requirements. If the licensee is required to monitor pursuant to both (8)(b)1. and 2. of this Rule, the licensee shall demonstrate compliance with the dose limits by summing external and internal doses. If the licensee is required to monitor only pursuant to (8)(b)1. of this Rule or only pursuant to (8)(b)2. of this Rule, then summation is not required to demonstrate compliance with the dose limits. The licensee must demonstrate compliance with the requirements for summation of external and internal doses pursuant

to (5)(b)2., 3., and 4. of this Rule. The dose equivalents for the lens of the eye, the skin, and the extremities are not included in the summation, but are subject to separate limits.

2. Intake by Inhalation. If the only intake of radionuclides is by inhalation, the total effective dose equivalent limit is not exceeded if the sum of the deep dose equivalent divided by the total effective dose equivalent limit and one of the following does not exceed unity:
 - (i) The sum of the fractions of the inhalation ALI for each radionuclide;
 - (ii) The total number of derived air concentration-hours (DAC-hours) for all radionuclides divided by 2,000; or
 - (iii) The sum of the calculated committed effective dose equivalents to all significantly irradiated organs or tissues (T) calculated from bioassay data using appropriate biological models and expressed as a fraction of the annual limit. For purposes of this requirement, an organ or tissue is deemed to be significantly irradiated if, for that organ or tissue, the product of the weighting factors, w_T , and the committed dose equivalent, $H_{T,50}$, per unit intake is greater than ten percent of the maximum weighted value of H_{50} (i.e., $w_T H_{T,50}$), per unit intake for any organ or tissue.
3. Intake by Oral Ingestion. If the occupationally-exposed individual receives an intake of radionuclides by oral ingestion greater than ten percent of the applicable oral ALI, the licensee shall account for this intake and include it in demonstrating compliance with the limits.
4. Intake through Wounds or Absorption through Skin. The licensee shall evaluate and, to the extent practical, account for intakes through wounds or skin absorption. The intake through intact skin has been included in the calculation of DAC for hydrogen-3 and does not need to be evaluated or accounted for pursuant to (5)(b)4. of this Rule.

(c) Determination of External Dose from Airborne Radioactive Material.

1. Licensees shall, when determining the dose from airborne radioactive material, include the contribution to the deep dose equivalent, lens dose equivalent, and shallow dose equivalent from external exposure to the radioactive cloud. See Appendix B, footnotes 1 and 2, of 10 CFR 20.
2. Airborne radioactivity measurements and DAC values shall not be used as the primary means to assess the deep dose equivalent when the airborne radioactive material includes radionuclides other than noble gases or if the

cloud of airborne radioactive material is not relatively uniform. The determination of the deep dose equivalent to an individual shall be based upon measurements using instruments or individual monitoring devices.

(d) Determination of Internal Exposure.

1. For purposes of assessing the dose used to determine compliance with occupational dose equivalent limits, the licensee shall, when required under (8)(b) of this Rule, take suitable and timely measurements of:
 - (i) Concentrations of radioactive materials in air in work areas during operations;
 - (ii) Quantities of radionuclides in the body;
 - (iii) Quantities of radionuclides excreted from the body; or
 - (iv) Combinations of these measurements.
2. Unless respiratory protective equipment is used, as provided in (10)(d) of this Rule, or the assessment of intake is based on bioassays, the licensee shall assume that an individual inhales radioactive material at the airborne concentration in which the individual is present.
3. When specific information on the physical and biochemical properties of the radionuclides taken into the body or the behavior of the material in an individual is known, the licensee may:
 - (i) Use that information to calculate the committed effective dose equivalent, and, if used, the licensee shall document that information in the individual's record;
 - (ii) Upon prior approval of the Division, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material, for example, aerosol size distribution or density; and
 - (iii) Separately assess the contribution of fractional intakes of Class D, W, or Y compounds of a given radionuclide to the committed effective dose equivalent. See Appendix B of 10 CFR 20.
4. If the licensee chooses to assess intakes of Class Y material using the measurements given in (5)(d)1.(ii) or (iii) of this Rule, the licensee may delay the recording and reporting of the assessments for periods up to seven months, unless otherwise required by (15)(b) or (15)(c) of this Rule. This

delay permits the licensee to make additional measurements basic to the assessments.

5. If the identity and concentration of each radionuclide in a mixture are known, the fraction of the DAC applicable to the mixture for use in calculating DAC-hours shall be either:
 - (i) The sum of the ratios of the concentration to the appropriate DAC value (i.e. D, W, or Y) from Appendix B of 10 CFR 20, for each radionuclide in the mixture; or
 - (ii) The ratio of the total concentration for all radionuclides in the mixture to the most restrictive DAC value for any radionuclide in the mixture.
6. If the identity of each radionuclide in a mixture is known, but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of any radionuclide in the mixture.
7. When a mixture of radionuclides in the air exists, a licensee may disregard certain radionuclides in the mixture if:
 - (i) The licensee uses the total activity of the mixture in demonstrating compliance with the dose limits in (5)(a) of this Rule and in complying with the monitoring requirements in (8)(b)2. of this Rule;
 - (ii) The concentration of any radionuclide disregarded is less than ten percent of its DAC; and
 - (iii) The sum of these percentages for all of the radionuclides disregarded in the mixture does not exceed 30 percent.
8. When determining the committed effective dose equivalent, the following information may be considered:
 - (i) In order to calculate the committed effective dose equivalent, the licensee may assume that the inhalation of one ALI, or an exposure of 2,000 DAC-hours, results in a committed effective dose equivalent of five rem (0.05Sv) for radionuclides that have their ALIs or DACs based on the committed effective dose equivalent;
 - (ii) When the ALI (and the associated DAC) is determined by the non-stochastic organ dose limit of 50 rem (0.50 Sv), the intake of radionuclides that would result in a committed effective dose

equivalent of five rem (0.05 Sv), (i.e., the stochastic ALI) is listed in parentheses in Table I of Appendix B of 10 CFR 20. In this case, the licensee may, as a simplifying assumption, use the stochastic ALIs to determine the committed effective dose equivalent. However, if the licensee uses the stochastic ALIs, the licensee shall also demonstrate that the limit in (5)(a)1.(i)(II) of this Rule is not exceeded.

(e) Determination of Prior Occupational Dose.

1. For each individual who is likely to receive, in a year, an occupational dose requiring monitoring pursuant to (8)(b) of this Rule, the licensee shall:
 - (i) Determine the occupational radiation dose received during the current year; and
 - (ii) Attempt to obtain the records of lifetime cumulative occupational radiation dose.
2. Prior to permitting an individual to participate in a planned special exposure, the licensee shall determine:
 - (i) The internal and external doses from all previous planned special exposures; and
 - (ii) All doses in excess of the limits, including doses received during accidents and emergencies, received during the lifetime of the individual.
3. In complying with the requirements of (5)(e)1. of this Rule, a licensee may:
 - (i) Accept, as a record of the occupational dose that the individual received during the current year, a written signed statement from the individual, or from the individual's most recent employer for work involving radiation exposure, that discloses the nature and the amount of any occupational dose that the individual may have received during the current year;
 - (ii) Accept, as the record of lifetime cumulative radiation dose, an up-to-date Division Form "Occupational Radiation Exposure History" or equivalent, signed by the individual and countersigned by an appropriate official of the most recent employer for work involving radiation exposure, or the individual's current employer if the individual is not employed by the licensee; and

- (iii) Obtain the individual's dose equivalent from the most recent employer for work involving radiation exposure, or the individual's current employer if the individual is not employed by the licensee, by telephone, telegram, electronic media, facsimile, or letter. The licensee shall request a written verification of the dose data if the authenticity of the transmitted report cannot be established.
- 4. The licensee shall record the exposure history, as required by (5)(e)1. of this Rule, on Division Form "Occupational Radiation Exposure History" or other clear and legible record, and all of the information required on that form. The form or record shall show each period in which the individual received occupational exposure to radiation or radioactive material and shall be signed by the individual who received the exposure. For each period for which the licensee obtains, the licensee shall use the dose shown in the report in preparing the Division Form "Occupational Radiation Exposure History" or equivalent form. For any period in which the licensee does not obtain a report, the licensee shall place a notation on the "Occupational Radiation Exposure History" or equivalent form indicating the periods of time for which data are not available.
- 5. Licensees are not required to partition historical dose between external dose equivalents and internal committed dose equivalents of radionuclides assessed under the Regulations in effect before January 1, 1994. Further, occupational exposure histories obtained and recorded on Division Form "Occupational Radiation Exposure History" or equivalent before January 1, 1994, might not have included effective dose equivalent but may be used in the absence of specific information on the intake of radionuclides by the individual.
- 6. If the licensee is unable to obtain a complete record of an individual's current and previously accumulated occupational dose, the licensee shall assume:
 - (i) In establishing administrative controls under (5)(a)7. of this Rule, for the current year, that the allowable dose limit for the individual is reduced by 1.25 rem (12.5 mSv) for each quarter for which records were unavailable and the individual was engaged in activities that could have resulted in occupational radiation exposure; and
 - (ii) That the individual is not available for planned special exposures.
- 7. The licensee shall retain the records on Division Form "Occupational Radiation Exposure History" or equivalent until the Director terminates each pertinent license requiring this record. The licensee shall retain records used

in preparing Division Form "Occupational Radiation Exposure History" or equivalent for three years after the record is made.

- (f) Planned Special Exposures. A licensee may authorize an adult worker to receive doses in addition to and accounted for separately from the doses received under the limits specified in (5)(a) of this Rule provided that each of the following conditions is satisfied:
1. The licensee authorizes a planned special exposure only in an exceptional situation when alternatives that might avoid the higher exposure estimated to result from the planned special exposure are unavailable or impractical (i.e., industrial radiography source retrieval for an area that cannot be evacuated).
 2. The management official of the licensee (and employer if the employer is not the licensee) specifically authorizes the planned special exposure, in writing, before the exposure occurs.
 3. Before a planned special exposure, the licensee ensures that each individual involved is:
 - (i) Informed of the purpose of the planned operation;
 - (ii) Informed of the estimated doses and associated potential risks and specific radiation levels or other conditions that might be involved in performing the task; and
 - (iii) Instructed in the measures to be taken to keep the dose ALARA considering other risks that may be present.
 4. Prior to permitting an individual to participate in a planned special exposure, the licensee ascertains prior doses as required by (5)(e)2. of this Rule during the lifetime for each individual involved.
 5. Subject to (5)(a)2. of this Rule, the licensee shall not authorize a planned special exposure that would cause an individual to receive a dose from all planned special exposures and all doses in excess of the limits to exceed:
 - (i) The numerical values of any of the dose limits in (5)(a)1. of this Rule in any year; and
 - (ii) Five times the annual dose limits in (5)(a)1. of this Rule during the individual's lifetime.

6. The licensee maintains records of the conduct of a planned special exposure in accordance with (14)(f) of this Rule and submits a written report in accordance with (15)(d) of this Rule.
 7. The licensee records the best estimate of the dose resulting from the planned special exposure in the individual's record and informs the individual, in writing, of the dose within 30 days after the date of the planned special exposure. The dose from planned special exposures shall not be considered in controlling the future occupational dose of the individual pursuant to (5)(a)1. of this Rule but shall be included in evaluations required by (5)(f)1. and (5)(f)5. of this Rule.
- (g) Occupational Dose Limits for Minors. The annual occupational dose limits for minors are ten percent of the annual occupational dose limits specified for adult workers in (5)(a) of this Rule.
- (h) Dose to an Embryo/Fetus.
1. The licensee shall ensure that the dose equivalent to an embryo/fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman, does not exceed 0.5 rem (5 mSv). For record-keeping requirements, see (14)(g) of this Rule.
 2. The licensee shall make efforts to avoid substantial variation² above a uniform monthly exposure rate to a declared pregnant woman so as to satisfy the limit in (5)(h)1. of this Rule.
 3. The dose equivalent to an embryo/fetus shall be taken as the sum of:
 - (i) The deep-dose equivalent to the declared pregnant woman; and
 - (ii) The dose equivalent to the embryo/fetus from radionuclides in the embryo/fetus and radionuclides in the declared pregnant woman.
 4. If by the time the woman declares pregnancy to the licensee the dose equivalent to the embryo/fetus is found to have exceeded 0.50 rem (5.0 mSv), or is within 0.05 rem (0.5 mSv) of this dose equivalent, the licensee shall be deemed to be in compliance with (5)(h)1. of this Rule if the additional dose equivalent to the embryo/fetus does not exceed 0.05 rem (0.5 mSv) during the remainder of the pregnancy.
- (i) Radiation Dose Limits for Individual Members of the Public.
1. Each licensee shall conduct operations so that:

- (i) Except as provided in (5)(i)1.(iii) the total effective dose equivalent to individual members of the public from the licensed operation does not exceed 0.1 rem (1 mSv) in a year, exclusive of the dose contributions from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released in accordance with Rule .05(37), from voluntary participation in medical research programs, and from the licensee's disposal of radioactive material into sanitary sewerage in accordance with (13)(c) of this Rule; and
 - (ii) The dose in any unrestricted area from external sources, exclusive of the dose contributions from individuals administered radioactive material and released in accordance with Rule .05(37), does not exceed 0.002 rem (0.02 mSv) in any one hour.
 - (iii) The total effective dose equivalent to individual members of the public from infrequent exposure to radiation from radiation machines does not exceed 0.5 rem (5 mSv).
 - 2. A licensee or license applicant may apply for prior Division authorization to operate up to an annual dose limit for an individual member of the public of 0.5 rem (5 mSv). The licensee or license applicant shall include the following information in this application:
 - (i) Demonstration of the need for and the expected duration of operations in excess of the limit in (5)(i)1. of this Rule;
 - (ii) The licensee's program to assess and control dose within the 0.5 rem (5 mSv) annual limit; and
 - (iii) The procedure to be followed to maintain the dose as low as is reasonably achievable (ALARA).
 - 3. In addition to the requirements of this Rule, a licensee subject to the provisions of the U.S. Environmental Protection Agency's (EPA) generally applicable environmental radiation standards in 40 CFR Part 190 shall comply with those standards.
 - 4. The Division may impose additional restrictions on radiation levels in unrestricted areas and on the total quantity of radionuclides that a licensee may release in effluents in order to restrict the collective dose.
- (j) Compliance with Dose Limits for Individual Members of the Public.

1. The licensee shall make or cause to be made, as appropriate, surveys of radiation levels in unrestricted areas and radioactive materials in effluents released to unrestricted areas to demonstrate compliance with the dose limits for individual members of the public in (5)(i) of this Rule.
2. A licensee shall show compliance with the annual dose limit in (5)(i) of this Rule by:
 - (i) Demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed operation does not exceed the annual dose limit; or
 - (ii) Demonstrating that:
 - (I) The annual average concentrations of radioactive material released in gaseous and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in Table II of Appendix B of 10 CFR 20.
 - (II) If an individual were continually present in an unrestricted area, the dose from external sources would not exceed 0.002 rem (0.02 mSv) in one hour and 0.05 rem (0.50 mSv) in one year.
3. Upon approval from the Division, the licensee may adjust the effluent concentration values in Appendix B, Table II of 10 CFR 20, for members of the public, to take into account the actual physical and chemical characteristics of the effluents (e.g., aerosol size distribution, solubility, density, radioactive decay equilibrium, and chemical form).

(6) Testing for Leakage or Contamination of Sealed Sources

- (a) The licensee in possession of any sealed source shall assure that:
 1. Each sealed source, other than hydrogen-3, with a half-life greater than 30 days and in any form other than gas, shall be tested for leakage or contamination as follows:
 - (i) Prior to initial use;
 - (ii) Unless otherwise authorized by the Division, at intervals not to exceed six months, except that each source designed for the purpose of emitting alpha particles shall be tested at intervals not to exceed three months;

- (iii) At any other time there is reason to suspect that a sealed source might have been damaged or might be leaking, it shall be tested for leakage before further use; and
 - (iv) In the absence of a certificate from a transferor indicating that a test for leakage has been made within six months prior to the transfer, the sealed source shall not be put into use until tested and the results received.
 - 2. Tests for leakage for all sealed sources, except those manufactured to contain radium, shall be capable of detecting the presence of 0.005 μCi (185 Bq) of radioactive material on a test sample. Test samples shall be taken from the sealed source or from the surfaces of the container in which the sealed source is stored or mounted on which one might expect contamination to accumulate. For sealed sources contained in a device, test samples are obtained when the source is in the "off" position.
 - 3. Tests for leakage for sources manufactured to contain radium shall be capable of detecting an absolute leakage rate of 0.001 μCi (37 Bq) of radon-222 in a 24-hour period when the collection efficiency for radon-222 and its daughters has been determined with respect to collection method, volume, and time.
 - 4. Test samples shall also be taken from the interior surfaces of the container in which sealed sources of radium are stored. This test shall be capable of detecting the presence of 0.005 μCi (185 Bq) of a radium daughter that has a half-life greater than four days.
 - 5. Notwithstanding the periodic test for leakage required, any sealed source is exempt from such tests for leakage when the sealed source contains 100 μCi (3.7 MBq) or less of beta- or gamma-emitting material or ten μCi (370 kBq) or less of alpha-emitting material.
- (b) Tests for leakage or contamination shall be performed by persons specifically authorized by the Director or Division, an Agreement State, or the U.S. Nuclear Regulatory Commission to perform such services.
- (c) The following shall be considered evidence that the sealed source is leaking:
- 1. The presence of 0.005 μCi (185 Bq) or more of removable contamination on any test sample. If the test of a sealed source, other than radium, reveals the presence of 0.005 μCi (185 Bq) or more of removable contamination, the licensee shall immediately withdraw the sealed source from use, take action to prevent the spread of contamination, and cause the sealed source to be

decontaminated and repaired or to be disposed of in accordance with this Rule.

2. Leakage of 0.001 μCi (37 Bq) of radon-222 per 24 hours for sealed sources manufactured to contain radium. If the test of a sealed source manufactured to contain radium reveals the presence of removable contamination resulting from the decay of 0.005 μCi (185 Bq) or more of radium-226, the licensee shall immediately withdraw the sealed source from use, take action to prevent the spread of contamination, and cause the sealed source to be decontaminated and repaired or to be disposed of in accordance with this Rule.

(d) Records of test results for sealed sources shall be made pursuant to (14)(d).

(e) Reports of test results for leaking or contaminated sealed sources shall be made pursuant to (15)(g) of this Rule.

(7) Radiological Requirements for License Termination

(a) General provisions and scope.

1. The requirements in this section apply to the decommissioning of facilities licensed under Rule .02(8)(g), (Licensing of Radioactive Materials. Amended);
2. The requirements in this section do not apply to sites which:
 - (i) Have been decommissioned prior to April 18, 2002 in accordance with requirements identified in .03(7) and Rule .02 of this Chapter; or
 - (ii) Have previously submitted and received Division approval on a decommissioning plan by April 18, 2002.
3. After a site has been decommissioned and the license terminated in accordance with the requirements in this section, the Division will require additional cleanup only if, based on new information, it determines that the requirements of this section were not met and residual radioactivity remaining at the site could result in significant threat to public health and safety.
4. When calculating TEDE to the average member of the critical group the licensee shall determine the peak annual TEDE dose expected within the first 1,000 years after decommissioning.

(b) Radiological requirements for unrestricted use. A site will be considered acceptable for unrestricted use if the residual radioactivity that is distinguishable from background radiation results in a TEDE to an average member of the critical group that does not exceed 25 mrem (0.25 mSv) per year, including that from groundwater sources of drinking water, and the residual radioactivity has been reduced to levels that are as low as reasonably achievable (ALARA). Determination of the levels which are ALARA must take into account consideration of any detriments, such as deaths from transportation accidents, expected to potentially result from decontamination and waste disposal.

(c) Alternate requirements for license termination.

1. The Director may terminate a license using alternate requirements greater than the dose requirements of .03(7)(b) if the licensee:

- (i) Provides assurance that public health and safety would continue to be protected, and that it is unlikely that the dose from all man-made sources combined, other than medical, would be more than the 100 mrem/year (1 mSv/year) limit of .03(5)(i), by submitting an analysis of possible sources of exposure;
- (ii) Reduces doses to ALARA levels, taking into consideration any detriments such as traffic accidents expected to potentially result from decontamination and waste disposal;
- (iii) Has provided sufficient financial assurance in the form of a trust fund to enable an independent third party, including a governmental custodian of a site, to assume and carry out responsibilities for any necessary control and maintenance of the site; and
- (iv) Has submitted a decommissioning plan to the Division indicating the licensee's intent to decommission in accordance with requirements of Rule .02(18)(d), and specifying that the licensee proposes to decommission by use of alternate requirements. The licensee shall document in the decommissioning plan how the advice of individuals and institutions in the community who may be affected by the decommissioning has been sought and addressed, as appropriate, following analysis of that advice. In seeking such advice, the licensee shall provide for:
 - (I) Participation by representatives of a broad cross section of community interests who may be affected by the decommissioning;
 - (II) An opportunity for a comprehensive, collective discussion on the issues by the participants represented; and

(III) A publicly available summary of the results of all such discussions, including a description of the individual viewpoints of the participants on the issues and the extent of agreement and disagreement among the participants on the issues.

2. The use of alternate requirements to terminate a license requires the approval of the Director after consideration of the Division's recommendations that will address any comments provided by the U.S. Environmental Protection Agency (EPA) and any public comments submitted in accordance with (7)(d) of this rule.

(d) Public notification and public participation. Upon the receipt of a decommissioning plan from the licensee, or a proposal by the licensee for release of a site in accordance with (7)(c) of this Rule, or whenever the Division deems such notice to be in the public interest, the Division will:

1. Notify and solicit comments from:

- (i) Local and State governments in the vicinity of the site and any Indian Nation or other indigenous people that have treaty or statutory rights that could be affected by the decommissioning; and
- (ii) The EPA for cases where the licensee proposes to release a site in accordance with (7)(c).

2. Publish a notice in the local newspaper(s), letters to State or local organizations, or other appropriate forum, that is readily accessible to individuals in the vicinity of the site, and solicit comments from affected parties.

(e) Minimization of contamination.

- 1. Applicants for licenses, other than renewals, after April 18, 2002, shall describe in the application how facility design and procedures for operation will minimize, to the extent practical, contamination of the facility and the environment, facilitate eventual decommissioning, and minimize, to the extent practical, the generation of radioactive waste.
- 2. Licensees shall, to the extent practical, conduct operations to minimize the introduction of residual radioactivity into the site, including the subsurface, in accordance with the existing radiation protection requirements in .03(4) and radiological criteria for license termination in .03(7) of this Rule.

(8) Surveys and Monitoring

(a) General.

1. Each licensee shall make, or cause to be made, surveys of areas, including the subsurface, that:
 - (i) May be necessary for the licensee to demonstrate compliance with this Rule; and
 - (ii) Are reasonable under the circumstances to evaluate:
 - (I) The magnitude and extent of radiation levels;
 - (II) Concentrations or quantities of residual radioactivity; and
 - (III) The potential radiological hazards of the radiation levels and residual radioactivity detected.
2. Notwithstanding .03(14)(c)1, records from surveys describing the location and amount of subsurface residual radioactivity identified at the site must be kept with records important for decommissioning, and such records must be retained in accordance with .02(8)(g)8, as applicable.
3. The licensee shall ensure that instruments and equipment used for quantitative radiation measurements (e.g., dose rate and effluent monitoring) are calibrated periodically, at least annually, for the radiation measured except when a more frequent interval is specified in other applicable parts of these Rules or a license condition.
4. All personnel dosimeters, except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to any extremity, that require processing to determine the radiation dose and that are used by licensees to comply with (5)(a) of this Rule, with other applicable provisions of this Chapter, or with conditions specified in a license shall be processed and evaluated by a qualified dosimetry processor. A dosimetry processor is qualified if it:
 - (i) Holds current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and
 - (ii) Is approved in this accreditation process for the type of radiation or radiations included in the NVLAP program that most closely approximates the type of radiation or radiations for which the individual wearing the dosimeter is monitored.

5. The licensee shall ensure that adequate precautions are taken to prevent a deceptive exposure of an individual monitoring device.
- (b) Conditions Requiring Individual Monitoring of External and Internal Occupational Dose. Each licensee shall monitor exposures to sources of radiation and radioactive material at levels sufficient to demonstrate compliance with the occupational dose limits of this Rule. As a minimum:
1. Each licensee shall monitor occupational exposure to radiation and shall supply and require the use of individual monitoring devices by:
 - (i) Adults likely to receive, in one year from sources external to the body, a dose in excess of ten percent of the limits in (5)(a)1. of this Rule;
 - (ii) Minors likely to receive, in one year from radiation sources external to the body, a deep dose equivalent in excess of 0.1 rem (1mSv), a lens dose equivalent in excess of 0.15 rem (1.5 mSv), or a shallow dose equivalent to the skin or to extremities in excess of 0.5 rem (5mSv);
 - (iii) Declared pregnant women likely to receive during the entire pregnancy, from radiation sources external to the body, a deep dose equivalent in excess of 0.1 rem (1 mSv);³ and
 - (iv) Individuals entering a high or very high radiation area.
 2. Each licensee shall monitor, to determine compliance with (5)(d) of this Rule, the occupational intake of radioactive material by, and assess the committed effective dose equivalent to:
 - (i) Adults likely to receive, in one year, an intake in excess of ten percent (10%) of the applicable ALI in Table I, Columns 1 and 2, of Appendix B of 10 CFR 20; and
 - (ii) Minors likely to receive, in one year, a committed effective dose equivalent in excess of 0.05 rem (0.50 mSv).
 - (iii) Declared pregnant women likely to receive, during the entire pregnancy, a committed effective dose equivalent in excess of 0.1 rem (1 mSv).

(9) Control Of Exposure From External Sources In Restricted Areas

- (a) Control of Access to High Radiation Areas.

1. The licensee shall ensure that each entrance or access point to a high radiation area has one or more of the following features:
 - (i) A control device that, upon entry into the area, causes the level of radiation to be reduced below that level at which an individual might receive a deep dose equivalent of 0.1 rem (1 mSv) in one hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates;
 - (ii) A control device that energizes a conspicuous visible or audible alarm signal so that the individual entering the high radiation area and the supervisor of the activity are made aware of the entry; or
 - (iii) Entryways that are locked, except during periods when access to the areas is required, with positive control over each individual entry.
2. In place of the controls required by (9)(a)1. of this Rule, the licensee may substitute continuous direct or electronic surveillance that is capable of preventing unauthorized entry.
3. The licensee may apply to the Division for approval of alternative methods for controlling access to high radiation areas.
4. The licensee shall establish the controls required by (9)(a)1. and (9)(a)3. of this Rule in a way that does not prevent individuals from leaving a high radiation area.
5. The licensee is not required to control each entrance or access point to a room or other area that is a high radiation area solely because of the presence of radioactive materials prepared for transport and packaged and labeled in accordance with the regulations of the U.S. Department of Transportation provided that:
 - (i) The packages do not remain in the area longer than three days; and
 - (ii) The dose rate at one meter from the external surface of any package does not exceed 0.01 rem (0.1 mSv) per hour.
6. The licensee is not required to control entrance or access to rooms or other areas in hospitals solely because of the presence of patients containing radioactive material, provided that there are personnel in attendance who will take the necessary precautions to prevent the exposure of individuals to radiation or radioactive material in excess of the established limits in this Rule and to ensure operation within the ALARA provisions of the licensee's Radiation Protection Program.

7. The licensee is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a high radiation area if the licensee has met all the specific requirements for access and control specified in other applicable Rules, such as [391-3-17-.04](#) for industrial radiography.

(b) Control of Access to Very High Radiation Areas.

1. In addition to the requirements in (9)(a) of this Rule, the licensee shall institute additional measures to ensure that an individual is not able to gain unauthorized or inadvertent access to areas in which radiation levels could be encountered at 500 rads (5 Gy) or more in one hour at one meter from a source of radiation or any surface through which the radiation penetrates. This requirement does not apply to rooms or areas in which diagnostic x-ray systems are the only source of radiation, or to non-self-shielded irradiators.
2. The licensee is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a very high radiation area as defined in this Rule if the licensee has met all the specific requirements for access and control specified in other applicable Rules, such as [391-3-17-.04](#) for industrial radiography.

(10) **Respiratory Protection and Controls to Restrict Internal Exposure in Restricted Areas**

- (a) Use of Process or Other Engineering Controls. The licensee shall use, to the extent practicable, process or other engineering controls (e.g., containment, decontamination, or ventilation) to control the concentrations of radioactive material in air.
- (b) Use of Other Controls. When it is not practical to apply process or other engineering controls to control the concentrations of radioactive material in air to values below those that define an airborne radioactivity area, the licensee shall, consistent with maintaining the total effective dose equivalent ALARA, increase monitoring and limit intakes by one or more of the following means:
 1. Control of access;
 2. Limitation of exposure times;
 3. Use of respiratory protection equipment; or
 4. Other controls.

- (c) If the licensee performs an ALARA analysis to determine whether or not respirators should be used, the licensee may consider safety factors other than radiological factors. The licensee should also consider the impact of respirator use on workers' industrial health and safety.
- (d) Use of Individual Respiratory Protection Equipment.
 - 1. If the licensee uses respiratory protection equipment to limit intakes pursuant to (10)(b) of this Rule:
 - (i) Except as provided in (10)(d)1.(ii) of this Rule, the licensee shall use only respiratory protection equipment that is tested and certified by or had certification extended by the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration (NIOSH/MSHA).
 - (ii) The licensee may use equipment that has not been tested or certified by the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration or had certification extended by NIOSH/MSHA or for which there is no schedule for testing or certification, provided the licensee has submitted to the Division and the Division has approved an application for authorized use of that equipment, including a demonstration by testing, or a demonstration on the basis of reliable test information, that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use.
 - (iii) The licensee shall implement and maintain a respiratory protection program that includes:
 - (I) Air sampling sufficient to identify the potential hazard, permit proper equipment selection, and estimate exposures;
 - (II) Surveys and bioassays, as appropriate, to evaluate actual intakes;
 - (III) Testing of respirators for operability (user seal check for face sealing devices and functional check for others) immediately prior to each use;
 - (IV) Written procedures regarding: respirator selection; fit testing; breathing air quality; inventory control; storage, issuance, maintenance, repair, and quality assurance of respiratory protection equipment, including testing for operability immediately prior to each use; supervision and

training of personnel; monitoring, including air sampling and bioassays; and record-keeping; and

- (V) Determination by a physician prior to initial fitting of face sealing respirators; before the first use of non-face sealing respirators; and either every 12 months thereafter or periodically at a frequency determined by a physician, that the individual user is medically fit to use the respiratory protection equipment.
 - (VI) Fit testing, with fit factor " ten times the APF for negative pressure devices", and a fit factor " 500 for any positive pressure, continuous flow, and pressure-demand devices", before the first field use of tight fitting, face-sealing respirators and periodically thereafter at a frequency not to exceed one year. Fit testing must be performed with the facepiece operating in the negative pressure mode.
- (iv) The licensee shall advise each respirator user that the user may leave the area at any time for relief from respirator use in the event of equipment malfunction, physical or psychological distress, procedural or communication failure, significant deterioration of operating conditions, or any other conditions that might require such relief.
 - (v) The licensee shall also consider limitations appropriate to the type and mode of use. When selecting respiratory devices the licensee shall provide for vision correction, adequate communication, low temperature work environments, and the concurrent use of other safety or radiological protection equipment. The licensee shall use equipment in such a way as not to interfere with the proper operation of the respirator.
 - (vi) Standby rescue persons are required whenever one-piece atmosphere-supplying suits, or any combination of supplied air respiratory protection device and personnel protective equipment are used from which an unaided individual would have difficulty extricating himself. The standby persons must be equipped with respiratory protection devices or other apparatus appropriate for the potential hazards. The standby rescue persons shall observe or otherwise maintain continuous communication with the workers (visual, voice, signal line, telephone, radio, or other suitable means), and be immediately available to assist them in case of a

failure of the air supply or for any other reason that requires relief from distress. A sufficient number of standby rescue persons must be immediately available to assist all users of this type of equipment and to provide effective emergency rescue if needed.

- (vii) Atmosphere-supplying respirators must be supplied with respirable air of grade D quality or better as defined by the Compressed Gas Association in publication G-7.1, "Commodity Specification for Air," 1997 and included in the regulations of the Occupational Safety and Health Administration ([29 CFR 1910.134\(i\)\(1\)\(ii\)\(A\) through \(E\)](#)). Grade D quality air criteria include:

- (I) Oxygen content (v/v) of 19.5-23.5 %;
- (II) Hydrocarbon (condensed) content of five (5) milligrams per cubic meter of air or less;
- (III) Carbon monoxide (CO) content of ten (10) ppm or less;
- (IV) Carbon dioxide content of 1,000 ppm or less; and
- (V) Lack of noticeable odor.

- (viii) The licensee shall ensure that no objects, materials or substances, such as facial hair, or any conditions that interfere with the face to facepiece seal or valve function, and that are under the control of the respirator wearer, are present between the skin of the wearer's face and the sealing surface of a tight-fitting respirator facepiece.

- (ix) In estimating the dose to individuals from intake of airborne radioactive materials, the concentration of radioactive material in the air that is inhaled when respirators are worn is initially assumed to be the ambient concentration in air without respiratory protection, divided by the assigned protection factor. If the dose is later found to be greater than the estimated dose, the corrected value must be used. If the dose is later found to be less than the estimated dose, the corrected value may be used.

- (e) Further Restrictions on the Use of Respiratory Protection Equipment. The Division may impose restrictions in addition to those in (10)(b) and (10)(c) of this Rule and Appendix A to 10 CFR 20, in order to:

1. Ensure that the respiratory protection program of the licensee is adequate to limit doses to individuals from intakes of airborne radioactive materials consistent with maintaining total effective dose equivalent ALARA; and
 2. Limit the extent to which a licensee may use respiratory protection equipment instead of process or other engineering controls.
- (f) Application for use of higher assigned protection factors. The licensee shall obtain authorization from the Division before using assigned protection factors in excess of those specified in Appendix A to 10 CFR Part 20. The Division may authorize a licensee to use higher assigned protection factors on receipt of an application that:
1. Describes the situation for which a need exists for higher protection factors; and
 2. Demonstrates that the respiratory protection equipment provides these higher protection factors under the proposed conditions of use.

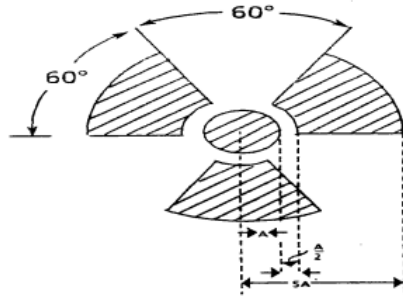
(11) Storage and Control of Licensed Material

- (a) Security and Control of Licensed Radioactive Material. The licensee shall secure licensed materials from unauthorized removal or access.
- (b) Control of material sources of radiation not in storage. The licensee shall maintain constant surveillance and use devices or administrative procedures to prevent unauthorized use of licensed radioactive material that is in an unrestricted area and that is not in storage or in a patient.

(12) Precautionary Procedures

- (a) Caution Signs.
 1. Standard Radiation Symbol. Unless otherwise authorized by the Division, the symbol prescribed by (12)(a) of this Rule uses the colors magenta (or purple or black) on yellow background. The symbol prescribed is the three-bladed design as follows:
 - (i) Cross-hatched area is to be magenta, purple, or black; and
 - (ii) The background is to be yellow.
 2. Exception to Color Requirements for Standard Radiation Symbol. Notwithstanding the requirements of (12)(a)1. of this Rule, licensees are authorized to label sources, source holders, or device components containing sources of radiation that are subjected to high temperatures with

conspicuously etched or stamped radiation caution symbols without a color requirement.



3. In addition to the contents of signs and labels prescribed in this Rule, the licensee shall provide, on or near the required signs and labels, additional information, as appropriate, to make individuals aware of potential radiation exposures and to minimize the exposures.

(b) Posting Requirements.

1. Posting of Radiation Areas. The licensee shall post each radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIATION AREA."
2. Posting of High Radiation Areas. The licensee shall post each high radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, HIGH RADIATION AREA" or "DANGER, HIGH RADIATION AREA." The licensee may satisfy this requirement by posting the sign at the boundary of the high radiation area.
3. Posting of Very High Radiation Areas. The licensee shall post each very high radiation area with a conspicuous sign or signs bearing the radiation symbol and words "GRAVE DANGER, VERY HIGH RADIATION AREA."
4. Posting of Airborne Radioactivity Areas. The licensee shall post each airborne radioactivity area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, AIRBORNE RADIOACTIVITY AREA" or "DANGER, AIRBORNE RADIOACTIVITY AREA."
5. Posting of Areas or Rooms in which Licensed Material is Used or Stored. The licensee shall post each area or room in which there is used or stored an amount of licensed material exceeding ten times the quantity of such material specified in Appendix C of 10 CFR Part 20 with a conspicuous

sign or signs bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL(S)" or "DANGER, RADIOACTIVE MATERIAL(S)".

(c) Exceptions to Posting Requirements.

1. A licensee is not required to post caution signs in areas or rooms containing sources of radiation for periods of less than eight hours, if all of the following conditions are met:
 - (i) The sources of radiation are constantly attended during these periods by an individual who takes the precautions necessary to prevent the exposure of individuals to sources of radiation in excess of the limits established in this Rule; and
 - (ii) The area or room is subject to the licensee's control.
2. Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs pursuant to (12)(b) of this Rule provided that the patient could be released from licensee control pursuant to Rule [391-3-17-.05](#).
3. A room or area is not required to be posted with a caution sign pursuant to (12)(b) of this Rule because of the presence of a sealed source provided that the radiation level at 30 centimeters from the surface of the source container or housing does not exceed 0.005 rem (0.05 mSv) per hour.

(d) Labeling Containers and Radiation Machines.

1. The licensee shall ensure that each container of licensed material bears a durable, clearly visible label bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL." The label shall also provide information such as the radionuclides present, an estimate of the quantity of radioactivity, the date for which the activity is estimated, radiation levels, kinds of materials, and mass enrichment, to permit individuals handling or using the containers, or working in the vicinity of the containers, to take precautions to avoid or minimize exposures.
2. Each licensee shall, prior to removal or disposal of empty uncontaminated containers to unrestricted areas, remove or deface the radioactive material label or otherwise clearly indicate that the container no longer contains radioactive materials.

(e) Exemptions to Labeling Requirements. A licensee is not required to label:

1. Containers holding licensed material in quantities less than the quantities listed in Appendix C of 10 CFR 20;
2. Containers holding licensed material in concentrations less than those specified in Table III of Appendix B of 10 CFR 20;
3. Containers attended by an individual who takes the precautions necessary to prevent the exposure of individuals in excess of the limits established by this Rule;
4. Containers when they are in transport and packaged and labeled in accordance with the regulations of the U.S. Department of Transportation⁴;
5. Containers that are accessible only to individuals authorized to handle or use them or to work in the vicinity of the containers, if the contents are identified to these individuals by a readily available written record. Examples of containers of this type are containers in locations such as water-filled canals, storage vaults, or hot cells. The record shall be retained as long as the containers are in use for the purpose indicated on the record; or
6. Installed manufacturing or process equipment, such as chemical process equipment, piping, and tanks.

(f) Procedures for Receiving and Opening Packages.

1. Each licensee who is authorized to receive a package containing quantities of radioactive material in excess of a Type A quantity, as defined in Rule [391-3-17-.06\(3\)](#), shall make arrangements to receive:
 - (i) The package when the carrier offers it for delivery; or
 - (ii) The notification of the arrival of the package at the carrier's terminal and to take possession of the package expeditiously.
2. Each licensee shall:
 - (i) Monitor the external surfaces of a labeled⁵ package for radioactive contamination unless the package contains only radioactive material in the form of gas or in "special form" as defined in Rule [391-3-17-.01\(2\)](#);
 - (ii) Monitor the external surfaces of a labeled package for radiation levels unless the package contains quantities of radioactive material that are less than or equal to the Type A quantity, as defined in Rule

[391-3-17-.06\(3\)](#), and the radioactive material is in the form of a gas or in special form as defined in Rule [391-3-17-.01\(2\)](#); and

- (iii) Monitor all packages known to contain radioactive material for radioactive contamination and radiation levels if the package has evidence of potential contamination, such as packages that are crushed, wet, or damaged.
3. The licensee shall perform the monitoring required by (12)(f)2. of this Rule as soon as practicable after receipt of the package, but not later than three hours after the package is received at the licensee's facility if it is received during the licensee's normal working hours, or not later than three hours from the beginning of the next working day if it is received after working hours.
 4. The licensee shall immediately notify the final delivery carrier and the Division by telephone, telegram, mailgram, or facsimile, when:
 - (i) Removable radioactive surface contamination exceeds the limits of Rule [391-3-17-.06\(16\)\(i\)](#); or
 - (ii) External radiation levels exceed the limits of Rule [391-3-17-.06\(16\)\(j\)](#).
 5. Each licensee shall:
 - (i) Establish, maintain, and retain written procedures for safely opening packages in which radioactive material is received; and
 - (ii) Ensure that the procedures are followed and that special instructions for the type of package being opened are followed.
 6. Licensees transferring special form sources in vehicles owned or operated by the licensee to and from a work site are exempt from the contamination monitoring requirements of (12)(f)2. of this Rule, but are not exempt from the monitoring requirement in (12)(f)2. of this Rule for measuring radiation levels to ensure that the source is still properly lodged in its shield.

(13) Waste Disposal

(a) General Requirements.

1. A licensee shall dispose of licensed material only:

- (i) By transfer to an authorized recipient as provided in (13)(i) of this Rule and in Rule [391-3-17-.02\(19\)](#), or to the U.S. Department of Energy;
 - (ii) By decay in storage;
 - (iii) By release in effluents within the limits in (5)(i) of this Rule; or
 - (iv) As authorized pursuant to (13)(b), (13)(c), (13)(d), (13)(e), or (13)(k) of this Rule.
- 2. A person shall be specifically licensed by the Director, the U.S. Nuclear Regulatory Commission or an Agreement State to receive waste containing licensed material from other persons for:
 - (i) Treatment prior to disposal;
 - (ii) Treatment or disposal by incineration;
 - (iii) Decay in storage;
 - (iv) Disposal at a land disposal facility licensed pursuant to 10 CFR Part 61, or equivalent regulations of an Agreement State; or
 - (v) Storage until transferred to a disposal facility authorized to receive the waste.
- (b) Method for Obtaining Approval of Proposed Disposal Procedures. A licensee or applicant for a license may apply to the Division for approval of proposed procedures not otherwise authorized in this Chapter to dispose of licensed material generated in the licensee's operations. Each application shall include:
 - 1. A description of the waste containing licensed material to be disposed of, including the physical and chemical properties that have an impact on risk evaluation, and the proposed manner and conditions of waste disposal;
 - 2. An analysis and evaluation of pertinent information on the nature of the environment;
 - 3. The nature and location of other potentially affected facilities; and
 - 4. Analyses and procedures to ensure that doses are maintained ALARA and within the dose limits in this Rule.
- (c) Disposal by Release into Sanitary Sewerage.

1. A licensee may discharge licensed material into sanitary sewerage if each of the following conditions is satisfied:
 - (i) The material is readily soluble, or is readily dispersible biological material, in water;
 - (ii) The quantity of licensed radioactive material that the licensee releases into the sewer in one month divided by the average monthly volume of water released into the sewer by the licensee does not exceed the concentration listed in Table III of Appendix B of 10 CFR 20;
 - (iii) If more than one radionuclide is released, the following conditions must also be satisfied:
 - (I) The licensee shall determine the fraction of the limit in Table III of Appendix B of 10 CFR 20, represented by discharges into sanitary sewerage by dividing the actual monthly average concentration of each radionuclide released by the licensee into the sewer by the concentration of that radionuclide listed in Table III of Appendix B of 10 CFR 20; and
 - (II) The sum of the fractions for each radionuclide required by (13)(c)1.(iii)(I) of this Rule does not exceed unity; and
 - (iv) The total quantity of licensed radioactive material that the licensee releases into the sanitary sewerage system in a year does not exceed five Ci (185 GBq) of hydrogen-3, one Ci (37 GBq) of carbon-14, and one Ci (37 GBq) of all other radioactive materials combined.
 2. Excreta from individuals undergoing medical diagnosis or therapy with radioactive material are not subject to the limitations contained in (13)(c)1. of this Rule.
- (d) Treatment or Disposal by Incineration. A licensee may treat or dispose of licensed material by incineration only in the forms and concentrations specified in (13)(e) of this Rule or as specifically approved by the Division pursuant to (13)(b) of this Rule.
- (e) Disposal of Specific Wastes.
1. A licensee may dispose of the following licensed material as if it were not radioactive:

- (i) 0.05 μCi (1.85 kBq) or less of hydrogen-3, carbon-14, or iodine-125 per gram of medium used for liquid scintillation counting; and
 - (ii) 0.05 μCi (1.85 kBq) or less of hydrogen-3, carbon-14, or iodine-125 per gram of animal tissue, averaged over the weight of the entire animal.
 - 2. A licensee shall not dispose of tissue under (13)(e)1.(ii) of this Rule in a manner that would permit its use either as food for humans or as animal feed.
 - 3. The licensee shall maintain records in accordance with (14)(i) of this Rule.
- (f) Classification of Radioactive Waste for Near-Surface Disposal.
- 1. Considerations. Determination of the classification of radioactive waste involves two considerations. First, consideration must be given to the concentration of long-lived radionuclides (and their shorter-lived precursors) whose potential hazard will persist long after such precautions as institutional controls, improved waste form, and deeper disposal have ceased to be effective. These precautions delay the time when long-lived radionuclides could cause exposures. In addition, the magnitude of the potential dose is limited by the concentration and availability of the radionuclide at the time of exposure. Second, consideration must be given to the concentration of shorter-lived radionuclides for which requirements on institutional controls, waste form, and disposal methods are effective.
 - 2. Classes of waste.
 - (i) Class A waste is waste that is usually segregated from other waste classes at the disposal site. The physical form and characteristics of Class A waste must meet the minimum requirements set forth in (13)(g)1. of this Rule. If Class A waste also meets the stability requirements set forth in (13)(g)2. of this Rule, it is not necessary to segregate the waste for disposal.
 - (ii) Class B waste is waste that must meet more rigorous requirements on waste form to ensure stability after disposal. The physical form and characteristics of Class B waste must meet both the minimum and stability requirements set forth in (13)(g) of this Rule.
 - (iii) Class C waste is waste that not only must meet more rigorous requirements on waste form to ensure stability but also requires additional measures at the disposal facility to protect against

inadvertent intrusion. The physical form and characteristics of Class C waste must meet both the minimum and stability requirements set forth in (13)(g) of this Rule.

3. Classification determined by long-lived radionuclides. If the waste contains only radionuclides listed in Table 1, classification shall be determined as follows:
- (i) If the concentration does not exceed 0.1 times the value in Table 1, the waste is Class A.
 - (ii) If the concentration exceeds 0.1 times the value in Table 1, the waste is Class C.
 - (iii) If the concentration exceeds the value in Table 1, the waste is not generally acceptable for near-surface disposal.
 - (iv) For wastes containing mixtures of radionuclides listed in Table 1, the total concentration shall be determined by the sum of fractions rule described in (13)(f)7. of this Rule.

Table 1

Radionuclide	Concentration (Curies/cubic meter)
C-14	8
C-14 in activated metal	80
Ni-59 in activated metal	220
Nb-94 in activated metal	0.2
Tc-99	3
I-129	0.08
Alpha-emitting transuranic radionuclides with half-life greater than five years	100 ^(a)
Pu-241	3,500 ^(a)
Cm-242	20,000 ^(a)
Ra-226	100 ^(a)

^(a) Units are in nanocuries per gram.

4. Classification determined by short-lived radionuclides. If the waste does not contain any of the radionuclides listed in Table 1, classification shall be determined based on the concentrations shown in Table 2. If a nuclide is not listed in Table 2, it does not need to be considered in determining the waste class.
 - (i) If the concentration does not exceed the value in Column 1, the waste is Class A.
 - (ii) If the concentration exceeds the value in Column 1, but does not exceed the value in Column 2, the waste is Class B.
 - (iii) If the concentration exceeds the value in Column 2, but does not exceed the value in Column 3, the waste is Class C.
 - (iv) If the concentration exceeds the value in Column 3, the waste is not generally acceptable for near-surface disposal.
 - (v) For wastes containing mixtures of the radionuclides listed in Table 2, the total concentration shall be determined by the sum of fractions rule described in (13)(f)7. of this Rule.

Table 2

Radionuclide	Concentration (Curies/ cubic meter)		
	Column 1	Column 2	Column 3
Total of all radionuclides with less than five year half-life	700	(b)	(b)
H-3	40	(b)	(b)
Co-60	700	(b)	(b)
Ni-63	3.5	70	700
Ni-63 in activated metal	35	700	7000
Sr-90	0.04	150	7000
Cs-137	1	44	4600

(b) There are no limits established for these radionuclides in Class B or C wastes. Practical considerations such as the effects of external radiation and internal heat generation on transportation, handling, and disposal will limit the concentrations for these wastes. These wastes shall be Class B unless the concentrations of other

radionuclides in Table 2 determine the waste to be Class C independent of these radionuclides.

5. Classification determined by both long- and short-lived radionuclides. If the waste contains a mixture of radionuclides, some of which are listed in Table 1 and some of which are listed in Table 2, classification shall be determined as follows:
 - (i) If the concentration of a radionuclide listed in Table 1 is less than 0.1 times the value listed in Table 1, the class shall be that determined by the concentration of radionuclides listed in Table 2.
 - (ii) If the concentration of a radionuclide listed in Table 1 exceeds 0.1 times the value listed in Table 1, the waste shall be Class C, provided the concentration of radionuclides listed in Table 2 does not exceed the value shown in Column 3 of Table 2.
6. Classification of wastes with radionuclides other than those listed in Tables 1 and 2. If the waste does not contain any radionuclides listed in either Table 1 or 2, it is Class A.
7. The sum of the fractions rule for mixtures of radionuclides. For determining classification for waste that contains a mixture of radionuclides, it is necessary to determine the sum of fractions by dividing each radionuclide's concentration by the appropriate limit and adding the resulting values. The appropriate limits must all be taken from the same column of the same table. The sum of the fractions for the column must be less than 1.0 if the waste class is to be determined by that column.
Example: A waste contains Sr-90 in a concentration of 50 Ci/m³ and Cs-137 in a concentration of 22 Ci/m³. Since the concentrations both exceed the values in Column 1, Table 2, they must be compared to Column 2 values. For Sr-90 fraction, $50/150 = 0.33$; for Cs-137 fraction, $22/44 = 0.5$; the sum of the fractions = 0.83. Since the sum is less than 1.0, the waste is Class B.
8. Determination of concentrations in wastes. The concentration of a radionuclide may be determined by indirect methods such as the use of scaling factors, which relate the inferred concentration of one radionuclide to another that is measured, or radionuclide material accountability, if there is reasonable assurance that the indirect methods can be correlated with actual measurements. The concentration of a radionuclide may be averaged over the volume of the waste or weight of the waste if the units are expressed as nanocuries per gram.

(g) Radioactive Waste Characteristics.

1. The following are minimum requirements for all classes of waste and are intended to facilitate handling and provide protection of health and safety of personnel at the disposal site:
 - (i) Wastes shall be packaged in conformance with the conditions of the license issued to the site operator to which the waste will be shipped. Where the conditions of the site license are more restrictive than the provisions of this Chapter, the site license conditions shall govern.
 - (ii) Wastes shall not be packaged for disposal in cardboard or fiberboard boxes.
 - (iii) Liquid waste shall be packaged in sufficient absorbent material to absorb twice the volume of the liquid.
 - (iv) Solid wastes containing liquid shall contain as little free-standing and non-corrosive liquid as is reasonably achievable, but in no case shall the liquid exceed one percent of the volume.
 - (v) Wastes shall not be readily capable of detonation or of explosive decomposition or reaction at normal pressures and temperatures or of explosive reaction with water.
 - (vi) Wastes shall not contain, or be capable of generating, quantities of toxic gases, vapors, or fumes harmful to persons transporting, handling, or disposing of the waste. This does not apply to radioactive gaseous wastes packaged in accordance with (13)(g)1.(viii) of this Rule.
 - (vii) Pyrophoric materials contained in wastes shall be treated, prepared, and packaged to be nonflammable.
 - (viii) Wastes in a gaseous form shall be packaged at an absolute pressure that does not exceed 1.5 atmospheres at 20 degrees Celsius. Total activity shall not exceed 100 Curies (3.7 TBq) per container.
 - (ix) Wastes containing hazardous, biological, pathogenic, or infectious material shall be treated to reduce to the maximum extent practicable the potential hazard from the non-radiological materials.

2. The following requirements are intended to provide stability of the waste. Stability is intended to ensure that the waste does not degrade and affect overall stability of the site through slumping, collapse, or other failure of the disposal unit and thereby lead to water infiltration. Stability is also a factor in limiting exposure to an inadvertent intruder, since it provides a recognizable and nondispersible waste.
 - (i) Waste shall have structural stability. A structurally stable waste form will generally maintain its physical dimensions and its form under the expected disposal conditions such as the weight of overburden and compaction equipment, the presence of moisture and microbial activity, and internal factors such as radiation effects and chemical changes. Structural stability can be provided by the waste form itself, processing the waste to a stable form, or placing the waste in a disposal container or structure that provides stability after disposal.
 - (ii) Notwithstanding the provisions in (13)(g)1.(iii) and (iv) of this Rule, liquid wastes, or wastes containing liquid, shall be converted into a form that contains as little freestanding and noncorrosive liquid as is reasonably achievable, but in no case shall the liquid exceed one percent of the volume of the waste when the waste is in a disposal container designed to ensure stability, or 0.5 percent of the volume of the waste for waste processed to a stable form.
 - (iii) Void spaces within the waste and between the waste and its package shall be reduced to the extent practicable.
- (h) Labeling. Each package of waste shall be clearly labeled to identify whether it is Class A, Class B, or Class C waste in accordance with (13)(f) of this Rule.
- (i) Transfer for Disposal and Manifest.
 1. A waste generator, collector, or processor who transports, or offers for transportation, low-level radioactive waste intended for ultimate disposal at a licensed low-level radioactive waste land disposal facility must prepare a Manifest reflecting information requested on applicable NRC Forms 540 or equivalent forms (Uniform Low-Level Radioactive Waste Manifest (Shipping Paper)) and 541 (Uniform Low-Level Radioactive Waste Manifest (Container and Waste Description)) and if necessary, on an applicable NRC Form 542 or equivalent form (Uniform Low-Level Radioactive Waste Manifest (Manifest Index and Regional Compact Tabulation)). NRC Forms 540 and 540A or equivalent forms must be completed and must physically accompany the pertinent low-level radioactive waste shipment. Upon agreement between shipper and

consignee, NRC Forms 541 and 541A and 542 and 542A or equivalent forms may be completed, transmitted, and stored in electronic media with the capability for producing legible, accurate, and complete records on the respective forms. Licensees are not required by the Division to comply with the manifesting requirements of this Chapter when they ship:

- (i) LLW for processing and expect its return (i.e., for storage under their license) prior to disposal at a licensed land disposal facility;
- (ii) LLW that is being returned to the licensee who is the "waste generator" or "generator," as defined in this Rule; or
- (iii) Radioactively contaminated material to a "waste processor" that becomes the processor's residual waste.

For guidance in completing these forms, refer to the instructions that accompany the forms. Copies of manifests required by this Rule may be legible carbon copies, photocopies, or computer printouts that reproduce the data in the format of the uniform manifest. NRC Forms 541 and 541A and 542 and 542A or equivalent forms and the accompanying instructions, in hard copy, may be obtained from Radioactive Materials Program, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354, or current address.

This Rule includes information requirements of the Department of Transportation, as codified in 49 CFR Part 172. Information on hazardous, medical, or other waste, required to meet EPA regulations, as codified in 40 CFR Parts 259, 261 or elsewhere, is not addressed in this Rule, and must be provided on the required EPA forms. However, the required EPA forms must accompany the Uniform Low-Level Radioactive Waste Manifest required by this Rule.

2. General Information. The shipper of the low-level radioactive waste shall provide the following information on the uniform manifest:
 - (i) The name, facility address, and telephone number of the licensee shipping the waste;
 - (ii) An explicit declaration indicating whether the shipper is acting as a waste generator, collector, processor, or a combination of these identifiers for purposes of the manifested shipment; and

- (iii) The name, address, and telephone number, or the name and EPA identification number for the carrier transporting the waste.
3. Shipment Information. The shipper of the radioactive waste shall provide the following information regarding the waste shipment on the uniform manifest:
- (i) The date of the waste shipment;
 - (ii) The total number of packages/disposal containers;
 - (iii) The total disposal volume and disposal weight in the shipment;
 - (iv) The total radionuclide activity in the shipment;
 - (v) The activity of each of the radionuclides H-3, C-14, Tc-99, and I-129 contained in the shipment; and
 - (vi) The total masses of U-233, U-235, and plutonium in the form of special nuclear material, and the total mass of uranium and thorium in the form of source material.
4. Disposal Container and Waste Information. The shipper of the radioactive waste shall provide the following information on the uniform manifest regarding the waste and each disposal container of waste in the shipment:
- (i) An alphabetic or numeric identification that uniquely identifies each disposal container in the shipment;
 - (ii) A physical description of the disposal container, including the manufacturer and model of any high integrity container;
 - (iii) The volume displaced by the disposal container;
 - (iv) The gross weight of the disposal container, including the waste;
 - (v) For waste consigned to a disposal facility, the maximum radiation level at the surface of each disposal container;
 - (vi) A physical and chemical description of the waste;
 - (vii) The total weight percentage of chelating agent for any waste containing more than 0.1 percent chelating agent by weight, plus the identity of the principal chelating agent;

- (viii) The approximate volume of waste within a container;
 - (ix) The sorbing or solidification media, if any, and the identity of the solidification media vendor and brand name;
 - (x) The identities and activities of individual radionuclides contained in each container, the masses of U-233, U-235, and plutonium in the form of special nuclear material, and the masses of uranium and thorium in the form of source material. For discrete waste types (i.e., activated materials, contaminated equipment, mechanical filters, sealed source/devices, and wastes in solidification/stabilization media), the identities and activities of individual radionuclides associated with a disposal container shall be reported;
 - (xi) The total radioactivity within each container; and
 - (xii) For wastes consigned to a disposal facility, the classification of the waste pursuant to (13)(f). Waste not meeting the structural stability requirements of (13)(g)2. must be identified.
5. Uncontainerized Waste Information. The shipper of the radioactive waste shall provide the following information on the uniform manifest regarding a waste shipment delivered without a disposal container:
- (i) The approximate volume and weight of the waste;
 - (ii) A physical and chemical description of the waste;
 - (iii) The total weight percentage of chelating agent if the chelating agent exceeds 0.1 percent by weight, plus the identity of the principal chelating agent;
 - (iv) For waste consigned to a disposal facility, the classification of the waste pursuant to (13)(f) of this Rule. Waste not meeting the structural stability requirements of (13)(g)2. of this Rule must be identified;
 - (v) The identities and activities of individual radionuclides contained in the waste, the masses of U-233, U-235, and plutonium in the form of special nuclear material, and the masses of uranium and thorium in the form of source material; and

- (vi) For wastes consigned to a disposal facility, the maximum radiation levels at the surface of the waste.

6. Multi-Generator Disposal Container Information. This section applies to disposal containers enclosing mixtures of waste originating from different generators. (Note: The origin of the LLW resulting from a processor's activities may be attributable to one or more "generators" (including "waste generators") as defined in this Chapter). It also applies to mixtures of wastes shipped in an uncontainerized form, for which portions of the mixture within the shipment originate from different generators.

- (i) For homogeneous mixtures of waste, such as incinerator ash, provide the waste description applicable to the mixture and the volume of the waste attributed to each generator.

- (ii) For heterogeneous mixtures of waste, such as the combined products from a large compactor, identify each generator contributing waste to the disposal container, and, for discrete waste types (i.e., activated materials, contaminated equipment, mechanical filters, sealed source/devices, and wastes in solidification/stabilization media), the identities and activities of individual radionuclides contained on these waste types within the disposal container. For each generator, provide the following:

- (I) The volume of waste within the disposal container;
- (II) A physical and chemical description of the waste, including the solidification agent, if any;
- (III) The total weight percentage of chelating agents for any disposal container containing more than 0.1 percent chelating agent by weight, plus the identity of the principal chelating agent;
- (IV) The sorbing or solidification media, if any, and the identity of the solidification media vendor and brand name if the media is claimed to meet stability requirements of (13)(g)2. of this Rule; and
- (V) Radionuclide identities and activities contained in the waste, the masses of U-233, U-235, and plutonium in the form of special nuclear material, and the masses of uranium and thorium in the form of source material if contained in the waste.

7. An authorized representative of the waste generator, processor, or collector shall certify by signing and dating the shipment manifest that the transported materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation and the Division. A collector in signing the certification is certifying that nothing has been done to the collected waste which would invalidate the waste generator's certification.
8. Control and Tracking. Any licensee who transfers radioactive waste to a land disposal facility or a licensed waste collector shall comply with all of the following requirements. Any licensee who transfers waste to a licensed waste processor for waste treatment or repackaging shall comply with the requirements of (13)(i)8.(iv) through (ix). A licensee shall:
 - (i) Prepare all wastes so that the waste is classified according to (13)(f) and meets waste characteristics requirements in (13)(g);
 - (ii) Label each disposal container (or transport package if potential radiation hazards preclude labeling of the individual disposal container) of waste to identify whether it is Class A waste, Class B waste, Class C waste, or greater than Class C waste, in accordance with (13)(f);
 - (iii) Conduct a quality assurance program to assure compliance with (13)(f) and (13)(g) (the program must include management evaluation of audits);
 - (iv) Prepare the NRC Forms 540 and 540A or Equivalent Forms, "Uniform Low-Level Radioactive Waste Manifest" as required by this Section;
 - (v) Forward a copy or electronically transfer the Uniform Low-Level Radioactive Waste Manifest to the intended consignee so that either:
 - (I) Receipt of the manifest precedes the LLW shipment, or
 - (II) The manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee, or
 - (III) Both (I) and (II) is also acceptable.
 - (vi) Include NRC Form 540 (and NRC 540A, if required) or Equivalent Forms with the shipment regardless of the option in (13)(i)8.(v);

- (vii) Receive acknowledgment of the receipt of the shipment in the form of a signed copy of NRC Form 540 or Equivalent Form;
- (viii) Retain a copy of or electronically store the Uniform Low-Level Radioactive Waste Manifest and documentation of acknowledgment of receipt as the record of transfer of licensed material as required by Rule [391-3-17-.02](#); and
- (ix) For any shipments or any part of a shipment for which acknowledgment of receipt has not been received within the times set forth in this section, conduct an investigation in accordance with (13)(i)12.

9. Any waste collector licensee who handles only prepackaged waste shall:

- (i) Acknowledge receipt of the waste from the shipper within one week of receipt by returning a signed copy of NRC Form 540 or Equivalent Form.
- (ii) Prepare a new manifest to reflect consolidated shipments that meet the requirements of this section. The waste collector shall ensure that, for each container of waste in the shipment, the manifest identifies the generator of that container of waste;
- (iii) Forward a copy or electronically transfer the Uniform Low-Level Radioactive Waste Manifest to the intended consignee so that either:
 - (I) Receipt of the manifest precedes the LLW shipment, or
 - (II) The manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee, or
 - (III) Both (I) and (II) is also acceptable;
- (iv) Include NRC Form 540 (and NRC Form 540A, if required) or Equivalent Forms, with the shipment regardless of the option chosen in (13)(i)9.(iii);
- (v) Receive acknowledgment of the receipt of the shipment in the form of a signed copy of NRC Form 540 or Equivalent Form;
- (vi) Retain a copy of or electronically store the Uniform Low-Level Radioactive Waste Manifest and documentation of acknowledgment of receipt;

- (vii) For any shipments or any part of a shipment for which acknowledgment of receipt has not been received within the times set forth in this section, conduct an investigation in accordance with (13)(i)12.; and
- (viii) Notify the shipper and the Division when any shipment, or part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

10. Any licensed waste processor who treats or repackages waste shall:

- (i) Acknowledge receipt of the waste from the shipper within one week of receipt by returning a signed copy of NRC Form 540 or Equivalent Form;
- (ii) Prepare a new manifest that meets the requirements of this section. Preparation of the new manifest reflects that the processor is responsible for meeting these requirements. For each container of waste in the shipment, the manifest shall identify the waste generators, the preprocessed waste volume, and other information as required in (13)(i)6.;
- (iii) Prepare all wastes so that the waste is classified according to (13)(f) and meets the waste characteristics requirements in (13)(g);
- (iv) Label each package of waste to identify whether it is Class A waste, Class B waste, or Class C waste, in accordance with (13)(f) and (13)(h);
- (v) Conduct a quality assurance program to assure compliance with (13)(f) and (13)(g) (the program shall include management evaluation of audits);
- (vi) Forward a copy or electronically transfer the Uniform Low-Level Radioactive Waste Manifest to the intended consignee so that either:
 - (I) Receipt of the manifest precedes the LLW shipment, or
 - (II) The manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee, or

(III) Both (I) and (II) is also acceptable;

- (vii) Include NRC Form 540 (and NRC Form 540A if required) or Equivalent Forms, with the shipment regardless of the option chosen in (13)(i)10.(vi);
- (viii) Receive acknowledgment of the receipt of the shipment in the form of a signed copy of NRC Form 540 or Equivalent Form;
- (ix) Retain a copy of or electronically store the Uniform Low-Level Radioactive Waste Manifest and documentation of acknowledgment of receipt as the record of transfer of licensed material as required by Rule [391-3-17-.02](#);
- (x) For any shipment or any part of a shipment for which acknowledgment of receipt has not been received within the times set forth in this section, conduct an investigation in accordance with (13)(i)12.; and
- (xi) Notify the shipper and the Division when any shipment, or any part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

11. The land disposal facility operator shall:

- (i) Acknowledge receipt of the waste within one week of receipt by returning, as a minimum, a signed copy of NRC Form 540 or Equivalent Form to the shipper. The shipper to be notified is the licensee who last possessed the waste and transferred the waste to the operator. If any discrepancy exists between materials listed on the Uniform Low-Level Radioactive Waste Manifest and materials received, copies or electronic transfer of the affected forms must be returned indicating that discrepancy.
- (ii) Maintain copies of all completed manifests and electronically store the information until the Director terminates the license; and
- (iii) Notify the shipper and the Division when any shipment, or part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

12. Any shipments or part of a shipment for which acknowledgment is not received within the times set forth in this section must:
 - (i) Be investigated by the shipper if the shipper has not received notification or receipt within 20 days after transfer; and
 - (ii) Be traced and reported. The investigation shall include tracing the shipment and filing a report with the Division. Each licensee who conducts a trace investigation shall file a written report with the Division within two weeks of completion of the investigation.
13. The requirements of this section are to:
 - (i) Control transfers of low-level radioactive waste by any waste generator, waste collector, or waste processor licensee, as defined in this section, who ships low-level waste either directly, or indirectly through a waste collector or waste processor, to a licensed low-level waste land disposal facility (as defined in 10 CFR 61);
 - (ii) Establish a manifest tracking system; and
 - (iii) Supplement existing requirements concerning transfers and recordkeeping for those wastes.
14. Any licensee shipping radioactive waste intended for ultimate disposal at a licensed land disposal facility must document the information required on NRC's Uniform Low-Level Radioactive Waste Manifest and transfer this recorded manifest information to the intended consignee in accordance with (13)(i)1. through 12. of this Rule.
15. Each shipment manifest must include a certification by the waste generator as specified in (13)(i)7. of this Rule.
16. Each person involved in the transfer for disposal and disposal of waste, including the waste generator, waste collector, waste processor, and disposal facility operator, shall comply with the requirements specified in (13)(i)8. of this Rule
17. Any licensee shipping byproduct material as defined in paragraphs (3) and (4) of the definition of *Byproduct material* set forth in Rule .01(2)(o), intended for ultimate disposal at a land disposal facility licensed under 10 CFR 61 must document the information required on the NRC's Uniform Low-Level Radioactive Waste Manifest and transfer this recorded

manifest information to the intended consignee in accordance with (13)(i)1. through 12. of this Rule.

- (j) Compliance with Environmental and Health Protection Regulations. Nothing in this Rule relieves the licensee from complying with other applicable Federal, State, and local regulations governing other toxic or hazardous properties of materials that may be disposed of pursuant to this Rule.

(k) Disposal of Certain Byproduct Material

1. Licensed material as defined in Rule .01(2)(o)3. and 4. of the definition of Byproduct material may be disposed of in accordance with .03(13) of this chapter, even though it is not defined as low-level radioactive waste. Therefore, any licensed byproduct material being disposed of at a facility, or transferred for ultimate disposal at a facility licensed under .03(13) of this chapter, must meet the requirements of Rule .03(13)(i).
2. A licensee may dispose of byproduct material, as defined in Rule .01(2)(o)3. and 4. of the definition of Byproduct, at a disposal facility authorized to dispose of such material in accordance with any Federal or State solid or hazardous waste law, including the Solid Waste Disposal Act, as authorized under the Energy Policy Act of 2005.

(14) **Records**

(a) General Provisions.

1. Each licensee shall use the units of Curie, rad, rem, and dpm, including multiples and subdivisions and shall clearly indicate the units of all quantities on records required by this Rule.
2. In the records required by this rule, the licensee may record quantities in SI units in parentheses following each of the units specified in (14)(a)1. However, all quantities must be recorded as stated in (14)(a)1.
3. The licensee shall make a clear distinction among the quantities entered on the records required by this Rule, such as total effective dose equivalent, shallow dose equivalent, lens dose equivalent, deep dose equivalent, total organ dose equivalent, or committed effective dose equivalent.

(b) Records of Radiation Protection Programs.

1. Each licensee shall maintain records of the Radiation Protection Program required pursuant to (4) of this Rule, including:

- (i) The provisions of the Program; and
- (ii) Audits and other reviews of Program content and implementation.

2. The licensee shall retain the records required by (14)(b)1.(i) of this Rule until the Director terminates each pertinent license requiring the record. The licensee shall retain each of the records required by (14)(b)1.(ii) of this Rule for three years after the record is made.

(c) Records of Surveys.

1. Each licensee shall maintain records showing the results of surveys and calibrations required by (8)(a) and (12)(f)2. of this Rule. The licensee shall retain each of these records for three years after the record is made.
2. The licensee shall retain each of the following records until the Director terminates each pertinent license requiring the record:
 - (i) Records of the results of surveys to determine the dose from external sources of radiation used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents;
 - (ii) Records of the results of measurements and calculations used to determine individual intakes of radioactive material and used in the assessment of internal dose;
 - (iii) Records showing the results of air sampling, surveys, and bioassays required pursuant to (10)(d)1.(iii)(I) and (II) of this Rule; and
 - (iv) Records of the results of measurements and calculations used to evaluate the release of radioactive effluents to the environment.
3. Upon termination of the license, the licensee shall permanently store records on Division Form "Occupational Radiation Exposure History" or equivalent or shall make provision with the Division for their transfer to the Division.

- (d) Records of Tests for Leakage or Contamination of Sealed Sources. Records of tests for leakage or contamination of sealed sources required by (6) of this Rule shall be kept in units of microcuries or becquerels and maintained for inspection by the Division for three years after the record is made.

(e) Records of Prior Occupational Dose.

1. The licensee shall retain the records of prior occupational dose and of exposure history as specified in (5)(e) of this Rule on Division Form "Occupational Radiation Exposure History" or equivalent until the Director terminates each pertinent license requiring this record. The licensee shall retain records used in preparing Division Form "Occupational Radiation Exposure History" for three years after the record is made.
2. Upon termination of the license, the licensee shall permanently store records on Division Form "Occupational Radiation Exposure History" or equivalent or shall make provision with the Division for their transfer to the Division.

(f) Records of Planned Special Exposures.

1. For each use of the provisions of (5)(e) of this Rule for planned special exposures, the licensee shall maintain records that describe:
 - (i) The exceptional circumstances requiring the use of a planned special exposure;
 - (ii) The name of the management official who authorized the planned special exposure and a copy of the signed authorization;
 - (iii) What actions were necessary;
 - (iv) Why the actions were necessary;
 - (v) What precautions were taken to assure that doses were maintained ALARA;
 - (vi) What individual and collective doses were expected to result; and
 - (vii) The doses actually received in the planned special exposure.
2. The licensee shall retain the records until the Director terminates each pertinent license requiring these records.
3. Upon termination of the license, the licensee shall permanently store records on Division Form "Occupational Radiation Exposure History" or equivalent or shall make provision with the Division for their transfer to the Division.

(g) Records of Individual Monitoring Results.

1. Record-keeping Requirement. Each licensee shall maintain records of doses received by all individuals for whom monitoring was required

pursuant to (8)(b) of this Rule and records of doses received during planned special exposures, accidents, and emergency conditions. Assessments of dose equivalent and records made using units in effect before January 1, 1994, need not be changed. These records shall include when applicable:

- (i) The deep dose equivalent to the whole body, lens dose equivalent, shallow dose equivalent to the skin, and shallow dose equivalent to the extremities;
 - (ii) The estimated intake of radionuclides (see (5)(b) of this Rule);
 - (iii) The committed effective dose equivalent assigned to the intake of radionuclides;
 - (iv) The specific information used to calculate the committed effective dose equivalent pursuant to (5)(d)3. of this Rule;
 - (v) The total effective dose equivalent when required by (5)(b) of this Rule; and
 - (vi) The total of the deep dose equivalent and the committed dose to the organ receiving the highest total dose.
2. Record-keeping Frequency. The licensee shall make entries of the records specified in (14)(g)1. of this Rule at intervals not to exceed one year.
 3. Record-keeping Format. The licensee shall maintain the records specified in (14)(g)1. of this Rule on Division Form "Occupational Radiation Exposure History" in accordance with the instructions or in clear and legible records containing all the information required by the Division Form.
 4. The licensee shall maintain the records of dose to an embryo/fetus with the records of dose to the declared pregnant woman. The declaration of pregnancy, including the estimated date of conception, shall also be kept on file, but may be maintained separately from the dose records.
 5. The licensee shall retain each required form or record until the Director terminates each pertinent license requiring the record.
 6. Upon termination of the license, the licensee shall permanently store records on Division Form "Occupational Radiation Exposure History" or equivalent or shall make provisions with the Division for their transfer to the Division.

7. Privacy Protection. The records required pursuant to (14)(g) should be protected from public disclosure because of their personal privacy nature.
- (h) Records of Dose to Individual Members of the Public.
 1. Each licensee shall maintain records sufficient to demonstrate compliance with the dose limit for individual members of the public. See (5)(i) of this Rule.
 2. The licensee shall retain the records required by (14)(h)1. of this Rule until the Director terminates each pertinent license requiring the record.
- (i) Records of Waste Disposal.
 1. Each licensee shall maintain records of the disposal of licensed materials made pursuant to (13)(b), (13)(c), (13)(d), (13)(e), and (13)(k) of this Rule and of disposal of licensed materials by burial in soil, including burials authorized before July 12, 1982.⁶
 2. The licensee shall retain the records required by (14)(i) of this Rule until the Director terminates each pertinent license requiring the record.
- (j) Records of Testing Entry Control Devices for Very High Radiation Areas.
 1. Each licensee shall maintain records of tests made on entry control devices for very high radiation areas. These records must include the date, time, and results of each such test of function.
 2. The licensee shall retain the records required by (14)(j)1. of this Rule for three years after the record is made.
- (k) Form of Records. Each record required by this Rule shall be legible throughout the specified retention period. The record shall be the original or a reproduced copy or a microform, provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period; or the record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records, such as letters, drawings, and specifications, shall include all pertinent information, such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

(15) Reports

- (a) Reports of Stolen, Lost, or Missing Licensed Sources of Radiation.

1. Telephone. Each licensee shall report to the Division by telephone as follows:
 - (i) Immediately after its occurrence becomes known to the licensee, stolen, lost, or missing licensed radioactive material in an aggregate quantity equal to or greater than 1,000 times the quantity specified in Appendix C of 10 CFR 20, under such circumstances that it appears to the licensee that an exposure could result to individuals in unrestricted areas; or
 - (ii) Within 30 days after its occurrence becomes known to the licensee, lost, stolen or missing licensed radioactive material in an aggregate quantity greater than ten times the quantity specified in Appendix C of 10 CFR 20 that is still missing.
2. Written. Each licensee who is required to make a report pursuant to (15)(a)1. of this Rule shall, within 30 days after making the telephone report, make a written report to the Division setting forth the following information:
 - (i) A description of the licensed source of radiation involved, including, for radioactive material, the kind, quantity, and chemical and physical form;
 - (ii) A description of the circumstances under which the loss or theft occurred;
 - (iii) A statement of disposition, or probable disposition, of the licensed material or source of radiation involved;
 - (iv) Exposures of individuals to radiation, the circumstances under which the exposures occurred, and the possible total effective dose equivalent to persons in unrestricted areas;
 - (v) Actions that have been taken, or will be taken, to recover the source of radiation; and
 - (vi) Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed sources of radiation.
3. Subsequent to filing the written report, the licensee shall also report additional substantive information on the loss or theft within 30 days after the licensee learns of such information.

4. The licensee shall prepare any report filed with the Division pursuant to (15)(a) of this Rule so that names of individuals who may have received exposure to radiation are stated in a separate and detachable portion of the report.

(b) Notification of Incidents.

1. Immediate notification. Each licensee shall:

- (i) Notify the Division as soon as possible but not later than four hours after the discovery of an event that prevents immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits or releases of licensed material that could exceed regulatory limits (events may include fires, explosions, toxic gas releases, etc.).

- (ii) Notwithstanding any other requirements for notification, immediately report, to the Division, any event involving radioactive material or sources of radiation possessed by the licensee that may have caused or threatens to cause any of the following conditions:

- (I) An individual to receive:

- I. A total effective dose equivalent of 25 rem (0.25 Sv) or more; or
- II. An lens dose equivalent of 75 rem (0.75 Sv) or more; or
- III. A shallow-dose equivalent to the skin or extremities of 250 rad (2.5 Gy) or more; or

- (II) The release of radioactive material, inside or outside a restricted area, so that had an individual been present for 24 hours, the individual could have received an intake five times the annual limit on intake (the provisions of this paragraph do not apply to locations where personnel are not normally stationed during routine operations, such as hot cells or process enclosures).

2. Twenty-four hour report. Each licensee shall notify the Division within 24 hours after the discovery of any of the following events involving licensed material:

- (i) An unplanned contamination event that:
 - (I) Requires access to the contaminated area, by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area;
 - (II) Involves a quantity of material greater than five times the lowest annual limit on intake specified in Appendix B of 10 CFR Part 20 for the material; and
 - (III) Has access to the area restricted for a reason other than to allow isotopes with a half-life of less than 24 hours to decay prior to decontamination.
- (ii) An event in which equipment is disabled or fails to function as designed when:
 - (I) The equipment is required by regulation or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident;
 - (II) The equipment is required to be available and operable when it is disabled or fails to function; and
 - (III) No redundant equipment is available and operable to perform the required safety function.
- (iii) An event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body;
- (iv) An unplanned fire or explosion damaging any licensed material or any device, container, or equipment containing licensed material when:
 - (I) The quantity of material involved is greater than five times the lowest annual limit on intake specified in Appendix B of 10 CFR Part 20 for the material; and
 - (II) The damage affects the integrity of the licensed material or its container.

(v) Notwithstanding any other requirements for notification, within 24 hours report, to the Division any event involving radioactive material or sources of radiation possessed by the licensee that may have caused or threatens to cause any of the following conditions:

(I) An individual to receive, in a period of 24 hours:

I. A total effective dose equivalent exceeding 5 rems (0.05 Sv); or

II. A lens dose equivalent exceeding 15 rems (0.15 Sv); or

III. A shallow-dose equivalent to the skin or extremities exceeding 50 rems (0.5 Sv); or

(II) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational annual limit on intake (the provisions of this paragraph do not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures).

3. Preparation and submission of reports. Reports made by licensees in response to the requirements of this section must be made as follows:

(i) Licensees shall make reports required by (15)(b)(1.) and (2.) by telephone to the Division. To the extent that the information is available at the time of notification, the information provided in these must include:

(I) The caller's name, position title, and call back telephone number;

(II) Date, time, and the exact location of the event;

(III) Description of the event, including:

I. Radiological or chemical hazards involved, including isotopes, quantities, and chemical and physical form of any material released;

II. Actual or potential health and safety consequences to the workers, the public, and the environment,

including relevant chemical and radiation data for actual personnel exposures to radiation or radioactive materials or hazardous chemicals produced from licensed materials (e.g., level of radiation exposure, concentration of chemicals, and duration of exposure);

III. The sequence of occurrences leading to the event, including degradation or failure of structures, systems, equipment, components, and activities of personnel relied on to prevent potential accidents or mitigate their consequences; and

IV. Whether the remaining structures, systems, equipment, components, and activities of personnel relied on to prevent potential accidents or mitigate their consequences are available and reliable to perform their function;

(IV) External conditions affecting the event;

(V) Additional actions taken by the licensee in response to the event;

(VI) Status of the event (e.g., whether the event is on-going or was terminated);

(VII) Current and planned site status, including any declared emergency class;

(VIII) Notifications, related to the event, that were made or are planned to any local, State, or other Federal agencies;

(IX) Status of any press releases, related to the event, that were made or are planned.

(ii) Written report. Each licensee who makes a report required by (15)(b)(1) and (2) shall submit a written follow-up report within 30 days of the initial report. Written reports prepared pursuant to other regulations may be submitted to fulfill this requirement if the reports contain all of the necessary information and the appropriate distribution is made. These written reports must be sent to the

Radioactive Materials Program, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354 or current mailing address. The written report must include the following:

- (I) Complete applicable information required by (b)(3)(i);
 - (II) A description of the event, including the probable cause, all factors that contributed to the event, and the manufacturer and model number (if applicable) of any equipment that failed or malfunctioned; and
 - (III) Corrective actions taken or planned to prevent occurrence of similar or identical events in the future and the results of any evaluations or assessments.
 - 4. The licensee shall prepare each report filed with the Division pursuant to (15)(b) of this Rule so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.
 - 5. Licensees shall make the required by (15)(b)1. and 2. of this Rule by telephone to the Division, and shall confirm the initial contact by telegram, mailgram, or facsimile to the Division.
 - 6. The provisions of (15)(b) of this Rule do not apply to doses that result from planned special exposures, provided such doses are within the limits for planned special exposures and are reported pursuant to (15)(d) of this Rule.
- (c) Reports of Exposures, Radiation Levels, and Concentrations of Radioactive Material Exceeding the Limits.
- 1. Reportable Events. In addition to the notification required by (15)(b) of this Rule, each licensee shall submit a written report to the Division within 30 days after learning of any of the following occurrences:
 - (i) Incidents for which notification is required by (15)(b) of this Rule;
 - (ii) Doses in excess of any of the following:
 - (I) The occupational dose limits for adults in (5)(a) of this Rule;
 - (II) The occupational dose limits for a minor in (5)(g) of this Rule;

- (III) The limits for an embryo/fetus of a declared pregnant woman in (5)(h) of this Rule;
 - (IV) The limits for an individual member of the public in (5)(i) of this Rule;
 - (V) Any applicable limit in the license; or
 - (VI) The ALARA constraints for air emissions established under .03(4)(d).
- (iii) Levels of radiation or concentrations of radioactive material in:
- (I) A restricted area in excess of applicable limits in the license; or
 - (II) An unrestricted area in excess of ten times the applicable limit set forth in this Rule or in the license, whether or not the exposure of any individual in excess of the limits in (5)(i) of this Rule is involved; or
- (iv) For licensees subject to the provisions of U.S. Environmental Protection Agency's generally applicable environmental radiation standards in 40 CFR 190, levels of radiation or releases of radioactive material in excess of those standards, or of license conditions related to those standards⁷.

2. Contents of Reports.

- (i) Each report required by (15)(c)1. of this Rule shall describe the extent of exposure of individuals to radiation and radioactive material, including, as appropriate:
 - (I) Estimates of each individual's dose;
 - (II) The levels of radiation and concentrations of radioactive material involved;
 - (III) The cause of the elevated exposures, dose rates, or concentrations; and
 - (IV) Corrective steps taken or planned to ensure against a recurrence, including the schedule for achieving conformance with applicable limits, ALARA constraints,

generally applicable environmental standards, and associated license conditions.

- (ii) Each report filed pursuant to (14)(c)1. of this Rule shall include for each occupationally exposed individual: the name, Social Security account number, and date of birth. With respect to the limit for the embryo/fetus in (5)(h) of this Rule, the identification should be that of the declared pregnant woman. The report shall be prepared so that this information is stated in a separate and detachable portion of the report.
- 3. All licensees who make pursuant to (15)(c)1. of this Rule shall submit the report in writing to the Division.
- (d) Reports of Planned Special Exposures. The licensee shall submit a written report to the Division within 30 days following any planned special exposure conducted in accordance with (5)(f) of this Rule, informing the Division that a planned special exposure was conducted and indicating the date that the planned special exposure occurred and the information required by (14)(g) of this Rule.
- (e) Reports to Individuals of Exceeding Dose Limits. When a licensee is required, pursuant to the provisions of (15)(c), (15)(d), or (15)(f), to report to the Division any exposure of an identified occupationally exposed individual, or an identified member of the public to radiation or radioactive material, the licensee shall also provide a copy of the report submitted to the Division to the individual. This report must be transmitted at a time no later than the transmittal to the Division.
- (f) Notifications and Reports to Individuals.
 - 1. Requirements for notification and to individuals of exposure to radiation or radioactive material are specified in Rule [391-3-17-.07\(4\)](#).
 - 2. When a licensee is required pursuant to (15)(c) of this Rule to report to the Division any exposure of an identified occupationally exposed individual or identified member of the public to radiation or radioactive material, the licensee shall also provide the individual a report on his or her exposure data included in the report to the Division. This report shall be transmitted at a time not later than the transmittal to the Division, and shall comply with the provisions of Rule [391-3-17-.07\(4\)\(a\)](#).
- (g) Reports of Leaking or Contaminated Sealed Sources. If the test for leakage or contamination required pursuant to Rule .03(6) indicates that the sealed source is leaking or contaminated, a report of the test shall be filed within five days with

the Division describing the equipment involved, the test results, and the corrective action taken.

(h) [Reserve]

(i) Serialization of Nationally Tracked Sources.

1. Each licensee who manufactures a nationally tracked source after February 6, 2007 shall assign a unique serial number to each nationally tracked source. Serial numbers must be composed only of alpha-numeric characters.

(j) Reports of Transactions Involving Nationally Tracked Sources.

1. Each licensee who manufactures, transfers, receives, disassembles, or disposes of a nationally-tracked source shall complete and submit a National Source Tracking Transaction Report as specified below for each type of transaction.
2. Each licensee who manufactures a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:
 - (i) The name, address, and license number of the reporting licensee;
 - (ii) The name of the individual preparing the report;
 - (iii) The manufacturer, model, and serial number of the source;
 - (iv) The radioactive material in the source;
 - (v) The initial source strength in becquerels (curies) at the time of manufacture; and
 - (vi) The manufacture date of the source.
3. Each licensee that transfers a nationally tracked source to another person shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:
 - (i) The name, address, and license number of the reporting licensee;
 - (ii) The name of the individual preparing the report;
 - (iii) The name and license number of the recipient facility and shipping address;

- (iv) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the source;
 - (v) The radioactive material in the source;
 - (vi) The initial or current source strength in becquerels (curies);
 - (vii) The date for which the source strength is reported;
 - (viii) The shipping date;
 - (ix) The estimated arrival date; and
 - (x) For nationally tracked sources transferred as waste under a Uniform Low-Level Radioactive Waste Manifest, the waste manifest number and the container identification of the container with the nationally tracked source.
4. Each licensee that receives a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:
- (i) The name, address, and license number of the reporting licensee;
 - (ii) The name of the individual preparing the report;
 - (iii) The name, address and license number of the person that provided the source;
 - (iv) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the source;
 - (v) The radioactive material in the source;
 - (vi) The initial or current source strength in becquerels (curies);
 - (vii) The date for which the source strength is reported;
 - (viii) The date of receipt; and
 - (ix) For material received under a Uniform Low-Level Radioactive Waste Manifest, the waste manifest number and the container identification with the nationally tracked source.

5. Each licensee that disassembles a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:
 - (i) The name, address, and license number of the reporting licensee;
 - (ii) The name of the individual preparing the report;
 - (iii) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the source;
 - (iv) The radioactive material in the source;
 - (v) The initial or current source strength in becquerels (curies);
 - (vi) The date for which the source strength is reported; and
 - (vii) The disassemble date of the source.
6. Each licensee who disposes a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:
 - (i) The name, address, and license number of the reporting licensee;
 - (ii) The name of the individual preparing the report;
 - (iii) The waste manifest number;
 - (iv) The container identification with the nationally tracked source;
 - (v) The date of disposal; and
 - (vi) The method of disposal.
7. The reports discussed in (15)(j)2.-6. above must be submitted by the close of the next business day after the transaction. A single report may be submitted for multiple sources and transactions. The reports must be submitted to the National Source Tracking System by using:
 - (i) The on-line National Source Tracking System;
 - (ii) Electronically using a computer-readable format;
 - (iii) By facsimile;

- (iv) By mail to the address on the National Sources Tracking Transaction Report Form (NRC Form 748); or
 - (v) By telephone with follow-up by facsimile or mail.
- 8. Each licensee shall correct any error in previously filed reports or file a new report for any missed transaction within five (5) business days of the discovery of the error or missed transaction. Such errors may be detected by a variety of methods such as administrative reviews or by physical inventories required by regulation. In addition, each licensee shall reconcile the inventory of nationally tracked sources possessed by the licensee against that licensee's data in the National Source Tracking System. The reconciliation must be conducted during the month of January in each year. The reconciliation process must include resolving any discrepancies between the National Source Tracking System and the actual inventory by filing the reports identified in (15)(j)2-6 of this section. By January 31 of each year, each licensee must submit to the National Source Tracking System confirmation that the data in the National Source Tracking System is correct.
- 9. Each licensee that possesses Category 1 nationally tracked sources shall report its initial inventory of Category 1 nationally tracked sources to the National Source Tracking System by January 31, 2009. Each licensee that possesses Category 2 nationally tracked sources shall report its initial inventory of Category 2 nationally tracked sources to the National Source Tracking System by January 31, 2009. Nationally Tracked Source Thresholds are presented in Table 3 of 391-3-17-.03(15). The information may be submitted by using any of the methods identified in (15)(j)7. The initial inventory report must include the following information:
 - (i) The name, address, and license number of the reporting licensee;
 - (ii) The name of the individual preparing the report;
 - (iii) The manufacturer, model, and serial number of each nationally tracked source or, if not available, other information to uniquely identify the source;
 - (iv) The radioactive material in the source;
 - (v) The initial or current source strength in becquerels (curies); and
 - (vi) The date for which the source strength is reported.

Table 3: Nationally Tracked Source Thresholds

Radioactive Material	Category 1 (TBq)	Category 1 (Ci)	Category 2 (TBq)	Category 2 (Ci)
Actinium-227	20	540	0.2	5.4
Americium-241	60	1,600	0.6	16
Americium-241/Beryllium	60	1,600	0.6	16
Californium-252	20	540	0.2	5.4
Cobalt-60	30	810	0.3	8.1
Curium-244	50	1,400	0.5	14
Cesium-137	100	2,700	1	27
Gadolinium-153	1,000	27,000	10	270
Iridium-192	80	2,200	0.8	22
Plutonium-238	60	1,600	0.6	16
Plutonium-238/Beryllium	60	1,600	0.6	16
Polonium-210	60	1,600	0.6	16
Promethium-147	40,000	1,100,000	400	11,000
Radium-226	40	1,100	0.4	11
Selenium-75	200	5,400	2	54
Strontium-90	1,000	27,000	10	270
Thorium-228	20	540	0.2	5.4
Thorium-229	20	540	0.2	5.4
Thulium-170	20,000	540,000	200	5,400
Ytterbium-169	300	8,100	3	81

The Terabecquerel (TBq) values are the regulatory standard. The Curie (Ci) values specified are obtained by converting from the TBq value. The Curie values are provided for practical usefulness only and are rounded after conversion.

(16) Exemptions and Additional Requirements

- (a) Vacating Premises. Each specific licensee shall, no less than 30 days before vacating or relinquishing possession or control of premises which may have been contaminated with radioactive material as a result of his activities, notify the Division in writing of his intent to vacate. When deemed necessary by the Division, the licensee shall decontaminate the premises in such a manner as the Division may specify.
- (b) Orders. The Director may, by order, impose upon any licensee such requirements, issued in furtherance of this rule, as it deems appropriate or necessary to protect health or minimize danger to life or property.

¹ For very high doses received at high dose rates, units of absorbed dose, Gray and rad, are appropriate, rather than units of dose equivalent, Sievert and rem.

² The National Council on Radiation Protection and Measurements recommended in NCRP Report No. 91 (June 1, 1987) that no more than 0.05 rem (0.5 mSv) to the embryo/fetus be received in any one month.

³ All of the occupational doses in .03(5)(a) continue to be applicable to the declared pregnant worker as long as the embryo/fetus dose limit is not exceeded.

⁴ Labeled with a Radioactive White I, Yellow II, or Yellow III label as specified in U.S. Department of Transportation (DOT) regulations, 49 CFR 172.403-172.440.

⁵ Labeling of packages containing radioactive materials is required by the U.S. Department of Transportation (DOT) if the amount and type of radioactive material exceeds the limits for an excepted quantity or article as defined and limited by U.S. Department of Transportation (DOT) regulations [49 CFR 173.403\(m\) and \(w\)](#) and [173.421](#) -.424.

⁶ A previous Rule, .03(5)(d), permitted burial of small quantities of licensed materials in soil before July 12, 1982, without specific Division authorization.

⁷ For purposes of these Regulations, the U.S. Environmental Protection Agency Standards apply only to source material mills and nuclear power plants.

Cite as Ga. Comp. R. & Regs. R. 391-3-17-.03

Authority: O.C.G.A. § [31-13-1](#) et seq., as amended.

History. Original Rule entitled "Standards for Protection Against Radiation" adopted. F. May 2, 1991; eff. May 22, 1991.

Amended: ER. 391-3-17-0.28-.03 adopted. F. Dec. 9, 1993; eff. Dec. 8, 1993, the date of adoption.

Amended: F. Feb. 24, 1994; eff. Mar. 16, 1994.

Amended: F. Oct. 4, 1994; eff. Oct. 24, 1994.

Amended: F. Apr. 16, 1997; eff. May 6, 1997.

Amended: F. Mar. 29, 2002; eff. Apr. 18, 2002.

Amended: F. May 30, 2003; eff. July 1, 2003, as specified by the Agency.

Amended: F. Oct. 17, 2008; eff. Nov. 6, 2008.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 11, 2016; eff. May 1, 2016.

Amended: New title "Standards for Protection Against Radiation." F. May 11, 2016; eff. May 31, 2016.

Amended: F. Dec. 14, 2017; eff. Jan. 3, 2018.

Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.

Amended: F. Mar. 24, 2021; eff. Apr. 13, 2021.

Rule 391-3-17-.04. Special Radiation Safety Requirements for Industrial Radiographic Operations.

(1) Purpose.

The provisions of this Rule establish radiation safety requirements and certification procedures for persons utilizing radioactive materials for industrial radiography. Each licensee and certificate holder is responsible for ensuring compliance with these Rules, his license conditions, and Orders of the Director. Each licensee and certificate holder is also responsible for ensuring that persons performing activities under a license comply with the Rules, license conditions, and Orders of the Director.

(2) Scope.

- (a) The provisions of this Rule are in addition to and not a substitution for the other requirements of this Chapter. The provisions of this Rule apply to all licensees who use radioactive materials for industrial radiography; provided, however, that nothing in this Rule shall apply to the use of radioactive materials in the healing arts.
- (b) The licensee shall inform the Division within three days of work to be performed at temporary job sites within the State of Georgia. If the licensee was not given three days notice for a particular job site the licensee shall provide notification to the Division prior to starting work at the site. The following information is required in the notification: the location of the job site; the employing company; a point of contact for the employing company; the dates of the job; and the starting and ending times on the job site.

(3) Definitions. The definitions set forth for certain terms in Rule [391-3-17-.01](#) are applicable to those terms as used in this Rule. The following additional definitions also apply:

- (a) "Annual refresher safety training" means a review conducted or provided by the licensee for its employees on radiation safety aspects of industrial radiography. The review shall include, as a minimum, any results of internal inspections, new procedures or equipment, new or revised regulations, and accidents or errors that

have been observed. The review shall also provide opportunities for employees to ask safety questions.

- (b) "ANSI" means American National Standards Institute.
- (c) "Associated equipment" means equipment that is used in conjunction with a radiographic exposure device to make radiographic exposures that drives, guides, or comes in contact with the source. (e.g., guide tube, control tube, control (drive) cable, removable source stop, "J" tube and collimator when used as an exposure head.)
- (d) "Cabinet radiography" means industrial radiography conducted in an enclosure or cabinet so shielded that radiation levels at every location on the exterior meet the conditions specified in Rule [391-3-17-.03\(5\)\(i\)](#).
- (e) "Certifying entity" means an independent certifying organization meeting the requirements in Appendix A of this Rule or an Agreement State regulatory program meeting the requirements in Appendix A, Parts II and III of this Rule.
- (f) "Collimator" means a device used to limit the size, shape, and direction of the primary beam of radiation.
- (g) "Control cable" means the cable that is connected to the source assembly and used to drive the source to and from the exposure location.
- (h) "Control drive mechanism" means a device that enables the source assembly to be moved into and out of the exposure device.
- (i) "Control tube" means a protective sheath for guiding the control cable. The control tube connects the control drive mechanism to the radiographic exposure device.
- (j) "Enclosed radiography" means industrial radiography conducted in an enclosed cabinet or room and includes cabinet radiography and shielded room radiography.
- (k) "Exposure head" means a device that locates the gamma radiography sealed source in the selected working position. An exposure head is also known as a source stop.
- (l) "Field station" means a facility from which sources of radiation may be stored or used and from which equipment is dispatched.
- (m) "Guide tube" means a flexible or rigid tube, or "J" tube, for guiding the source assembly and the attached control cable from the exposure device to the exposure head. The guide tube may also include the connections necessary for attachment to the exposure device and to the exposure head.

- (n) "Hands-on experience" means experience in all of those areas considered to be directly involved in the radiography process.
- (o) "Independent certifying organization" means an independent organization that meets all of the criteria of Appendix A of this Rule.
- (p) "Industrial radiography" means the examination of the macroscopic structure of materials by nondestructive methods using sources of ionizing radiation to produce radiographic images.
- (q) "Lay-barge radiography" means industrial radiography performed on any water vessel used for laying pipe.
- (r) "Offshore platform radiography" means industrial radiography conducted from a platform over a body of water.
- (s) "Permanent radiographic installation" means a shielded installation or structure designed or intended for radiography and in which radiography is regularly performed.
- (t) "Personal supervision" means guidance and instruction provided to a radiographer's assistant by a radiographer who is present at the site, in visual contact with the radiographer's assistant while the radiographer's assistant is using radioactive material, and in such proximity that immediate assistance can be given if required.
- (u) "Pigtail" see "Source assembly".
- (v) "Pill" see "Sealed source".
- (w) "Practical examination" means a demonstration through application of the safety rules and principles in industrial radiography including use of all procedures and equipment to be used by radiographic personnel.
- (x) "Radiation Safety Officer" means an individual named by the licensee who has a knowledge of, responsibility for, and authority to impose appropriate radiation protection rules, standards, and practices on behalf of the licensee and who meets the requirements of (15) of this Rule.
- (y) "Radiographer" means any individual who performs or who, in attendance at the site where radioactive materials are being used, personally supervises industrial radiographic operations and who is responsible to the licensee for assuring compliance with the requirements of this Chapter and all license conditions.

- (z) "Radiographer certification" means written approval received from a certifying entity stating that an individual has satisfactorily met the radiation safety, testing, and experience criteria in (16) of this rule.
- (aa) "Radiographer's assistant" means any individual who under the direct supervision of a radiographer, uses radiographic exposure devices, radioactive materials, related handling tools, or radiation survey instruments in industrial radiography.
- (bb) "Radiographic exposure device" means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to an unshielded position for purposes of making a radiographic exposure (e.g. camera).
- (cc) "Radiographic operations" means all activities performed with a radiographic exposure device. Activities include using, transporting except by common or contract carriers, or storing at a temporary job site, performing surveys to confirm the adequacy of boundaries, setting up equipment, and any activity inside restricted area boundaries.
- (dd) "Residential location" means any area where structures in which people live or lodge are located, and the grounds on which such structures are located including, but not limited to, houses, apartments, condominiums, and garages.
- (ee) "S-tube" means a tube through which the radioactive source travels when inside a radiographic exposure device.
- (ff) "Sealed source" means any radioactive material that is encased in a capsule designed to prevent leakage or escape of the radioactive material.
- (gg) "Shielded position" means the location within the radiographic exposure device or storage container which, by manufacturer's design, is the proper location for storage of the sealed source.
- (hh) "Shielded-room radiography" means industrial radiography conducted in a room shielded so that radiation levels at every location on the exterior meet the limitations specified in Rule [391-3-17-.03\(5\)\(i\)](#) of this Chapter.
- (ii) "Source assembly" means an assembly that consists of the sealed source and a connector that attaches the source to the control cable. The source assembly may include a ball stop to secure the source in the shielded position.
- (jj) "Source changer" means a device designed and used for replacement of sealed sources in radiographic exposure devices, including those source changers also used for transporting and storage of sealed sources.

- (kk) "Storage area" means any location, facility, or vehicle which is used to store, to transport, or to secure a radiographic exposure device, a storage container, or a sealed source when it is not in use and which is locked or has a physical barrier to prevent accidental exposure, tampering with, or unauthorized removal of the device, container, or source.
 - (ll) "Storage container" means a shielded device in which sealed sources are secured and stored.
 - (mm) "Temporary job site" means any location where radiographic operations are performed and where sources of radiation may be stored other than the location(s) listed specifically on the license.
 - (nn) "Transport container" means a package that is designed to provide radiation safety and security when sealed sources are transported and meets all applicable requirements of the U.S. Department of Transportation.
 - (oo) "Underwater radiography" means radiographic operations performed when the radiographic exposure device or radiation machine and/or related equipment are beneath the surface of the water.
- (4) **Licensing Requirements for Industrial Radiography Operations.** The Director will approve an application for a specific license for the use of licensed material if the applicant meets the following requirements:
- (a) The applicant satisfies the general requirements specified in Rule [391-3-17-.02\(8\)](#), as applicable, and any special requirements contained in this Rule;
 - (b) The applicant submits an adequate program for training radiographers and radiographer's assistants that meets the requirements of .04(16):
 - 1. After April 18, 2004, the applicant need not describe the initial training and examination program for radiographers in the subjects outlined in .04(16)(g).
 - 2. The applicant may affirm that all individuals acting as industrial radiographers will be certified in radiation safety by a certifying entity before commencing duty as radiographers. This affirmation substitutes for a description of its initial training and examination program for radiographers in the subjects outlined in .04(16)(g).
 - (c) The applicant submits procedures for verifying and documenting the certification status of radiographers and for ensuring that the certification of individuals acting as radiographers remains valid;

- (d) The applicant submits written operating and emergency procedures as described in .04(17);
- (e) The applicant submits a description of a program for inspections of the job performance of each radiographer and radiographer's assistant at intervals not to exceed six months as described in .04(16)(e);
- (f) The applicant submits a description of the applicant's overall organizational structure as it applies to the radiation safety responsibilities in industrial radiography, including specified delegation of authority and responsibility;
- (g) The applicant submits the qualifications of the individual(s) designated as the radiation safety officer as described in .04(15)(a);
- (h) If an applicant intends to perform leak testing of sealed sources or exposure devices containing depleted uranium (DU) shielding, the applicant must describe the procedures for performing the test. The description must include the:
 - 1. Methods of collecting the samples;
 - 2. Instruments to be used;
 - 3. Methods of analyzing the samples; and
 - 4. Qualifications of the individual who analyzes the samples.
- (i) If the applicant intends to perform calibrations of survey instruments and alarming ratemeters, the applicant must describe methods to be used and the experience of the person(s) who will perform the calibrations. All calibrations must be performed according to the procedures described and at the intervals prescribed in .04(8)(b) and .04(19)(g)4.;
- (j) The applicant identifies and describes the location(s) of all field stations and permanent radiographic installations;
- (k) The applicant identifies the location(s) where all records required by this and other Rules in this Chapter will be maintained;
- (l) If a license application includes underwater radiography the applicant must submit a description of:
 - 1. Radiation safety procedures and radiographer responsibilities unique to the performance of underwater radiography;
 - 2. Radiographic equipment and radiation safety equipment unique to underwater radiography; and

3. Methods for gas-tight encapsulation of equipment; and
- (m) If an application includes offshore platform and/or lay-barge radiography the applicant must submit a description of:
1. Transport procedures for radioactive material to be used in industrial radiographic operations;
 2. Storage facilities for radioactive material; and
 3. Methods for restricting access to radiation areas.
- (5) **Performance Requirements for Radiography Equipment.** Equipment used in industrial radiographic operations must meet the following minimum criteria:
- (a) Each radiographic exposure device, source assembly or sealed source and all associated equipment must meet the requirements specified in American National Standards Institute (ANSI) N432-1980 "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," (published as NBS Handbook 136, issued January 1981). (This publication may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402 and from the American National Standards Institute, Inc., 25 West 43rd Street, New York, New York 10036, Telephone (212) 642-4900. Copies of the document are available for inspection at the Department of Natural Resources, Environmental Protection Division, Radioactive Materials Program, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354 or current address.)
 - (b) In addition to the requirements specified in (5)(a) of this Rule, the following requirements apply to radiographic exposure devices, source changers, source assemblies or sealed sources:
 1. Each radiographic exposure device must have attached to it by the user, a durable, legible, clearly visible label bearing the:
 - (i) Chemical symbol and mass number of the radionuclide in the device;
 - (ii) Activity and the date on which this activity was last measured;
 - (iii) Model number (or product code) and serial number of the sealed source;
 - (iv) Manufacturer of the sealed source; and
 - (v) Licensee's name, address, and telephone number.

2. Radiographic exposure devices intended for use as Type B transport containers must meet the applicable requirements of 10 CFR Part 71.
 3. Modification of any radiographic exposure devices, source changers, source assemblies and associated equipment is prohibited, unless the design of any replacement component, including source holder, source assembly, controls or guide tubes would not compromise the design safety features of the system.
- (c) In addition to the requirements specified in .04(5)(a) and (5)(b) the following requirements apply to radiographic exposure devices, source assemblies and associated equipment that allow the source to be moved out of the device for routine operation or to source changers:
1. The coupling between the source assembly and the control cable must be designed in such a manner that the source assembly will not become disconnected if cranked outside the guide tube. The coupling must be such that it cannot be unintentionally disconnected under normal and reasonably foreseeable abnormal conditions.
 2. The device must automatically secure the source assembly when it is cranked back into the fully shielded position within the device. This securing system may only be released by means of a deliberate operation on the exposure device.
 3. The outlet fittings, lock box, and drive cable fittings on each radiographic exposure device must be equipped with safety plugs or covers which must be installed during storage and transportation to protect the source assembly from water, mud, sand or other foreign matter.
 4. Each sealed source or source assembly must have attached to it or engraved in it, a durable, legible, visible label with the words: "DANGER - RADIOACTIVE." The label must not interfere with the safe operation of the exposure device or associated equipment.
 5. The guide tube must be able to withstand a crushing test that closely approximates the crushing forces that are likely to be encountered during use, and be able to withstand a kinking resistance test that closely approximates the kinking forces likely to be encountered during use.
 6. Guide tubes must be used when moving the source out of the device.
 7. An exposure head or similar device designed to prevent the source assembly from passing out of the end of the guide tube must be attached to the outermost end of the guide tube during radiographic operations.

8. The guide tube exposure head connection must be able to withstand the tensile test for control units specified in ANSI N432-1980.
 9. Source changers must provide a system for ensuring that the source will not be accidentally withdrawn from the changer when connecting or disconnecting the drive cable to or from a source assembly.
- (d) All radiographic exposure devices and associated equipment in use after January 10, 1996 must comply with the requirements of .04(5).
- (e) Notwithstanding (5)(a) equipment used in industrial radiographic operations need not comply with section 8.9.2(c) of the Endurance Test in ANSI N432-1980 if the prototype equipment has been tested using a torque value representative of the torque that an individual using the radiography equipment can realistically exert on the lever or crankshaft of the drive mechanism.
- (6) **Equipment Control. Limits on External Radiation Levels From Storage Containers and Source Changers.** The maximum exposure rate limits for storage containers and source changers are 2 millisieverts (200 mrem) per hour at any exterior surface, and 0.1 millisieverts (10 mrem) per hour at one meter from any exterior surface with the sealed source in the shielded position.
- (7) **Locking and Storage of Radiographic Devices, Storage Containers, and Source Changers.**
- (a) Each radiographic exposure device shall be provided with a lock or outer locked container designed to prevent unauthorized or accidental removal of a sealed source from its shielded position. The exposure device and/or its container shall be kept locked¹ at all times except when not under the direct surveillance of a radiographer or a radiographer's assistant except at a permanent radiographic installations as stated in .04(21).
 - (b) Each sealed source storage container and source changer shall be provided with a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. Storage containers and source changers must be and kept locked when containing sealed sources except when the container is under the direct surveillance of a radiographer or radiographer's assistant.
 - (c) Radiographic exposure devices, source changers, and storage containers, prior to being moved from one location to another and also prior to being secured at a given location, shall be locked and surveyed to assure that the sealed source is in the shielded position.

- (d) During radiographic operations the sealed source shall be secured in its shielded position by locking the exposure device or securing the remote control each time the sealed source is returned to its shielded position. A survey shall be performed to determine that the sealed source is in the shielded position.
- (e) Storage Precautions.
 - 1. Locked radiographic exposure devices and storage containers shall be physically secured to prevent tampering or removal by unauthorized personnel.
 - 2. Radiographic exposure devices, source changers, or transport containers that contain radioactive material may not be stored in residential locations. This Rule does not apply to storage of radioactive material in a vehicle in transit for use at temporary job sites, if the licensee complies with (7)(e)3. of this Rule and if the vehicle does not constitute a permanent storage location as described in (7)(e)4. of this Rule.
 - 3. If a vehicle is to be used for storage of radioactive material, a vehicle survey shall be performed after securing the radioactive material in the vehicle and before transport to ensure that radiation levels do not exceed the limits specified in Rule .03(5(i) of this Chapter at the exterior surface of the vehicle.
 - (i) If this vehicle is parked in a residential location a 360° survey of the vehicle must be performed before leaving the vehicle unattended to ensure that radiation levels do not exceed the limits specified in Rule .03(5(i) of this Chapter.
 - (ii) An unattended vehicle shall have the name, local address, and local telephone number of the person responsible for the vehicle, posted on it in a conspicuous place on the vehicle.
 - 4. A storage or use location is considered permanent if radioactive material is stored at the location for more than 90 days and any one or more of the following applies to the location:
 - (i) Telephone service is established by the licensee;
 - (ii) Industrial radiographic services are advertised for or from the location;
 - (iii) Industrial radiographic operations are conducted at other sites due to arrangements made from the location.

(8) Radiation Survey Instruments.

- (a) The licensee shall maintain sufficient calibrated and operable radiation survey instruments to make physical radiation surveys as required by this Rule and Rule [391-3-17-.03\(7\)\(a\)1. and 2.](#) Instrumentation required herein shall have a range such that two milliroentgens per hour through one Roentgen per hour can be measured.
- (b) The licensee shall have each radiation survey instrument required under .04(4)(d) calibrated:
 - 1. By a person licensed or certified by the Director, another Agreement State, or the U.S. Nuclear Regulatory Commission to perform such service;
 - 2. At energies appropriate for the licensee's use;
 - 3. At intervals not to exceed six months and after each instrument servicing, except for battery changes;
 - 4. To demonstrate an accuracy within ± 20 percent; and
 - 5. At two points located approximately $1/3$ and $2/3$ of full-scale on each scale for linear scale instruments; at midrange of each decade, and at two points of at least one decade for logarithmic scale instruments; and at approximate points for digital instruments.
- (c) The licensee shall maintain records of the results of the instrument calibrations in accordance with .04(25).

(9) Leak Testing and Replacement of Sealed Sources.

- (a) The replacement of any sealed source fastened to or contained in a radiographic exposure device and leak testing of any sealed source shall be performed only by persons specially authorized to do so by the Division, the U.S. Nuclear Regulatory Commission, or an Agreement State.
- (b) The opening, repair, or modification of any sealed source shall be performed only by persons specially authorized to do so by the Division, the U.S. Nuclear Regulatory Commission, or an Agreement State.
- (c) Testing and Record keeping Requirements
 - 1. Each licensee who uses a sealed source shall have the source tested for leakage at intervals not to exceed six months. The leak testing of the source must be performed using a method approved by the Division, the U.S. Nuclear Regulatory Commission, or by another Agreement State. The wipe sample should be taken from the nearest accessible point to the sealed source where contamination might accumulate. The wipe sample must be

analyzed for radioactive contamination. The analysis must be capable of detecting the presence of 0.005 microcuries (185 becquerel) of radioactive material on the test sample and must be performed by a person specifically authorized by the Division, the U.S. Nuclear Regulatory Commission, or another Agreement State to perform the analysis.

2. The licensee shall maintain records of the leak test in accordance with .04(26)
3. Unless a sealed source is accompanied by a certificate from a transferor that shows that it has been leak tested within the six months before the transfer, it shall not be used by the licensee until tested for leakage. Sealed sources authorized for storage and not in use do not require leak testing, but must be tested before use or transfer to another person if the interval of storage exceeds six months.
4. Any test conducted pursuant to the requirements of (9)(c)1. and 3. of this Rule which reveals the presence of 0.005 microcuries (185 becquerel) or more of removable radioactive material shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the equipment involved from use and shall cause it to be decontaminated and repaired or to be disposed of in accordance with Division Rules. A report shall be filed, within five (5) days after obtaining results of the test, with the Division, describing the equipment involved, the test results, and the corrective action taken.
5. Each exposure device using depleted uranium (DU) shielding and an "S" tube configuration must be tested for DU contamination at intervals not to exceed 12 months. The analysis must be capable of detecting the presence of 0.005 microcuries (185 becquerel) of radioactive material on the test sample and must be performed by a person specifically authorized by the Division, the U.S. Nuclear Regulatory Commission, or another Agreement State to perform the analysis. Should such testing reveal the presence of DU contamination, the exposure device must be removed from use until an evaluation of the wear of the S-tube has been made. Should the evaluation reveal that the S-tube is worn through, the device may not be used again. DU shielded devices do not have to be tested for DU contamination while not in use and in storage. Before using or transferring such a device, however, the device must be tested for DU contamination, if the interval of storage exceeds 12 months. A record of the DU leak-test must be made in accordance with .04(26).

(10) Quarterly Inventory.

- (a) Each licensee shall conduct a quarterly physical inventory to account for all sealed sources and devices containing depleted uranium received or possessed under the license.
- (b) The licensee shall maintain records of the quarterly inventories in accordance with .04(27)

(11) Inspection and Maintenance of Radiographic Exposure Devices, Transport and Storage Containers, Associated Equipment, Source Changers, and Survey Instruments.

- (a) The licensee shall perform visual and operability checks on survey meters radiographic exposure devices, transport and storage containers, associated equipment and source changers before each day's use, or work shift, to ensure that:
 - 1. The equipment is in good working condition;
 - 2. The sources are adequately shielded; and
 - 3. Required labeling is present.
- (b) Survey instrument operability must be performed using check sources or other appropriate means.
- (c) If equipment problems are found, the equipment must be removed from service until repaired.
- (d) Each licensee shall have written procedures for and perform inspection and routine maintenance of radiographic exposure devices, source changers, associated equipment, transport and storage containers, and survey instruments at intervals not to exceed three months or before the first use thereafter to ensure the proper functioning of components important to safety. If equipment problems are found, the equipment must be removed from service until repaired.
- (e) The licensee's inspection and maintenance program must include procedures to assure that Type B packages are shipped and maintained in accordance with the certificate of compliance or other approval.
- (f) Records of equipment problems and of any maintenance performed under .04(11)(c) and (d) shall be maintained in accordance with .04(29).

(12) Permanent Radiographic Installations.

- (a) Each entrance that is used for personnel access to the high radiation area in a permanent radiographic installation shall have either:

1. An entrance control of the types described in Rule [391-3-17-.03\(9\)\(a\)1.](#), or [.03\(9\)\(a\)2.](#) that causes the radiation level upon entry into the area to be reduced; or
 2. Both visible and audible warning signals to warn of the presence of radiation. The visible signal shall be activated by radiation whenever the source is exposed. The audible signal shall be actuated when an attempt is made to enter the installation while the source is exposed.
- (b) The alarm system shall be tested for proper operation with a radiation source each day before the installation is used for radiographic operations. The test must include a check of both the visible and audible signals. Entrance control devices that reduce the radiation level upon entry as designated in .04(12)(a) must be tested monthly. If an entrance control device or alarm system is operating improperly, it shall be immediately labeled as defective and repaired within seven calendar days. The facility may continue to be used during this seven day period, provided the licensee implements the continuous surveillance requirements of .04(21) and uses an alarming ratemeter. Test records for entrance controls and audible and visual alarms and records of repairs must be maintained in accordance with .04(30).

(13) Labeling, Storage, and Transportation.

- (a) The licensee may not use a source changer or a container to store radioactive material unless the source changer or the storage container has securely attached to it a durable, legible, and clearly visible label bearing the standard trefoil radiation caution symbol conventional colors, i.e., magenta, purple or black on a yellow background, having a minimum diameter of 25 mm, and the wording:

CAUTION *

RADIOACTIVE MATERIAL

NOTIFY CIVIL AUTHORITIES [or " NAME OF COMPANY"]

* --- or "DANGER"

- (b) The licensee may not transport radioactive material unless the material is packaged, and the package is labeled, marked, and accompanied with appropriate shipping papers in accordance with regulations set out in Rule [391-3-17-.06.](#)
- (c) Radiographic exposure devices, source changers, and storage containers, must be physically secured to prevent tampering or removal by unauthorized personnel. The licensee shall store radioactive material in a manner that will minimize danger from explosion or fire.

- (d) The licensee shall lock and physically secure the transport package containing radioactive material in the transporting vehicle to prevent accidental loss, tampering, or unauthorized removal.
- (e) The licensee's name and city or town where the main business office is located shall be prominently displayed with a durable, clearly visible label(s) on both sides of all vehicles used to transport radioactive material for temporary job site use.

(14) Conducting Industrial Radiographic Operations.

- (a) Whenever radiography is performed at a location other than a permanent radiographic installation, the radiographer must be accompanied by at least one other qualified radiographer or an individual who has at a minimum met the requirements of .04(16)(c). The additional qualified individual shall observe the operations and be capable of providing immediate assistance to prevent unauthorized entry. Radiography may not be performed if only one qualified individual is present.
- (b) All radiographic operations conducted at locations of use authorized on the license must be conducted in a permanent radiographic installation, unless otherwise specifically authorized by the Division.
- (c) Except when physically impossible, collimators shall be used in industrial radiographic operations that use radiographic exposure devices that allow the source to be moved out of the device.
- (d) A licensee may conduct lay-barge, offshore platform, or underwater radiography only if procedures have been approved by the Division.

(15) Radiation Safety Officer. A Radiation Safety Officer (RSO) shall be designated on every industrial radiography license issued by the Director. The Radiation Safety Officer shall ensure that radiation safety activities are being performed in accordance with approved procedures and regulatory requirements in the daily operation of the licensee's program.

- (a) The minimum qualifications, training, and experience for radiation safety officers for industrial radiography are as follows:
 - 1. Completion of the training and testing requirements of .04(16);
 - 2. 2,000 hours of hands-on experience as a qualified radiographer in industrial radiographic operations; and
 - 3. Formal training in the establishment and maintenance of a radiation protection program.

- (b) The Division will consider alternatives when the radiation safety officer has appropriate training and experience in the field of ionizing radiation, and in addition, has adequate formal training with respect to the establishment and maintenance of a radiation safety protection program.
- (c) The specified duties of the RSO include, but are not limited to, the following:
 - 1. Establishing and overseeing all operating, emergency, and ALARA procedures, and to review them regularly to ensure that the procedures are current and conform with these Rules;
 - 2. Overseeing and approving all phases of the training program for radiographic personnel so that appropriate and effective radiation protection practices are taught;
 - 3. Ensuring that required radiation surveys and leak tests are performed and documented in accordance with these Rules, including any corrective measures when levels of radiation exceed established limits;
 - 4. Ensuring that personnel monitoring devices are calibrated and used properly by occupationally-exposed personnel, that records are kept of the monitoring results, and that timely notifications are made as required by this Chapter;
 - 5. Ensuring that any required interlock switches and warning signals are functioning and that radiation signs, ropes, and barriers are properly posted and positioned;
 - 6. Investigating and reporting to the Division each known or suspected case of radiation exposure to an individual, or radiation level detected, in excess of limits established by this Chapter and each theft or loss of source(s) of radiation, to determine the cause and to take steps to prevent its recurrence;
 - 7. Having a thorough knowledge of management policies and administrative procedures of the licensee;
 - 8. Assuming control and having the authority to institute corrective actions including shutdown of operations when necessary in emergency situations or unsafe conditions;
 - 9. Maintaining records as required by this Chapter;
 - 10. Ensuring the proper storing, labeling, transport, and use of exposure devices and sources of radiation;

11. Ensuring that inventory and inspection and maintenance programs are performed in accordance with (10) and (11) of this Rule;
12. Ensuring that personnel are complying with this Chapter, the conditions of the license, and the operating and emergency procedures of the licensee.

(16) Training.

- (a) The licensee shall not permit any individual to act as a radiographer until such individual has received at least 40 hours of training in the subjects outlined in .04(16)g, in addition to on the job training consisting of hands- on experience under the supervision of a radiographer and is certified through a radiographer certification program by a certifying entity in accordance with the criteria specified in Appendix A of this Rule. The on the job training shall include a minimum of 2 months (320 hours) of active participation in the performance of industrial radiography utilizing radioactive material.
- (b) In addition, the licensee may not permit any individual to act as a radiographer until the individual:
 1. Has received copies of and instruction in the requirements described in the regulations contained in this Rule, and applicable sections of Rules 391-1-7-.03, .06, and .07, in the license under which the radiographer will perform industrial radiography, and the licensee's operating and emergency procedures;
 2. Has demonstrated an understanding of items in .04(16)(b)1. by successful completion of a written or oral examination;
 3. Has received training in the use of the licensee's radiographic exposure devices, sealed sources, in the daily inspection of devices and associated equipment, and in the use of radiation survey instruments; and
 4. Has demonstrated understanding of the use of the equipment described in .04(16)(b)3. by successful completion of a practical examination.
- (c) The licensee may not permit any individual to act as a radiographer's assistant until the individual:
 1. Has received copies of and instruction in the requirements described in these regulations contained in this Rule, and applicable sections of Rules 391-3-17-03, .06, and .07, in the license under which the radiographer's assistant will perform industrial radiography, and the licensee's operating and emergency procedures;

2. Has demonstrated an understanding of items in .04(16)(c)1. by successful completion of a written or oral examination;
 3. Under the personal supervision of a radiographer, has received training in the use of the licensee's radiographic exposure devices and sealed sources, in the daily inspection of devices and associated equipment, and in the use of radiation survey instruments; and
 4. Has demonstrated understanding of the use of the equipment described in .04(16)(c)3. by successful completion of a practical examination.
- (d) The licensee shall provide annual refresher safety training for each radiographer and radiographer's assistant at intervals not to exceed 12 months.
- (e) Except as provided in .04(16)(e)4., the radiation safety officer or designee shall conduct an inspection program of the job performance of each radiographer and radiographer's assistant to ensure that the Division's Rules, the license, and operating and emergency procedures are followed. The inspection program must:
1. Include observation of the performance of each radiographer and radiographer's assistant during an actual industrial radiographic operation, at intervals not to exceed six months; and
 2. Provide that, if a radiographer or a radiographer's assistant has not participated in an industrial radiographic operation for more than six months since the last inspection, the radiographer must demonstrate knowledge of the training requirements of .04(16)(b)3. and the radiographer's assistant must demonstrate knowledge of the training requirements of .04(16)(c)3. by a practical examination before these individuals can next participate in a radiographic operation.
 3. The Division may consider alternative in those situations where the individual serves as both radiographer and radiation safety officer.
 4. In those operations where a single individual serves as both radiographer and radiation safety officer, and performs all radiography operations, an inspection program is not required.
- (f) The licensee shall maintain records of the above training to include certification documents, written, oral and practical examinations, refresher safety training and inspections of job performance in accordance with .04(31).
- (g) The licensee shall include the following subjects required in .04(16)(a):
1. Fundamentals of Radiation Safety including:

- (i) Characteristics of gamma and x-radiation.
- (ii) Units of radiation dose (rem or Sievert) and quantity of radioactivity (Curie or becquerel).
- (iii) Significance of radiation dose:
 - (I) Radiation protection standards;
 - (II) Biological effects of radiation dose; and
 - (III) Case histories of radiography accidents.
- (iv) Levels of radiation from sources of radiation.
- (v) Methods of controlling radiation dose:
 - (I) Working time;
 - (II) Working distances; and
 - (III) Shielding.

2. Radiation Detection Instrumentation including.

- (i) Use of radiation survey instruments:
 - (I) Operation;
 - (II) Calibration; and
 - (III) Limitations.
- (ii) Survey techniques.
- (iii) Use of personnel monitoring equipment including but not limited to:
 - (I) Film badges;
 - (II) Thermoluminescent dosimeters (TLDs);
 - (III) Pocket dosimeters;
 - (IV) Alarm ratemeters; and

(V) Optically stimulated luminescent devices.

3. Radiographic Equipment to be Used including:

- (i) Remote handling equipment.
- (ii) Operation and control of radiographic exposure equipment, remote handling equipment, storage containers, and sealed sources, including pictures or models of source assemblies (pigtailed).
- (iii) Storage control, and disposal of sources of radiation; and transport containers and source changers.
- (iv) Collimators.

4. Inspection and maintenance of equipment.

5. The Requirements of Pertinent Federal and State Regulations.

6. The Licensee's Written Operating and Emergency Procedures.

7. Case histories of accidents in radiography.

- (h) Licensees will have one year from the effective date of this rule to comply with the additional training requirements specified in .04(16)(b)1. and .04(16)(c)1.

(17) Operating and Emergency Procedures.

- (a) The operating and emergency procedures of the licensee shall include, as a minimum, instruction in the following:
- 1. Appropriate handling and use of sources of radiation so that no individual is likely to be exposed to radiation doses in excess of the limits established in Rule [391-3-17-.03](#), "Standards for Protection Against Radiation";
 - 2. Methods and occasions for conducting radiation surveys;
 - 3. Methods for posting and controlling access to radiographic areas;
 - 4. Methods and occasions for locking and securing sealed sources;
 - 5. Personnel monitoring and the use of personnel monitoring equipment;

6. Transporting equipment to field locations, including packing of radiographic exposure devices and storage containers in the vehicles, placarding of vehicles when required, and control of the equipment during transportation as described in Rule .06 of this Chapter;
 7. The inspection, maintenance and operability checks of radiographic exposure devices, survey instruments, alarming ratemeters, transport containers, and storage containers.
 8. Steps that must be taken immediately by radiography personnel in the event a pocket dosimeter is found to be off-scale or an alarming ratemeter alarms unexpectedly;
 9. The procedure(s) for identifying and reporting defects and noncompliance, as required by .04(37);
 10. The procedure for notifying proper persons in the event of an accident or incident;
 11. Minimizing exposure of individuals in the event of an accident or incident, including a source disconnect, a transport accident, or loss of a source of radiation;
 12. Source recovery procedure if licensee will perform source recoveries; and
 13. Maintenance of records.
- (b) The licensee shall maintain copies of current operating and emergency procedures in accordance with .04(32) and .04(36).

(18) Supervision of Radiographer's Assistants.

- (a) Whenever a radiographer's assistant uses radiographic exposure devices, associated equipment, or a sealed source, or conducts radiation surveys required by (20)(b) and (c) of this Rule to determine that the sealed source has returned to the shielded position after an exposure, he shall be under the personal supervision of a radiographer. The personal supervision shall include:
1. The radiographer's physical presence at the site where the sealed sources are being used;
 2. The ability of the radiographer to give immediate assistance if required; and
 3. The radiographer's direct observation of the assistant's performance of the operations referred to in .04(18) of this Rule.

(19) Personnel Monitoring Control.

- (a) The licensee shall not permit any individual to act as a radiographer or a radiographer's assistant unless, at all times during radiographic operations, each individual wears, on the trunk of the body, a combination of direct-reading dosimeter, an alarming ratemeter, and a personal monitoring device. At permanent radiographic installations where other appropriate alarming or warning devices are in routine use the use of an alarming ratemeter is not required.
 - 1. Pocket dosimeters shall have a range from zero to 200 milliroentgens (2 millisieverts) and shall be recharged daily or at the start of each shift. Electronic personal dosimeters may only be used in place of ion-chamber pocket dosimeters.
 - 2. Each personal monitoring device shall be assigned to and worn by only one individual.
 - 3. Personal monitoring devices must be exchanged at periods not to exceed one month. After replacement each personal monitoring device must be returned to the supplier for processing within 14 calendar days of the end of the monitoring period, or as soon as practicable. If circumstances exist which make it impossible to return each personal monitoring device within 14 calendar days, such circumstances must be documented and available for review by the Division.
- (b) Direct reading dosimeters such as pocket dosimeters or electronic personal dosimeters shall be read and exposures recorded at the beginning and end of each shift, and records must be maintained in accordance with .04(33).
- (c) Pocket dosimeters or electronic personal dosimeters shall be checked at periods not to exceed one year for correct response to radiation, and records must be maintained in accordance with .04(33). Acceptable dosimeters shall read within plus or minus 20 percent of the true radiation exposure.
- (d) If an individual's pocket dosimeter is found to be off-scale, or the electronic personal dosimeter reads greater than 200 mrem (2 millisieverts), the personal monitoring device must be sent for processing within 24 hours. For personnel dosimeters that do not require processing, evaluation of the dosimeter may be started within 24 hours. In addition, the individual may not resume work associated with the use of sources of radiation until a determination of the individual's radiation exposure has been made. This determination must be made by the radiation safety officer or the radiation safety officer's designee. The results of this determination must be included in the records maintained in accordance with .04(33).

- (e) If a personal monitoring device is lost or damaged, the worker shall cease work immediately until a replacement personal monitoring device is provided and the exposure is calculated for the time period from issuance to loss or damage of the personal monitoring device. The results of the calculated exposure and the time period for which the personal monitoring device was lost or damaged must be included in the records maintained in accordance with .04(33).
- (f) Reports received from personal monitoring devices shall be retained in accordance with .04(33).
- (g) Each alarm ratemeter must:
 - 1. Be checked to ensure that the alarm functions properly prior to use at the start of each shift;
 - 2. Emit an alarm signal at a preset dose-rate of 500 mr (5 mSv) per hour; with an accuracy of plus or minus 20 percent of the true radiation dose rate.
 - 3. Require special means to change the preset alarm function; and
 - 4. Be calibrated at periods not to exceed one year for correct response to radiation. The licensee shall maintain records of alarming ratemeter calibrations in accordance with .04(33).

(20) **Radiation Surveys.** The license shall:

- (a) Conduct all surveys with a calibrated and operable radiation survey instrument that meets the requirements of .04(8);
- (b) Conduct a survey of the radiographic exposure device and the guide tube after each exposure when approaching the device or the guide tube. The survey shall be to determine that the sealed source has been returned to its shielded position before exchanging films, repositioning the exposure head, or dismantling equipment.
- (c) Conduct a survey of the radiographic exposure device whenever the source is exchanged and whenever a radiographic exposure device is placed in a storage area as defined in .04(3), to ensure that the sealed source is in its shielded position; and
- (d) Maintain records in accordance with .04(34).

(21) **Surveillance.** During each radiographic operation, the radiographer shall ensure continuous direct visual surveillance of the operation to protect against unauthorized entry into a radiation area or a high radiation area, as defined in Rule .01 of this Chapter,

except at permanent radiographic installations where all entryways are locked and the requirements of .04(12) are met.

- (22) **Posting.** Notwithstanding any provisions of Rule [391-3-17-.03\(12\)\(c\)](#) all areas in which industrial radiography is being performed shall be conspicuously posted as required by Rule [391-3-17-.03\(12\)\(b\)1.](#) and 2.
- (23) **Records for Industrial Radiography.** Each licensee shall maintain a copy of its license, documents incorporated by reference, and amendments to each of these items until superseded by new documents approved by the Division, or until the Director terminates the license.
- (24) **Records of Receipt and Transfer of Sources of Radiation.**
 - (a) Each licensee shall maintain records showing the receipts and transfers of sealed sources, devices using DU for shielding, and radiation machines, and retain each record for three years after it is made.
 - (b) These records must include the date, the name of the individual making the record, radionuclide, number of curies (becquerels) or mass (for DU), and manufacturer, model, and serial number of each source of radiation and/or device, as appropriate.
- (25) **Records of Radiation Survey Instruments.** Each licensee shall maintain records of the calibrations of its radiation survey instruments that are required under .04(8) and retain each record for three years after it is made.
- (26) **Records of Leak Testing of Sealed Sources and Devices Containing DU.** Each licensee shall maintain records of leak test results for sealed sources and for devices containing DU. The results must be stated in units of microcuries (becquerels). The licensee shall retain each record for three years after it is made or until the source in storage is removed.
- (27) **Records of Quarterly Inventory.**
 - (a) Each licensee shall maintain records of the quarterly inventory of sources of radiation, including devices containing depleted uranium as required by .04(10), and retain each record for three years.
 - (b) The record must include the date of the inventory, name of the individual conducting the inventory, radionuclide, number of curies (becquerels) or mass (for DU) in each device, location of sources of radiation and/or devices, and manufacturer, model, and serial number of each source of radiation and/or device, as appropriate.
- (28) **Utilization Logs.**

- (a) Each licensee shall maintain utilization logs showing for each source of radiation the following information:
 - 1. A description, including the make, model, and serial number the radiographic exposure device, transport, or storage container in which the sealed source is located;
 - 2. The identity and signature of the radiographer to whom assigned;
 - 3. The location and dates of use, including the dates removed and returned to storage; and
 - 4. For permanent radiographic installations, the dates each radiographic exposure device is used.
 - (b) The licensee shall retain the logs required by .04(28)(a) for three years.
- (29) **Records of Inspection and Maintenance of Radiographic Exposure Devices, Transport and Storage Containers, Associated Equipment, Source Changers, and Survey Instruments.**
- (a) Each licensee shall maintain records specified in .04(11) of equipment problems found in daily checks and quarterly inspections of radiation machines, radiographic exposure devices, transport and storage containers, associated equipment, source changers, and survey instruments; and retain each record for three years after it is made.
 - (b) The record must include the date of check or inspection, name of inspector, equipment involved, any problems found, and what repair and/or maintenance, if any, was performed.
- (30) **Records of Alarm System and Entrance Control Checks at Permanent Radiographic Installations.** Each licensee shall maintain records of alarm system and entrance control device tests required by .04(12) and retain each record for three years after it is made.
- (31) **Records Of Training and Certification.** Each licensee shall maintain the following records for three years:
- (a) Records of training of each radiographer and each radiographer's assistant. The record must include radiographer certification documents and verification of certification status, copies of written tests, dates of oral and practical examinations, the names of individuals conducting and receiving the oral and practical examinations, and a list of items tested and the results of the oral and practical examinations; and

- (b) Records of annual refresher safety training and semi-annual inspections of job performance for each radiographer and each radiographer's assistant. The records must list the topics discussed during the refresher safety training, the dates the annual refresher safety training was conducted, and names of the instructors and attendees. For inspections of job performance, the records must also include a list showing the items checked and any non-compliance observed by the radiation safety officer or designee.
- (32) **Copies of Operating and Emergency Procedures.** Each licensee shall maintain a copy of current operating and emergency procedures until the Director terminates the license. Superseded material must be retained for three years after the change is made.
- (33) **Records of Personnel Monitoring.** Each licensee shall maintain the following exposure records specified in .04(19):
 - (a) Direct reading dosimeter readings and yearly operability checks required by .04(19)(b) and .04(19)(c) for three years after the record is made;
 - (b) Records of alarming ratemeter calibrations for three years after the record is made;
 - (c) Reports received from the personal dosimeter processor until the Director terminates the license; and
 - (d) Records of estimates of exposures as a result of off-scale personal direct reading dosimeters, or lost or damaged personnel monitoring device, until the Director terminates the license.
- (34) **Records of Radiation Surveys.** Each licensee shall maintain a record of each exposure device survey conducted before the device is placed in storage as specified in .04(20)(c). Each record must be maintained for three years after it is made.
- (35) **Form of Records.** Each record required by these rules must be legible throughout the specified retention period. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of reproducing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records, such as letters, drawings, and specifications, must include all pertinent information, such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.
- (36) **Location Of Documents and Records.**
 - (a) Each licensee shall maintain copies of records required by this Rule and other applicable Rules of this Chapter at the location specified in .04(4)(k).

(b) Each licensee shall also maintain current copies of the following documents and records sufficient to demonstrate compliance at each applicable field station and each temporary job site:

1. The license authorizing the use of sources of radiation;
2. Operating and emergency procedures as required by .04(32);
3. A copy of Rules .02, .03, .04 of this Chapter;
4. Survey records required by .04(34) and Rule .03(8) of this Chapter as applicable for the period of operation at the site;
5. Records of dosimeter readings as required by .04(33);
6. Valid radiographer's identification cards issued by a certifying entity for each radiographer working at the temporary job site or field location;
7. Evidence of the latest instrument calibration of the radiation survey instruments in use at the site as required by .04(25);
8. Utilization logs for each source of radiation dispatched from that location as required by .04(28);
9. Records of equipment problems identified in daily checks of equipment as required by .04(29)(a);
10. Records of alarm system and entrance control checks required by .04(30), if applicable;
11. Evidence of the latest calibrations of alarming ratemeters and operability checks of dosimeters as required by .04(33);
12. The shipping papers for the transportation of radioactive materials required by Rule .06 of this Chapter; and
13. When operating under reciprocity pursuant to Rule [391-3-17-.02\(20\)](#) of this Chapter, a copy of the applicable Agreement State license or Nuclear Regulatory Commission license authorizing the use of sources of radiation.

(37) Notifications.

- (a) In addition to the reporting requirements specified in [10CFR 30.50](#) and in Rule 391-3-17.03 of this Chapter, each licensee shall provide a written report to the Division within 30 days of the occurrence of any of the following incidents involving radiographic equipment:

1. Unintentional disconnection of the source assembly from the control cable.
 2. Inability to retract the source assembly to its fully shielded position and secure it in this position.
 3. Failure of any component, which is critical to safe operation of the device, to properly perform its intended function.
- (b) The licensee shall include the following information in each report submitted under (37)(a)1. of this Rule and in each report of overexposure submitted under Rule [391-3-17-.03\(15\)\(c\)](#) which involves failure of safety components of radiography equipment:
1. A description of the equipment problem;
 2. Cause of each incident, if known;
 3. Name of the manufacturer and model number of equipment involved in the incident;
 4. Place, time, and date of the incident;
 5. Actions taken to establish normal operations;
 6. Corrective actions taken or planned to prevent recurrence; and
 7. Qualifications of personnel involved in the incident.
- (c) Any licensee conducting radiographic operations or storing sources of radiation at any location not listed on the license for a period in excess of 180 days in a calendar year, shall notify the Division prior to exceeding the 180 days.

(38) **[Reserved]**

(39) **[Reserved]**

(40) **Reciprocity.**

- (a) All reciprocal recognition of licenses by the Director will be granted in accordance with Rule [391-3-17-.02\(20\)](#) of this Chapter.
- (b) Reciprocal recognition by the Director of an individual radiographer certification will be granted provided that:
 1. The individual holds a valid certification in the appropriate category issued by a certifying entity, as defined in .04(3);

2. The requirements and procedures of the certifying entity issuing the certification affords the same or comparable certification standards as those afforded by .04(16)(a);
 3. The applicant presents the certification to the Division prior to entry into the state; and
 4. No escalated enforcement action is pending with the Nuclear Regulatory Commission or in any other state.
- (c) Certified individuals who are granted reciprocity by the Director shall maintain the certification upon which the reciprocal recognition was granted, or prior to the expiration of such certification, shall meet the requirements of .04(16)(a).

(41) Specific Requirements for Radiographic Personnel Performing Industrial Radiography.

- (a) The licensee shall supply the following at the job site:
1. At least one operable, calibrated survey instrument for each exposure device in use;
 2. A current whole body personal dosimeter for each individual;
 3. An operable, calibrated pocket dosimeter with a range of zero to 200 milliroentgens for each person performing radiographic operations;
 4. An operable, calibrated alarm ratemeter with preset dose-rate of 500 mr (5 mSv) per hour for each person performing radiographic operations using a radiographic exposure device; and
 5. The appropriate barrier ropes and signs.
- (b) Each radiographer at a job site shall have on their person a valid certification ID card issued by a certifying entity.
- (c) Industrial radiographic operations shall not be performed if any of the items in .04(41)(a) or .04(41)(b) are not available at the job site or are inoperable.
- (d) Each licensee shall provide as a minimum two-person crews, i.e., two radiographers or a radiographer assistant who is under the personal supervision of a radiographer, when sources of radiation are used at temporary job sites.
- (e) No individual other than a radiographer or a radiographer assistant who is under the personal supervision of a radiographer shall manipulate controls or operate equipment used in industrial radiographic operations.

- (f) During an inspection by the Division, the Division inspector may terminate an operation if any of the items in .04(41)(a) are not available and operable or if the required number of radiographic personnel are not present. Operations shall not be resumed until such conditions are met.
- (g) Special Requirements for Enclosed Radiography. Systems for enclosed radiography designed to allow admittance of individuals shall:
 - 1. Comply with all applicable requirements of this Rule and Rule [391-3-17-.03\(5\)\(i\)](#); and
 - 2. Be evaluated at intervals not to exceed one year to assure compliance with the applicable requirements as specified in .04(41)(g)1. Records of these evaluations shall be maintained for inspection by the Division for a period of two years after the evaluation.
- (h) Prohibitions. Industrial radiography performed with a sealed source which is not fastened to or contained in a radiographic exposure device (fishpole technique) is prohibited unless specifically authorized in a license issued by the Director.

APPENDIX A

I. Requirements for an Independent Certifying Organization.

An independent certifying organization shall:

- 1. Be an organization such as a society or association, whose members participate in, or have an interest in, the field of industrial radiography;
- 2. Make its membership available to the general public nationwide. Membership shall not be restricted because of race, color, religion, sex, age, national origin or disability;
- 3. Have a certification program open to non-members, as well as members;
- 4. Be an incorporated, nationally-recognized organization that is involved in setting national standards of practice within its fields of expertise;
- 5. Have an adequate staff, a viable system for financing its operations, and a policy and decision-making review board;

6. Have a set of written organizational by-laws and policies that provide adequate assurance of lack of conflict of interest and a system for monitoring and enforcing those by-laws and policies;
7. Have a committee, whose members can carry out their responsibilities impartially, to review and approve the certification guidelines and procedures, and to advise the organization's staff in implementing the certification program;
8. Have a committee, whose members can carry out their responsibilities impartially, to review complaints against certified individuals and to determine appropriate sanctions;
9. Have written procedures describing all aspects of its certification program, maintain records of the current status of each individual's certification and the administration of its certification program;
10. Have procedures to ensure that certified individuals are provided due process with respect to the administration of its certification program, including the process of becoming certified and any sanctions imposed against certified individuals;
11. Have procedures for proctoring examinations, including qualifications for proctors. These procedures must ensure that the individuals proctoring each examination are not employed by the same company or corporation (or a wholly-owned subsidiary of such company or corporation) as any of the examinees;
12. Exchange information about certified individuals with the Nuclear Regulatory Commission and other independent certifying organizations and/or Agreement States and allow periodic review of its certification program and related records; and
13. Provide a description to the Nuclear Regulatory Commission of its procedures for choosing examination sites and for providing an appropriate examination environment.

II. Requirements for Certification Programs.

All certification programs must:

1. Require applicants for certification to (a) receive training in the topics set forth in .04(16)(g) or equivalent State or Nuclear

Regulatory Commission regulations, and (b) satisfactorily complete a written examination covering these topics;

2. Require applicants for certification to provide documentation that demonstrates that the applicant has:
 - (a) Received training in the topics set forth in .04(16)(g) or equivalent State or Nuclear Regulatory Commission regulations;
 - (b) Satisfactorily completed a minimum period of on-the-job training as specified in .04(16)(a); and
 - (c) Received verification by a State licensee or a Nuclear Regulatory Commission licensee that the applicant has demonstrated the capability of independently working as a radiographer.
3. Include procedures to ensure that all examination questions are protected from disclosure;
4. Include procedures for denying an application and revoking, suspending, and reinstating a certification;
5. Provide a certification period of not less than three years nor more than five years;
6. Include procedures for renewing certifications and, if the procedures allow renewals without examination, require evidence of recent full-time employment and annual refresher training; and
7. Provide a timely response to inquiries, by telephone or letter, from members of the public, about an individual's certification status.

III. Requirements for Examinations.

All examinations must be:

1. Designed to test an individual's knowledge and understanding of the topics listed in .04(16)(g) or equivalent State or Nuclear Regulatory Commission requirements;
2. Written in a multiple-choice format;

3. Have test items drawn from a question bank containing psychometrically valid questions based on the material in .04(16)(g).

¹ If a keyed lock, the key must be removed at all times.

Cite as Ga. Comp. R. & Regs. R. 391-3-17-.04

Authority: O.C.G.A. § [31-13-1](#) et seq.

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Rule 391-3-17-.05. Use of Radionuclides in the Healing Arts.

- (1) **Purpose and Scope.** This Rule, 391-3-17-.05, establishes requirements and provisions for the production, preparation, compounding and use of radionuclides in the healing arts and for issuance of licenses authorizing these activities. These requirements and provisions provide for the radiation safety of workers, the general public, patients, and human research subjects. The requirements and provisions of this Rule are in addition to, and not in substitution for, others in these regulations unless specifically exempted. All numbered and lettered references within this Rule refer to parts of this Rule, unless stated otherwise.
- (2) **Definitions.**
 - (a) "Accredited institution," means a teaching facility for nuclear medicine technology or radiation therapy technology whose standards are accepted by the United States Department of Education.
 - (b) "Address of use," means the building or buildings that are identified on the license and where radioactive material may be produced, prepared, received, used, or stored.
 - (c) "Area of use," means a portion of an address of use that has been set aside for the purpose of receiving, using, or storing radioactive material.

- (d) "Authorized medical physicist," means an individual who:
1. Meets the requirements in Rules .05(23)(a) and .05(27); or
 2. Is identified as an authorized medical physicist on a license or equivalent permit issued by the Director, Nuclear Regulatory Commission or Agreement State; or
 3. Is identified as an authorized medical physicist on a permit issued by the Director, Nuclear Regulatory Commission or Agreement State specific license of broad scope that is authorized to permit the use of radioactive material.
- (e) "Authorized nuclear pharmacist," means a pharmacist who:
1. Meets the requirements in Rules .05(24)(a) and .05(27); or
 2. Is identified as an authorized nuclear pharmacist on a license or equivalent permit issued by the Director, Nuclear Regulatory Commission or Agreement State; or
 3. Is identified as an authorized nuclear pharmacist on a permit issued by the Director, Nuclear Regulatory Commission or Agreement State specific license of broad scope that is authorized to permit the use of radioactive material.
- (f) "Authorized user," means a physician, dentist, or podiatrist who:
1. Meets the requirements in Rule .05(27) and .05(43)(a), .05(47)(a), .05(52)(a), .05(53)(a), .05(54)(a), .05(63)(a), .05(66)(a), or .05(84)(a); or
 2. Is identified as an authorized user on a license or equivalent permit issued by the Director, Nuclear Regulatory Commission or Agreement State; or
 3. Is identified as an authorized user on a permit issued by the Director, Nuclear Regulatory Commission or Agreement State specific license of broad scope that is authorized to permit the use of radioactive material.
- (g) "Brachytherapy," means a method of radiation therapy in which plated, embedded, activated, or sealed sources are utilized to deliver a radiation dose at a distance of up to a few centimeters, by surface, intracavitary, intraluminal or interstitial application.
- (h) "Brachytherapy source," means a radioactive source or a manufacturer-assembled source train or a combination of these sources that is designed to deliver a therapeutic dose within a distance of a few centimeters.

- (i) "Client's address," means the address of use or a temporary jobsite for the purpose of providing mobile medical service in accordance with Rule .05(38).
- (j) "Dedicated check source," means a radioactive source that is used to assure the consistent response of a radiation detection or measurement device over several months or years.
- (k) "Dentist," means an individual licensed to engage in the practice dentistry under the Authority of O.C.G.A. [43-11-40](#).
- (l) "Diagnostic clinical procedures manual," means a collection of written procedures that describes each method (and other instructions and precautions) by which the licensee performs diagnostic clinical procedures; where each diagnostic clinical procedure has been approved by the authorized user and includes the radiopharmaceutical, dosage, and route of administration, or in the case of sealed sources for diagnosis, the procedure.
- (m) "High dose-rate remote afterloader," (HDR) means a device that remotely delivers a dose rate in excess of 12 gray (1200 rad) per hour at the treatment site.
- (n) "Low dose-rate remote afterloader," (LDR) means a device that remotely delivers a dose rate of less than or equal to 2 gray (200 rad) per hour at the treatment site.
- (o) "Management," means the chief executive officer or other individual having the authority to manage, direct, or administer the licensee's activities, or those persons' delegate or delegates.
- (p) "Manual brachytherapy," means a type of therapy in which brachytherapy sources are manually applied or inserted.
- (q) "Medical institution," means an organization in which several medical disciplines are practiced.
- (r) "Medical use," means the intentional internal or external administration of radioactive material or the radiation from radioactive material to patients or human research subjects under the supervision of an authorized user.
- (s) "Medium dose-rate remote afterloader," (MDR) means a device that remotely delivers a dose rate of greater than 2 gray (200 rad), but less than, or equal to, 12 gray (1200 rad) per hour at the treatment site.
- (t) "Misadministration," means an event that meets the criteria in Rule .05(115)(a).
- (u) "Mobile medical service," means the transportation of radioactive material or its medical use at the client's address.

- (v) "Nuclear medicine technologist," means an individual who meets the requirements of Rule .05(25)(a) and, is under the supervision of an authorized user, to prepare or administers radioactive drugs to patients or human research subjects, or perform *in vivo* or *in vitro* measurements for medical purposes.
- (w) "Nuclear medicine technology," means the science and art of *in vivo* and *in vitro* detection and measurement of radioactivity and the administration of radioactive drugs to patients or human research subjects for diagnostic and therapeutic purposes.
- (x) "Output," means the exposure rate, dose rate, or a quantity related in a known manner to these rates from a brachytherapy source, or a teletherapy, remote afterloader, or gamma stereotactic radiosurgery unit for a specified set of exposure conditions.
- (y) "Patient intervention," means actions by the patient or human research subject, whether intentional or unintentional, such as dislodging or removing treatment devices or prematurely terminating the administration.
- (z) "Pharmacist," means any individual who is licensed to practice Pharmacy in this State by the Georgia State Board of Pharmacy.
- (aa) "Physician," means any person who is licensed to engage in the practice of medicine under the Authority of O.C.G.A. [43-34-20](#) or the limited practice of medicine under O.C.G.A. [43-35-1](#).
- (bb) "Podiatrist," means an individual licensed by the appropriate authority to practice podiatry in the state of Georgia.
- (cc) "Positron Emission Tomography (PET) radionuclide production facility" is defined as a facility operating a cyclotron or accelerator for the purpose of producing PET radionuclides.
- (dd) "Preceptor," means an individual who provides, directs or verifies training and experience required for an individual to become an authorized user, an authorized medical physicist, an authorized nuclear pharmacist, an Associate Radiation Safety Officer or a Radiation Safety Officer.
- (ee) "Prescribed dosage," means the specified activity or range of activity of radioactive drug as documented:
 - 1. In a written directive; or
 - 2. In accordance with the directions of the authorized user for procedures performed pursuant to Rule .05(41), (44) and (48).

(ff) "Prescribed dose," means:

1. For gamma stereotactic radiosurgery, the total dose as documented in the written directive;
2. For teletherapy, the total dose and dose per fraction as documented in the written directive;
3. For brachytherapy, either the total source strength and exposure time or the total dose, as documented in the written directive; or
4. For remote brachytherapy afterloaders, the total dose and dose per fraction as documented in the written directive.

(gg) "Pulsed dose-rate remote afterloader," (PDR) means a special type of remote afterloading device that uses a single source capable of delivering dose rates in the "high dose-rate" range, but:

1. Is approximately one-tenth of the activity of typical high dose-rate remote afterloader sources; and
2. Is used to simulate the radiobiology of a low dose rate treatment by inserting the source for a given fraction of each hour.

(hh) "Radiation Safety Officer," means an individual who:

1. Meets the requirements in Rule .05(22)(a) or .05(22)(c)1. And .05(27); or
2. Is identified as a Radiation Safety Officer on a Nuclear Regulatory Commission or Agreement State license or other equivalent permit or license recognized by the Division for similar types and uses of radioactive material.

(ii) "Radiation therapist," means an individual who meets the requirements of Rule .05(25)(b) and is under the supervision of an authorized user to perform procedures and apply radiation emitted from sealed radioactive sources to human beings for therapeutic purposes.

(jj) "Radiation therapy technology," means the science and art of applying radiation emitted from sealed radioactive sources to patients or human research subjects for therapeutic purposes.

(kk) "Radioactive drug," means any chemical compound containing radioactive material that may be used on or administered to patients or human research subjects as an aid in the diagnosis, treatment, or prevention of disease or other abnormal condition.

- (ll) "Sealed source," means any radioactive material that is encased in a capsule designed to prevent leakage or escape of the radioactive material.
- (mm) "Sealed Source and Device Registry," means the national registry that contains the registration certificates maintained by the Nuclear Regulatory Commission, that summarize the radiation safety information for the sealed sources and devices and describe the licensing and use conditions approved for the product.
- (nn) "Stereotactic radiosurgery," means the use of external radiation in conjunction with a stereotactic guidance device to very precisely deliver a dose to a treatment site.
- (oo) "Structured educational program," means an educational program designed to impart particular knowledge and practical education through interrelated studies and supervised training.
- (pp) "Teletherapy," as used in this Rule, means a method of radiation therapy in which collimated gamma rays are delivered at a distance from the patient or human research subject.
- (qq) "Temporary jobsite," as used in this Rule, means a location where mobile medical services are conducted other than the location(s) of use authorized on the license.
- (rr) "Therapeutic dosage," means a dosage of unsealed radioactive material that is intended to deliver a radiation dose to a patient or human research subject for palliative or curative treatment.
- (ss) "Therapeutic dose," means a radiation dose delivered from a sealed source containing radioactive material to a patient or human research subject for palliative or curative treatment.
- (tt) "Treatment site," means the anatomical description of the tissue intended to receive a radiation dose, as described in a written directive.
- (uu) "Type of use," means use of radioactive material as specified under Rule .05(41), (44), (48), (55), (65), (67) or (85).
- (vv) "Unit dosage," means a dosage that:
1. Is obtained or prepared in accordance with the regulations for uses described in Rule .05(41), (44), (48); and
 2. Is to be administered as a single dosage to a patient or human research subject without any further manipulation of the dosage after it is initially prepared.

(ww) "Written directive," means an authorized user's written order for the administration of radioactive material or radiation from radioactive material to a specific patient or human research subject, as specified in Rule .05(19).

(xx) "Associate Radiation Safety Officer," means an individual who:

1. Meets the requirements in 391-3-17-.05(22) and .05(27); and
2. Is currently identified as an Associate Radiation Safety Officer for the types of use of byproduct material for which the individual has been assigned duties and tasks by the Radiation Safety Officer on:
 - (i) A specific medical use license issued by the Commission or an Agreement State; or
 - (ii) A medical use permit issued by a Commission master material licensee.

(yy) "Ophthalmic physicist," means an individual who:

1. Meets the requirements in 391-3-17-.05(27) and 391-3-17-.05(64)(c)2.; and
2. Is identified as an ophthalmic physicist on a:
 - (i) Specific medical use license issued by the Commission or an Agreement State;
 - (ii) Permit issued by a Commission or Agreement State broad scope medical use licensee;
 - (iii) Medical use permit issued by a Commission master material licensee; or
 - (iv) Permit issued by a Commission master material licensee broad scope medical use permittee.

- (3) **Maintenance of Records.** Each record required by Rule .05 must be legible throughout the retention period specified by each Division Rule. The record may be the original, a reproduced copy, or a microform provided that the copy or microform is authenticated by authorized personnel and the microform is capable of producing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, and specifications, must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

(4) **Provisions for Research Involving Human Subjects.** A licensee may conduct research involving human subjects using radioactive material provided:

- (a) That the research is conducted, funded, supported, or regulated by a Federal agency that has implemented the Federal Policy for the Protection of Human Subjects. Otherwise, a licensee shall apply for and receive approval of a specific amendment to its Division license before conducting such research. Both types of licensees shall, at a minimum, obtain informed consent from the human subjects and obtain prior review and approval of the research activities by an "Institutional Review Board" in accordance with the meaning of these terms as defined and described in the Federal Policy for the Protection of Human Subjects;
- (b) The research involving human subjects authorized in .05(4)(a) shall be conducted using radioactive material authorized for medical use in the license; and
- (c) Nothing in Rule .05(4) relieves licensees from complying with the other requirements in Rule .05.

(5) **U.S. Food and Drug Administration, Federal, and State Requirements.** Nothing in Rule .05 relieves the licensee from complying with applicable U.S. Food and Drug Administration, other Federal, and State requirements governing radioactive drugs or devices.

(6) **Implementation.**

- (a) A licensee shall implement the provisions in Rule .05 on July 1, 2003.
- (b) When a requirement in Rule .05 differs from the requirement in an existing license condition, the requirement in Rule .05 shall govern.
- (c) Any existing license condition that is not affected by a requirement in Rule .05 remains in effect until there is a license amendment or license renewal.
- (d) If a license condition exempted a licensee from a provision of Rule .05 on July 1, 2003, it will continue to exempt a licensee from the corresponding provision in Rule .05.
- (e) If a license condition cites provisions in Rule .05 that will be deleted on July 1, 2003, then the license condition remains in effect until there is a license amendment or license renewal that modifies or removes this condition.
- (f) Licensees shall continue to comply with any license condition that requires it to implement procedures required by Rule .05(70), (76), (77) and (78) until there is a license amendment or renewal that modifies the license condition.

(7) **License Required.**

- (a) A person may manufacture, produce, prepare, acquire, receive, possess, use, or transfer radioactive material for medical use only in accordance with a specific license issued by the Director, the Nuclear Regulatory Commission or an Agreement State, or as allowed in Rule .05(7)(b) or (7)(c).
- (b) An individual may receive, possess, use, or transfer radioactive material in accordance with the regulations in Rule .05 under the supervision of an authorized user as provided in Rule .05(18), unless prohibited by license condition.
- (c) An individual may prepare unsealed radioactive material for medical use in accordance with the regulations in Rule .05 under the supervision of an authorized nuclear pharmacist or authorized user as provided in Rule .05(18), unless prohibited by license condition.

(8) Application for License, Amendment, or Renewal.

- (a) An application must be signed by the applicant's or licensee's management.
- (b) An application for a license for medical use of radioactive material as described in Rule .05(41), (44), (48), (55), (65), (67) or (85) must be made by:
 - 1. Filing an original Application for Radioactive Materials License, and
 - 2. Submitting procedures required by sections Rule .05(70), (76), (77), and (78), as applicable.
- (c) A request for a license amendment or renewal must be made by:
 - 1. Submitting an original in letter format.
 - 2. Submitting procedures required by sections Rule .05(70), (76), (77) and (78), as applicable.
- (d) In addition to the requirements in (8)(b) and (8)(c), an application for a license or amendment for medical use of radioactive material as described in (85) of Rule .05 must also include information regarding any radiation safety aspects of the medical use of the material that is not addressed in Rule .05(1) through Rule .05(40), as well as any specific information on:
 - 1. Radiation safety precautions and instructions;
 - 2. Training and experience of proposed users;
 - 3. Methodology for measurement of dosages or doses to be administered to patients or human research subjects; and

4. Calibration, maintenance, and repair of instruments and equipment necessary for radiation safety.
- (e) The applicant or licensee shall also provide any other information requested by the Division in its review of the application.
- (f) An applicant that satisfies the requirements specified in Rule .02(10)(b) may apply for a Type A specific license of broad scope.

(9) Mobile Medical Service Administrative Requirements.

- (a) The Director shall license mobile medical services or clients of such services. The mobile medical service shall be licensed if the service receives, uses or possesses radioactive material. The client of the mobile medical service shall be licensed if the client receives or possesses radioactive material to be used by a mobile medical service.
- (b) Mobile medical service licensees shall obtain a letter signed by the management of each location where services are rendered that authorizes use of radioactive material at the clinic's address of use. This letter shall clearly delineate the authority and responsibility of both the client and the mobile medical service. If the client is licensed, the letter shall document procedures for notification, receipt, storage and documentation of transfer of radioactive material delivered to the client's address for use by the mobile medical service.
- (c) A mobile medical service shall not have radioactive material delivered directly from the manufacturer or the distributor to the client unless the client has a license allowing possession of the radioactive material. Radioactive material delivered to the client shall be received and handled in conformance with the client's license.
- (d) A mobile medical service shall inform the client's management who is on site at each client's address of use at the time that radioactive material is being administered.
- (e) A licensee providing mobile medical services shall retain the letter required in (9)(b) in accordance with Rule .05(97).
- (f) A mobile medical service licensee shall maintain on each mobile unit:
 1. The current operating and emergency procedures;
 2. A copy of the license;
 3. Copies of the letter required by .05(9)(b);

4. Current calibration records for each survey instrument and diagnostic equipment or dose delivery device in use; and
 5. Survey records covering uses associated with the mobile unit during, at a minimum, the preceding 30 calendar days.
- (g) A mobile medical service licensee shall maintain records required by Rules .03 and .05 of this Chapter at a location within the Division's jurisdiction that is:
1. A single address of use:
 - (i) Identified as the records retention location; and
 - (ii) Staffed at all reasonable hours by individual(s) authorized to provide the Division with access for purposes of inspection; or
 2. When no address of use is identified on the license for records retention, the mobile unit:
 - (i) Identified in the license; and
 - (ii) Whose current client's address schedule and location schedule is reported to the Division.
- (10) **License Amendments.** A licensee shall apply for and must receive a license amendment:
- (a) Before it receives, prepares or uses radioactive material for a type of use that is permitted under Rule .05, but that is not authorized on the licensee's current license issued pursuant to Rule .05;
 - (b) Before it permits anyone to work as an authorized user, authorized nuclear pharmacist, or authorized medical physicist under the license, except an individual who is:
 1. For an authorized user, an individual who meets the requirements in Rule .05(27) and (43)(a), Rule .05(47)(a), (52)(a), (53)(a), (54)(a), (63)(a), (64)(a), (66)(a), or (84)(a) or;
 2. For an authorized nuclear pharmacist, an individual who meets the requirements in Rule .05(24)(a) and (27);
 3. For an authorized medical physicist, an individual who meets the requirements in Rule .05(23)(a) and (27);

4. Identified as an authorized user, an authorized nuclear pharmacist, or authorized medical physicist on a Nuclear Regulatory Commission or Agreement State license or other equivalent permit or license recognized by the Division that authorizes the use of radioactive material in medical use or in the practice of nuclear pharmacy, respectively; or
 5. Identified as an authorized user, an authorized nuclear pharmacist, or authorized medical physicist on a permit issued by a Nuclear Regulatory Commission or Agreement State specific licensee of broad scope that is authorized to permit the use of radioactive material in medical use or in the practice of nuclear pharmacy, respectively.
- (c) Before it changes Radiation Safety Officers, except as provided in (15)(c);
 - (d) Before it receives radioactive material in excess of the amount, or in a different physical or chemical form than is authorized on the license;
 - (e) Before it adds to or changes the areas of use identified in the application or on the license, except as specified in (11)(b)4.;
 - (f) Before it changes the address(es) of use identified in the application or on the license;
 - (g) Before it changes statements, representations, and procedures which are incorporated into the license; and
 - (h) Before it releases licensed facilities for unrestricted use.

(11) Notifications.

- (a) A licensee shall provide to the Division a copy of the board certification, the Nuclear Regulatory Commission or Agreement State license, or the permit issued by a licensee of broad scope for each individual no later than 30 days after the date that the licensee permits the individual to work as an authorized user, an authorized nuclear pharmacist or an authorized medical physicist, pursuant to (10)(b).
- (b) A licensee shall notify the Division by letter no later than 30 days after:
 1. A Radiation Safety Officer permanently discontinues performance of duties under the license or has a name change;
 2. The licensee's mailing address changes;

3. The licensee's name changes, but the name change does not constitute a transfer of control of the license as described in Rule .02(13)(b) of these regulations; or
4. The licensee has added to or changed the areas where radioactive material is used in accordance with Rule .05(41) and (44).

(12) **Exemptions Regarding Type A Specific Licenses of Broad Scope.** A licensee possessing a Type A specific license of broad scope for medical use is exempt from:

- (a) The provisions of (8)(d) of these regulations, regarding the need to file an amendment to the license for medical uses of radioactive material, as described in .05(85);
- (b) The provisions of (10)(b) regarding the need to file an amendment before permitting anyone to work as an authorized user, an authorized nuclear pharmacist or an authorized medical physicist under the license;
- (c) The provisions of (10)(e) regarding additions to or changes in the areas of use at the addresses specified in the license;
- (d) The provisions of .05(11)(a) regarding notification to the Division for new authorized users, new authorized nuclear pharmacists and new authorized medical physicists; and
- (e) The provisions of .05(21)(a) regarding suppliers for sealed sources.

(13) **License Issuance.**

- (a) The Director shall issue a license for the medical use of radioactive material if:
 1. The applicant has filed Application for Radioactive Materials License in accordance with the instructions in .05(8);
 2. The applicant has paid any applicable fee;
 3. The applicant meets the requirements of Rule .02 of this Chapter; and
 4. The Director finds the applicant equipped and committed to observe the safety standards established by the Division in these Rules for the protection of the public health and safety.
- (b) The Director shall issue a license for mobile services if the applicant:
 1. Meets the requirements in .05(13)(a); and

2. Assures that individuals to whom radioactive drugs or radiation from implants containing radioactive material will be administered, may be released following treatment in accordance with .05(37).

- (14) **Specific Exemptions.** The Director may, upon application of any interested person or upon its own initiative, grant such exemptions from the regulations in Rule .05 as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

General Administrative Requirements

- (15) **Authority and Responsibilities for the Radiation Protection Program.**

- (a) In addition to the radiation protection program requirements of Rule .03(4), a licensee's management must approve in writing:
 1. Requests for license application, renewal, or amendments before submittal to the Division;
 2. Any individual before allowing that individual to work as an authorized user, authorized nuclear pharmacist or authorized medical physicist, and
 3. Radiation protection program changes that do not require a license amendment and are permitted under .05(16);
- (b) A licensee's management shall appoint a Radiation Safety Officer, who agrees in writing to be responsible for implementing the radiation protection program. The licensee, through the Radiation Safety Officer, shall ensure that radiation safety activities are being performed in accordance with licensee-approved procedures and regulatory requirements. A licensee's management may appoint, in writing, one or more Associate Radiation Safety Officers to support the Radiation Safety Officer. The Radiation Safety Officer, with written agreement of the licensee's management, must assign the specific duties and tasks to each Associate Radiation Safety Officer. These duties and tasks are restricted to the types of use for which the Associate Radiation Safety Officer is listed on a license. The Radiation Safety Officer may delegate duties and tasks to the Associate Radiation Safety Officer but shall not delegate the authority or responsibilities for implementing the radiation protection program.
- (c) For up to sixty days each year, a licensee may permit an authorized user or an individual qualified to be a radiation safety officer to function as a temporary Radiation Safety Officer and to perform the functions of a Radiation Safety Officer, as provided in .05(15)(e), provided the licensee takes the actions required in .05(15)(b),(d),(e) and (h). A licensee may simultaneously appoint more than one temporary RSO, if needed, to ensure that the licensee has a

temporary RSO that satisfies the requirements to be an RSO for each of the different uses of radioactive material permitted by the license.

- (d) A licensee shall establish in writing the authority, duties, and responsibilities of the Radiation Safety Officer.
- (e) A licensee shall provide the Radiation Safety Officer sufficient authority, organizational freedom, time, resources, and management prerogative, to:
 - 1. Identify radiation safety problems;
 - 2. Initiate, recommend, or provide corrective actions;
 - 3. Stop unsafe operations; and,
 - 4. Verify implementation of corrective actions.
- (f) Licensees that are authorized for two or more different types of radioactive material use under Rule .05(48), (55), (67), and (85), or two or more types of units under Rule .05(67) shall establish a Radiation Safety Committee to oversee all uses of radioactive material permitted by the license. The Committee must include an authorized user of each type of use permitted by the license, the Radiation Safety Officer, a representative of the nursing service, and a representative of management who is neither an authorized user nor a Radiation Safety Officer, and may include other members as the licensee deems appropriate.
- (g) A licensee's Radiation Safety Committee shall meet as necessary, but at a minimum shall meet at intervals not to exceed six months. The licensee shall maintain minutes of each required meeting in accordance with Rule .05(86)(c).
- (h) A licensee shall retain a record of actions taken pursuant to Rule .05(15)(a), (15)(b) and (15)(d) in accordance with Rule .05(86)(a) and (b).

(16) Radiation Protection Program Changes.

- (a) A licensee may revise its radiation protection program without Division approval if:
 - 1. The revision does not require an amendment under Rule .05(10);
 - 2. The revision is in compliance with the regulations and the license;
 - 3. The revision has been reviewed and approved by the Radiation Safety Officer, licensee management and licensee's Radiation Safety Committee (if applicable); and

4. The affected individuals are instructed on the revised program before the changes are implemented.

(b) A licensee shall retain a record of each change in accordance with Rule .05(87).

(17) Duties of Authorized User and Authorized Medical Physicist.

- (a) A licensee shall assure that only authorized users for the type of radioactive material use:
 1. Prescribe the radiopharmaceutical dosage and/or dose to be administered through the issuance of a written directive or reference to the diagnostic clinical procedures manual;
 2. Direct, as specified in Rule .05(18) and (19), or in license conditions, the administration of radioactive material for medical use to patients or human research subjects; and
 3. Prepare and administer, or supervise the preparation and administration of radioactive material for medical use, in accordance with Rule .05(7)(b) and (7)(c) and (18).
- (b) A licensee shall assure that only authorized medical physicists perform, as applicable:
 1. Full calibration measurements as described in Rule .05(73), (74), and (75);
 2. Periodic spot checks as described in Rule .05(76), (77), and (78); and
 3. Radiation surveys as described in Rule 5(80).

(18) Supervision.

- (a) A licensee that permits the receipt, possession, use, or transfer of radioactive material by an individual under the supervision of an authorized user or as allowed by Rule .05(7)(b) shall:
 1. In addition to the requirements in Rule .07(3) of this Chapter, instruct the supervised individual in the licensee's written radiation protection procedures, written directive procedures, regulations of Rule .05, and license conditions with respect to the use of radioactive material; and
 2. Require the supervised individual to follow the instructions of the supervising authorized user for medical uses of radioactive material, written radiation protection procedures, written directive procedures,

regulations of Rule .05, and license conditions with respect to the medical use of radioactive material.

- (b) A licensee that permits the preparation of radioactive material for medical use by an individual under the supervision of an authorized nuclear pharmacist or physician who is an authorized user, as allowed by Rule .05(7)(c), shall:
 - 1. Instruct the supervised individual in the preparation of radioactive material for medical use, as appropriate to that individual's involvement with radioactive material; and
 - 2. Require the supervised individual to follow the instructions of the supervising authorized user or authorized nuclear pharmacist regarding the preparation of radioactive material for medical use, the written radiation protection procedures, the regulations of Rule .05, and license conditions.
- (c) Unless physical presence is required in other sections of Rule .05, a licensee who permits supervised activities under Rule .05(18)(a) and (18)(b) shall require an authorized user to be immediately available to communicate with the supervised individual, and when a written directive is required, be able to be physically present within one hour of notification; and
- (d) A licensee that permits supervised activities under Rule .05(18)(a) and (18)(b) is responsible for the acts and omissions of the supervised individual.

(19) Written Directives.

- (a) A written directive must be dated and signed by an authorized user prior to administration of I-131 sodium iodide greater than 1.11 megabecquerel (30 μ Ci), any therapeutic dosage of radioactive material or any therapeutic dose of radiation from radioactive material.
 - 1. If, because of the emergent nature of the patient's condition, a delay in order to provide a written directive would jeopardize the patient's health, an oral directive will be acceptable, provided that the information contained in the oral directive is documented as soon as possible in writing in the patient's record and a written directive is prepared within 48 hours of the oral directive.
 - 2. A written revision to an existing written directive may be made provided that the revision is dated and signed by an authorized user prior to the administration of the dosage of radioactive drug containing radioactive material, the brachytherapy dose, the gamma stereotactic radiosurgery dose, the teletherapy dose, or the next fractional dose.

3. If, because of the patient's condition, a delay in order to provide a written revision to an existing written directive would jeopardize the patient's health, an oral revision to an existing written directive will be acceptable, provided that the oral revision is documented as soon as possible in the patient's record and a revised written directive is signed by the authorized user within 48 hours of the oral revision.
- (b) The written directive must contain the patient or human research subject's name and the following:
1. For an administration of a dosage of radioactive drug containing radioactive material, the radioactive drug containing radioactive material, dosage, and route of administration;
 2. For gamma stereotactic radiosurgery, the total dose, treatment site, and number of target coordinate settings per treatment for each anatomically distinct treatment site;
 3. For teletherapy, the total dose, dose per fraction, number of fractions, and treatment site;
 4. For high dose rate remote afterloading brachytherapy, the radionuclide, treatment site, dose per fraction, number of fractions, and total dose;
 5. For all other brachytherapy including LDR, MDR, and PDR:
 - (i) Prior to implantation: treatment site, the radionuclide, and dose; and
 - (ii) After implantation but prior to completion of the procedure: the radioisotope, treatment site, number of sources, and total source strength and exposure time (or, the total dose), and date; or
 6. For permanent implant brachytherapy:
 - (i) Before implantation: The treatment site, the radionuclide, and the total source strength; and
 - (ii) After implantation but before the patient leaves the post-treatment recovery area: The treatment site, the number of sources implanted, the total source strength implanted, and the date.
- (c) The licensee shall retain the written directive in accordance with Rule .05(88).

(20) Procedures for Administrations Requiring a Written Directive.

- (a) For any administration requiring a written directive, the licensee shall develop, implement, and maintain written procedures to provide high confidence that:
 - 1. The patient's or human research subject's identity is verified before each administration; and
 - 2. Each administration is in accordance with the written directive.
 - (b) The procedures required by Rule .05(20)(a) must, at a minimum, address the following items that are applicable for the licensee's use of radioactive material:
 - 1. Verifying the identity of the patient or human research subject;
 - 2. Verifying that the specific details of the administration are in accordance with the treatment plan, if applicable, and the written directive;
 - 3. Checking both manual and computer-generated dose calculations;
 - 4. Verifying that any computer-generated dose calculations are correctly transferred into the consoles of therapeutic medical units authorized by Rule .05(67);
 - 5. Determining if a medical event, as defined in Rule .05(115), has occurred; and
 - 6. Determining, for permanent implant brachytherapy, within 60 calendar days from the date the implant was performed, the total source strength administered outside of the treatment site compared to the total source strength documented in the post-implantation portion of the written directive, unless a written justification of patient unavailability is documented.
 - (c) A licensee shall retain a copy of the procedures required under subparagraph (a) in accordance with 391-3-17-.05(20) and (88).
- (21) **Suppliers for Sealed Sources or Devices for Medical Use.** For medical use, a licensee may only use:
- (a) Sealed sources or devices initially manufactured, labeled, packaged, and distributed in accordance with a license issued pursuant to Rule .02 of this Chapter or the equivalent requirements of the Nuclear Regulatory Commission or an Agreement State; or
 - (b) Sealed sources or devices non-commercially transferred from Rule .05 licensee or a Nuclear Regulatory Commission or an Agreement State medical use licensee.

(22) **Training for Radiation Safety Officer.** Except as provided in Rule .05(26), the licensee shall require an individual fulfilling the responsibilities of the Radiation Safety Officer (RSO) or an individual assigned duties and tasks as an Associate Radiation Safety Officer as provided in Rule .05(15) to be an individual who:

(a) Is certified by a specialty board whose certification process includes all of the requirements in Rule. 05(22)(d), and whose certification has been recognized by the Nuclear Regulatory Commission or an Agreement State. (The names of board certifications that have been recognized by the Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's Web page.) To have its certification process recognized, a specialty board shall require all candidates for certification to:

1.
 - (i) Hold a bachelor's or graduate degree from an accredited college or university in physical science or engineering or biological science with a minimum of 20 college credits in physical science;
 - (ii) Have 5 or more years of professional experience in health physics (graduate training may be substituted for no more than 2 years of the required experience) including at least 3 years in applied health physics; and
 - (iii) Pass an examination administered by diplomates of the specialty board, which evaluates knowledge and competence in radiation physics and instrumentation, radiation protection, mathematics pertaining to the use and measurement of radioactivity, radiation biology, and radiation dosimetry; or
2.
 - (i) Hold a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university;
 - (ii) Have 2 years of full-time practical training and/or supervised experience in medical physics:
 - (I) Under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the Nuclear Regulatory Commission or an Agreement State; or
 - (II) In clinical nuclear medicine facilities providing diagnostic and/or therapeutic services under the direction of physicians who meet the requirements for authorized users in Rule .05(26), .05(47) or .05(52); and

- (iii) Pass an examination, administered by diplomates of the specialty board, that assesses knowledge and competence in clinical diagnostic radiological or nuclear medicine physics and in radiation safety; or
- (b) 1. Has completed a structured educational program consisting of both:
- (i) 200 hours of classroom and laboratory training in the following areas:
 - (I) Radiation physics and instrumentation;
 - (II) Radiation protection;
 - (III) Mathematics pertaining to the use and measurement of radioactivity;
 - (IV) Radiation biology; and
 - (V) Radiation dosimetry; and
 - (ii) One year of full-time radiation safety experience under the supervision of the individual identified as the RSO on a Nuclear Regulatory Commission, Agreement State license or permit issued by a Commission master material licensee that authorizes similar type(s) of use(s) of radioactive material. An Associate Radiation Safety Officer may provide supervision for those areas for which the Associate Radiation Safety Officer is authorized on a Nuclear Regulatory Commission, Agreement State license or permit issued by a Commission master material licensee that authorizes similar type(s) of use(s) of radioactive byproduct material. The full-time radiation safety experience must involve the following:
 - (I) Shipping, receiving, and performing related radiation surveys;
 - (II) Using and performing checks for proper operation of dose calibrators, survey meters, and instruments used to measure radionuclides;
 - (III) Securing and controlling radioactive material;
 - (IV) Using administrative controls to avoid mistakes in the administration of radioactive material;

(V) Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures;

(VI) Using emergency procedures to control radioactive material; and

(VII) Disposing of radioactive material; or

2. This individual must obtain a written attestation, signed by a preceptor Radiation Safety Officer or Associate Radiation Safety Officer who has experience with the radiation safety aspects of similar types of use of byproduct material for which the individual is seeking approval as a Radiation Safety Officer or an Associate Radiation Safety Officer. The written attestation must state that the individual has satisfactorily completed the requirements in subparagraphs (b)1. and (d) of this section, and is able to independently fulfill the radiation safety-related duties as a Radiation Safety Officer or as an Associate Radiation Safety Officer for a medical use license; or

- (c)
1. Is a medical physicist who has been certified by a specialty board whose certification process has been recognized by the Nuclear Regulatory Commission or an Agreement State under Rule .05(23)(a) and has experience in radiation safety for similar types of use of byproduct material for which the licensee is seeking the approval of the individual as Radiation Safety Officer or Associate Radiation Safety Officer and who meets the requirements in .05(22)(d); or
 2. Is an authorized user, authorized medical physicist, or authorized nuclear pharmacist identified on a Commission or an Agreement State license, a permit issued by a Commission master material license, a permit issued by a Commission or an Agreement State license broad scope permittee, has experience with the radiation safety aspects of similar types of use of radioactive byproduct material for which the licensee seeks the approval of the individual as the Radiation Safety Officer or Associate Radiation Safety Officer, and meets the requirements in subparagraph .05(22)(d); or
 3. Has experience with the radiation safety aspects of the types of use of byproduct material for which the individual is seeking simultaneous approval both as the Radiation Safety Officer and the authorized user on the same new medical use license or new medical use permit issued by a

Commission master material license. The individual must also meet the requirements in subparagraph .05(22)(d).

- (d) Has training in the radiation safety, regulatory issues, and emergency procedures for the types of use for which a licensee seeks approval. This training requirement may be satisfied by completing training that is supervised by a Radiation Safety Officer, an Associate Radiation Safety Officer, authorized medical physicist, authorized nuclear pharmacist, or authorized user, as appropriate, who is authorized for the type(s) of use for which the licensee is seeking approval.
- (23) **Training for Authorized Medical Physicist.** Except as provided in Rule .05(26) the licensee shall require the authorized medical physicist to be an individual who:
- (a) Is certified by a specialty board whose certification process includes all of the training and experience requirements in .05(23)(c) and whose certification has been recognized by the Nuclear Regulatory Commission or an Agreement State. (The names of board certifications that have been recognized by the Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's Web page.) To have its certification process recognized, a specialty board shall require all candidates for certification to:
 - 1. Hold a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university;
 - 2. Have 2 years of full-time practical training and/or supervised experience in medical physics:
 - (i) Under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the Nuclear Regulatory Commission or an Agreement State; or
 - (ii) In clinical radiation facilities providing high-energy, external beam therapy (photons and electrons with energies greater than or equal to 1 million electron volts) and brachytherapy services under the direction of physicians who meet the requirements for authorized users in Rule .05(26), .05(63) or .05(84); and
 - 3. Pass an examination, administered by diplomates of the specialty board, that assesses knowledge and competence in clinical radiation therapy, radiation safety, calibration, quality assurance, and treatment planning for external beam therapy, brachytherapy, and stereotactic radiosurgery; or

- (b) 1. Holds a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university; and has completed 1 year of full-time training in medical physics and an additional year of full-time work experience under the supervision of an individual who meets the requirements for an authorized medical physicist for the type(s) of use for which the individual is seeking authorization. This training and work experience must be conducted in clinical radiation facilities that provide high-energy, external beam therapy (photons and electrons with energies greater than or equal to 1 million electron volts) and brachytherapy services and must include:
- (i) Performing sealed source leak tests and inventories;
 - (ii) Performing decay corrections;
 - (iii) Performing full calibration and periodic spot checks of external beam treatment units, stereotactic radiosurgery units, and remote afterloading units as applicable; and
 - (iv) Conducting radiation surveys around external beam treatment units, stereotactic radiosurgery units, and remote afterloading units as applicable; and
2. Has obtained written attestation that the individual has satisfactorily completed the requirements in .05(23)(b)1. and .05(23)(c) of this section, and has achieved a level of competency sufficient to function independently as an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status. The written attestation must be signed by a preceptor authorized medical physicist who meets the requirements in Rule .05(23), .05(26), or equivalent Nuclear Regulatory Commission or Agreement State requirements for an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status; and
- (c) Has training for the type(s) of use for which authorization is sought that includes hands-on device operation, safety procedures, clinical use, and the operation of a treatment planning system. This training requirement may be satisfied by satisfactorily completing either a training program provided by the vendor or by training supervised by an authorized medical physicist authorized for the type(s) of use for which the individual is seeking authorization.
- (24) **Training for an Authorized Nuclear Pharmacist.** Except as provided in Rule .05(26), the licensee shall require the authorized nuclear pharmacist to be a pharmacist who:

- (a) Is certified by a specialty board whose certification process has been recognized by the Nuclear Regulatory Commission or an Agreement State. (The names of board certifications that have been recognized by the Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's Web page.) To have its certification process recognized, a specialty board shall require all candidates for certification to:
1. Have graduated from a pharmacy program accredited by the American Council on Pharmaceutical Education (ACPE) or have passed the Foreign Pharmacy Graduate Examination Committee (FPGEC) examination;
 2. Hold a current, active license to practice pharmacy;
 3. Provide evidence of having acquired at least 4,000 hours of training/experience in nuclear pharmacy practice. Academic training may be substituted for no more than 2,000 hours of the required training and experience; and
 4. Pass an examination in nuclear pharmacy administered by diplomates of the specialty board, that assesses knowledge and competency in procurement, compounding, quality assurance, dispensing, distribution, health and safety, radiation safety, provision of information and consultation, monitoring patient outcomes, research and development; or
- (b)
1. Has completed 700 hours in a structured educational program consisting of both:
 - (i) 200 hours of classroom and laboratory training in the following areas
 - (I) Radiation physics and instrumentation;
 - (II) Radiation protection;
 - (III) Mathematics pertaining to the use and measurement of radioactivity;
 - (IV) Chemistry of radioactive material for medical use; and
 - (V) Radiation biology; and
 - (ii) Supervised practical experience in a nuclear pharmacy involving:
 - (I) Shipping, receiving, and performing related radiation surveys;

- (II) Using and performing checks for proper operation of dose calibrators, survey meters, and, if appropriate, instruments used to measure alpha or beta-emitting radionuclides;
- (III) Calculating, assaying, and safely preparing dosages for patients or human research subjects;
- (IV) Using administrative controls to avoid misadministrations in the administration of radioactive material; and
- (V) Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures; and

- 2. Has obtained written attestation, signed by a preceptor authorized nuclear pharmacist, that the individual has satisfactorily completed the requirements in Rule .05(24)(b)1. and has achieved a level of competency sufficient to independently fulfill the radiation safety-related duties as an authorized nuclear pharmacist and operate a nuclear pharmacy, and

(c) Licensed as a Nuclear Pharmacist by the Georgia Board of Pharmacy.

(25) Training and Technical Requirements for Nuclear Medicine Technologists and Radiation Therapists.

- (a) The licensee shall require a nuclear medicine technologist using radioactive materials under the supervision of an authorized user to be an individual who:
 - 1. Is certified in:
 - (i) Nuclear Medicine by the Nuclear Medicine Technology Certification Board;
 - (ii) Nuclear Medicine by the American Registry of Radiologic Technologists with competency in Nuclear Medicine; or,
 - 2. Is board eligible to take the CNMT or ARRT(N) examinations; or,
 - 3. Has successfully completed a training program in nuclear medicine which has resulted in a certificate, associate degree, or baccalaureate degree in a nuclear medicine technology program from an accredited institution; or,

4. Has performed as a full-time nuclear medicine technologist for a minimum of two years during the past five-year period under the supervision of an authorized user who attests the experience in writing; or,
5. Has completed 80 hours of training and experience in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material that includes:
 - (i) Classroom and laboratory training in the following areas:
 - (I) Radiation physics and instrumentation;
 - (II) Radiation protection;
 - (III) Mathematics pertaining to the use and measurement of radioactivity;
 - (IV) Chemistry of radioactive material for medical use; and
 - (V) Radiation biology; and
 - (ii) Work experience, under the supervision of an authorized user involving:
 - (I) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
 - (II) Quality Control checking of instruments used to determine the activity of dosages and performing checks for proper operation of survey meters;
 - (III) Calculating, measuring, and safely preparing patient or human research subject dosages;
 - (IV) Using administrative controls to prevent a misadministration involving the use of unsealed radioactive material;
 - (V) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;
 - (VI) Administering dosages to patients or human research subjects; and
 - (iii) Has obtained written attestation, signed by a preceptor authorized user that the individual has satisfactorily completed the

requirements of this section and has achieved a level of competency sufficient to independently function as a nuclear medicine technologist.

- (b) The licensee shall require a radiation therapist using radioactive materials under the supervision of an authorized user to be an individual who:
1. Is certified in Radiation Therapy by the American Registry of Radiologic Technologists (ARRT(T)); or
 2. Is board eligible to take the ARRT(T) examination; or,
 3. Has successfully completed a training program in radiation therapy which has resulted in a certificate, associate degree, or baccalaureate degree in a radiologic technology program that complies with the requirements of the Joint Review Committee on Education in Radiologic Technology¹; or,
 4. Has performed as a full-time radiation therapist for a minimum of two years during the past five-year period under the supervision of an authorized user who attests the experience in writing; or
 5. Has completed 200 hours of training and experience in basic radionuclide handling techniques applicable to the medical use of radioactive material that includes:
 - (i) Classroom and laboratory training in the following areas:
 - (I) Radiation physics and instrumentation;
 - (II) Radiation protection;
 - (III) Mathematics pertaining to the use and measurement of radioactivity; and
 - (IV) Radiation biology; and
 - (ii) Work experience, under the supervision of an authorized user involving:
 - (I) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
 - (II) Assisting the authorized user in simulating the patient for treatment;

- (III) Preparing the patient for treatment;
- (IV) Implementing treatment plans as prescribed by the authorized user;
- (V) Providing written documentation of treatment setup and patient treatments;
- (VI) Quality control checks to determine that devices used to deliver the radiation doses are in compliance with institutional standards and performing checks for proper operation of survey meters;
- (VII) Preparing or assisting in the preparation of sources, and implantation and removal of sealed sources;
- (VIII) Delivering doses to patients or human research subjects under the supervision of the authorized user;
- (IX) Preparing, implanting, and removing sealed sources;
- (X) Delivering dose to patients or human research subjects;
- (XI) Maintaining running inventories of material on hand;
- (XII) Using administrative controls to prevent a misadministration involving the use of radioactive material; and,
- (XIII) Properly implementing emergency procedures and

(iii) Has obtained written attestation, signed by a preceptor authorized user that the individual has satisfactorily completed the requirements of this section and has achieved a level of competency sufficient to independently function as a radiation therapist.

- (c) Individuals working as nuclear medicine technologists or radiation therapists prior to July 1, 2003 for a facility holding a Division license need not comply with the training requirements of this section.
- (d) The licensee shall maintain records of the above training as specified in Rule .05(100).

(26) Provisions for Experienced Radiation Safety Officer, Teletherapy or Medical Physicist, Authorized Medical Physicist, Authorized User, Nuclear Pharmacist, and Authorized Nuclear Pharmacist.

- (a)
1. An individual identified as a Radiation Safety Officer, a teletherapy or medical physicist, an authorized medical physicist, a nuclear pharmacist or an authorized nuclear pharmacist on a Division, Nuclear Regulatory Commission or Agreement State license or on a permit issued by the Division, Nuclear Regulatory commission or Agreement State broad scope licensee or master material license permit or by a master material license permittee of broad scope before the effective date of this rule, need not comply with the training requirements of Rules .05(22), .05(23), or .05(24), respectively except the Radiation Safety Officers and authorized medical physicists identified in this paragraph must meet the training requirements in Rule .05(22)(d) or .05(23)(c), as appropriate, for any material or uses for which they were not authorized prior to this date.
 2. Any individual certified by the American Board of Health Physics in Comprehensive Health Physics; American Board of Radiology; American Board of Nuclear Medicine; American Board of Science in Nuclear Medicine; Board of Pharmaceutical Specialties in Nuclear Pharmacy; American Board of Medical Physics in radiation oncology physics; Royal College of Physicians and Surgeons of Canada in nuclear medicine; American Osteopathic Board of Radiology; or American Osteopathic Board of Nuclear Medicine on or before October 24, 2005, need not comply with the training requirements of Rule .05(22) to be identified as a Radiation Safety Officer or as an Associate Radiation Safety Officer on a Division, U.S. Nuclear Regulatory Commission or an Agreement State license or U.S. Nuclear Regulatory Commission master material license permit for those materials and uses that these individuals performed on or before October 24, 2005.
 3. Any individual certified by the American Board of Radiology in therapeutic radiological physics, Roentgen ray and gamma ray physics, x-ray and radium physics, or radiological physics, or certified by the American Board of Medical Physics in radiation oncology physics, on or before October 24, 2005, need not comply with the training requirements for an authorized medical physicist described in Rule .05(23), for those materials and uses that these individuals performed on or before October 24, 2005.
 4. A Radiation Safety Officer, a medical physicist, or a nuclear pharmacist, who used only accelerator-produced radioactive materials, discrete sources of radium-226, or both, for medical uses or in the practice of nuclear pharmacy at a Government agency or Federally recognized Indian Tribe

before November 30, 2007 or at all other locations of use before August 8, 2009, or an earlier date as noticed by the NRC, need not comply with the training requirements of Rules .05(22), .05(23) or .05(24), respectively, when performing the same uses. A nuclear pharmacist, who prepared only radioactive drugs containing accelerator-produced radioactive materials, or a medical physicist, who used only accelerator-produced radioactive materials, at the locations and time period identified in this paragraph, qualifies as an authorized nuclear pharmacist or an authorized medical physicist, respectively, for those materials and uses performed before these dates, for purposes of this chapter.

- (b)
1. Physicians, dentists, or podiatrists identified as authorized users for the medical use of radioactive byproduct material on a license issued by the Division, Nuclear Regulatory Commission or an Agreement State, a permit issued by a Nuclear Regulatory Commission master material licensee, a permit issued by a Division, Nuclear Regulatory Commission or an Agreement State broad scope licensee, or a permit issued by a Nuclear Regulatory Commission master material license broad scope permittee on or before March 17, 2020, who perform only those medical uses for which they were authorized on that date need not comply with the training requirements of Rules .05(43), .05(47), .05(52), .05(53), .05(54), .05(54.1), .05(63), .05(64), .05(66), and .05(84), respectively.
 2. Physicians, dentists, or podiatrists identified as authorized users for the medical use of radioactive byproduct material on a license issued by the Division, Nuclear Regulatory Commission or Agreement State, a permit issued by a Nuclear Regulatory Commission master material licensee, a permit issued by a Division, Nuclear Regulatory Commission or Agreement State broad scope licensee, or a permit issued by a Nuclear Regulatory Commission master material license broad scope permittee who perform only those medical uses for which they were authorized on or before October 24, 2005, need not comply with the training requirements of Rules .05(43), .05(47), .05(52), .05(53), .05(54), .05(54.1), .05(63), .05(64), .05(66), and .05(84), as follows:
 - (i) For uses authorized under Rules .05(41) or .05(44), or oral administration of sodium iodide I-131 requiring a written directive for imaging and localization purposes, a physician who was certified on or before October 24, 2005, in nuclear medicine by the American Board of Nuclear Medicine; diagnostic radiology by the American Board of Radiology; diagnostic radiology or radiology by the American Osteopathic Board of Radiology; nuclear medicine by the Royal College of Physicians and Surgeons of Canada; or

American Osteopathic Board of Nuclear Medicine in nuclear medicine;

- (ii) For uses authorized under Rule .05(48), a physician who was certified on or before October 24, 2005, by the American Board of Nuclear Medicine; the American Board of Radiology in radiology, therapeutic radiology, or radiation oncology; nuclear medicine by the Royal College of Physicians and Surgeons of Canada; or the American Osteopathic Board of Radiology after 1984;
 - (iii) For uses authorized under Rules .05(55) or .05(67), a physician who was certified on or before October 24, 2005, in radiology, therapeutic radiology or radiation oncology by the American Board of Radiology; radiation oncology by the American Osteopathic Board of Radiology; radiology, with specialization in radiotherapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"; or therapeutic radiology by the Canadian Royal College of Physicians and Surgeons; and
 - (iv) For uses authorized under Rules .05(65), a physician who was certified on or before October 24, 2005, in radiology, diagnostic radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology; nuclear medicine by the American Board of Nuclear Medicine; diagnostic radiology or radiology by the American Osteopathic Board of Radiology; or nuclear medicine by the Royal College of Physicians and Surgeons of Canada.
3. Physicians, dentists, or podiatrists who used only accelerator-produced radioactive materials, discrete sources of radium-226, or both, for medical uses performed at a Government agency or Federally recognized Indian Tribe before November 30, 2007 or at all other locations of use before August 8, 2009, or an earlier date as noticed by the NRC, need not comply with the training requirements of Rules .05(43), .05(47), .05(52), .05(53), .05(54), .05 (54.1), .05(63). .05(64), .05(66), and .05(84) respectively, when performing the same medical uses. A physician, dentist, or podiatrist, who used only accelerator-produced radioactive materials, discrete sources of radium-226, or both, for medical uses at the locations and time period identified in this paragraph, qualifies as an authorized user for those materials and uses performed before these dates, for purposes of this chapter.

- (c) Individuals who need not comply with training requirements as described in this section may serve as preceptors for, and supervisors of, applicants seeking authorization on the Division licenses for the same uses for which these individuals are authorized.
- (27) **Recentness of Training.** The training and experience specified in Rule .05 must have been obtained within the 7 years preceding the date of application or the individual must have had related continuing education and experience since the required training and experience was completed.

GENERAL TECHNICAL REQUIREMENTS

- (28) **Quality Control of Diagnostic Equipment.** Each licensee shall establish written quality control procedures for all diagnostic equipment used for radionuclide studies. As a minimum, quality control procedures and frequencies shall be those recommended by equipment manufacturers or procedures that have been approved by the Division. The licensee shall conduct quality control procedures in accordance with written procedures.
- (29) **Possession, Use, and Testing of Instruments to Measure the Activity of Unsealed Radioactive Materials.**
- (a) For direct measurements performed in accordance with Rule .05(31), a licensee shall possess and use instrumentation to measure the activity of unsealed radioactive materials prior to administration to each patient or human research subject.
 - (b) A licensee shall test the instrumentation required in Rule .05(29)(a) in accordance with nationally recognized standards or the manufacturer's instructions.
 - (c) The tests required in Rule .05(29)(b) shall include tests for constancy, linearity, accuracy and geometry dependence, as appropriate to demonstrate proper operation of the instrument.
 - (d) A licensee shall retain a record of each instrument test required by Rule .05(29) in accordance with Rule .05(91).
- (30) **Calibration of Survey Instruments.**
- (a) A licensee shall ensure that the survey instruments used to show compliance with Rule .05 and Rule .03 of this Chapter, have been calibrated before first use, annually, and following any repair that will affect the calibration.
 - (b) To satisfy the requirements of Rule .05(30)(a), the licensee shall:

1. Calibrate all required scale readings up to 10 millisievert (1,000 mrem) per hour with a radiation source;
 2. Have each radiation survey instrument calibrated:
 - (i) At energies appropriate for use and at intervals not to exceed 12 months or after instrument servicing, except for battery changes;
 - (ii) For linear scale instruments, at two points located approximately one-third and two-thirds of full-scale on each scale; for logarithmic scale instruments, at mid-range of each decade, and at two points of at least one decade; and for digital instruments, at 3 points between 0.02 and 10 millisievert (2 and 1,000 mrem) per hour; and
 - (iii) For dose rate instruments, so that an accuracy within plus or minus 20 percent of the true radiation dose rate can be demonstrated at each point checked; and
 3. Conspicuously note on the instrument the date of calibration.
- (c) The licensee shall not use survey instruments if the difference between the indicated exposure rate and the calculated exposure rate is greater than 20 percent.
 - (d) A licensee shall check each survey instrument for consistent response with a dedicated check source before each use. The licensee is not required to keep records of these checks.
 - (e) The licensee shall retain a record of each survey instrument calibration in accordance with Rule .05(92).

(31) Determination of Dosages of Radioactive Material for Medical Use.

- (a) A licensee shall determine and record the activity of each dosage prior to medical use.
- (b) For a unit dosage, this determination must be made either by direct measurement or by a decay correction, based on the measurement made by a manufacturer or preparer licensed pursuant to Rule .02 of this Chapter or equivalent provisions of the Nuclear Regulatory Commission or Agreement State.
- (c) For other than unit dosages, this determination must be made by direct measurement of radioactivity or by a combination of measurements of radioactivity and mathematical calculations or combination of volumetric measurements and mathematical calculations, based on the measurement made

by a manufacturer or preparer licensed pursuant to Rule .02 of this Chapter or equivalent provisions of the Nuclear Regulatory Commission or Agreement State.

- (d) Unless otherwise directed by the authorized user, a licensee shall not use a dosage if the dosage differs from the prescribed dosage by more than 20 percent.
 - (e) A licensee shall retain a record of the dosage determination required by Rule .05(31)(a) through (31)(c) in accordance with Rule .05(93).
- (32) **Authorization for Calibration, Transmission and Reference Sources.** Any person authorized by Rule .05(7) for medical use of radioactive material may receive, possess, and use the following radioactive material for check, calibration and reference use:
- (a) Sealed sources manufactured and distributed by persons specifically licensed pursuant to Rule .02 of this Chapter or equivalent provisions of the Nuclear Regulatory Commission or Agreement State and that do not exceed 1.11 gigabecquerel (30 mCi) each;
 - (b) Any radioactive material with a half-life of 120 days or less in individual amounts not to exceed 555 megabecquerel (15 mCi);
 - (c) Any radioactive material with a half-life greater than 120 days in individual amounts not to exceed the smaller of:
 - 1. 7.4 megabecquerel (200 μ Ci); or
 - 2. 1,000 times the quantities in Schedule B of Rule .02(21)(b) of this Chapter; and
 - (d) Technetium-99m in amounts as needed.
- (33) **Requirements for Possession of Sealed Sources and Brachytherapy Sources.**
- (a) A licensee in possession of any sealed source or brachytherapy source shall follow the radiation safety and handling instructions supplied by the manufacturer or equivalent instructions approved by the Division.
 - (b) A licensee in possession of a sealed source shall:
 - 1. Test the source for leakage in accordance with Rule .03 of this Chapter.
 - 2. Test the source for leakage at intervals not to exceed 6 months or at other intervals approved by the Division, an Agreement State, or the Nuclear Regulatory Commission in the Sealed Source and Device Registry.

- (c) If the leak test reveals the presence of 185 becquerel (0.005 μ Ci) or more of removable contamination, the licensee shall:
 - 1. Immediately withdraw the sealed source from use and store, dispose, or cause it to be repaired in accordance with the requirements of Rules .02 and .03 of this Chapter; and
 - 2. File a report with the Division within 5 days of receiving the leak test results in accordance with Rule .05(117).
 - (d) A licensee in possession of a sealed source or brachytherapy source, except for gamma stereotactic radiosurgery sources, shall conduct a semi-annual physical inventory of all such sources. The licensee shall retain each inventory record in accordance with Rule .05(94).
- (34) **Labels.** Each syringe and vial that contains a radioactive drug shall be labeled to identify the radioactive drug. Each syringe shield and vial shield shall also be labeled unless the label on the syringe or vial is visible when shielded.
- (35) **Vial Shields.** A licensee shall require each individual preparing or handling a vial that contains a radioactive drug to keep the vial in a vial radiation shield.
- (36) **Surveys for Ambient Radiation Dose Rate and Contamination.**
- (a) Except as provided in Rule .05(36)(h), a licensee shall survey with a radiation detection survey instrument at the end of each day of use all areas where radioactive drugs containing radioactive material requiring a written directive were prepared for use or administered.
 - (b) A licensee shall survey with a radiation detection survey instrument at least once each week all areas where radioactive drugs or radioactive wastes are stored.
 - (c) A licensee shall conduct the surveys required by Rule .05(36)(a) and (b) so as to be able to measure dose rates as low as 1 microsievert (0.1 mrem) per hour.
 - (d) A licensee shall establish dose rate action levels for the surveys required by Rule .05(36)(a) and (36)(b) and shall require that the individual performing the survey immediately notify the Radiation Safety Officer if a dose rate exceeds an action level.
 - (e) A licensee shall survey for removable contamination each day of use all areas where generators and bulk radioactive drugs are prepared for use or administered and each week where radioactive materials are stored.
 - (f) A licensee shall conduct the surveys required by Rule .05(36)(e) so as to be able to detect contamination on each wipe sample of 33.3 becquerel (2,000 dpm).

- (g) A licensee shall establish removable contamination action levels for the surveys required by Rule .05(36)(e) and shall require that the individual performing the survey immediately notify the Radiation Safety Officer if contamination exceeds action levels.
- (h) A licensee does not need to perform the surveys required by Rule .05(36)(a) in area(s) where patients or human research subjects are confined when they cannot be released pursuant to Rule .05(37).
- (i) A licensee shall retain a record of each survey in accordance with Rule .05(95)

(37) Release of Individuals Containing Radioactive Drugs or Implants.

- (a) A licensee may authorize the release of any individual who has been administered radioactive drugs or implants containing radioactive material if the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed 5 mSv (0.5 rem).
- (b) For patients administered radioactive material for which a written directive is required, a licensee shall provide the released individual, or the individual's parent or guardian, with instructions, including oral and written instructions, on actions recommended to maintain doses to other individuals as low as is reasonably achievable. If a breast-feeding infant or child could receive a radiation dose as a result of the release of the patient, the instructions shall also include:
 - 1. Guidance on the interruption or discontinuation of breast-feeding; and
 - 2. Information on the potential consequences, if any, of failure to follow the guidance.
- (c) The licensee shall maintain a record of the basis for authorizing the release of an individual in accordance with Rule .05(96).
- (d) The licensee shall maintain a record of instructions provided to breast-feeding women in accordance with Rule .05(96).
- (e) Notwithstanding Rule .05(37)(a), the licensee may be held responsible for the proper disposal of any individual's radioactive waste discovered in a solid waste stream that can be traced to the licensee.
- (f) The licensee shall immediately notify the Division in accordance with Rule .05(118) if a patient departs prior to an authorized release.
- (g) The licensee shall notify the Division in accordance with Rule .05(119):

1. When they are aware that a patient containing radioactive material and who has been released in accordance with Rule .05(37) dies; and,
2. If it is possible that any individual could receive exposures in excess of 5 millisievert (500 mrem) as a result of the deceased's body.

(38) **Mobile Medical Service Technical Requirements.** A licensee providing mobile medical service shall:

- (a) Transport to each client's address only syringes or vials containing prepared drugs or radioactive materials that are intended for reconstitution of radioactive drug kits;
- (b) Bring into each client's address all radioactive material to be used and, before leaving, remove all unused radioactive material and associated radioactive waste;
- (c) Secure or keep under constant surveillance and immediate control all radioactive material when in transit or at a client's address;
- (d) Check instruments used to measure the activity of unsealed radioactive material for proper function before medical use at each client's address or on each day of use, whichever is more frequent. At a minimum, the check for proper function shall include a constancy check;
- (e) Check survey instruments for consistent response with a dedicated check source before use at each client's address;
- (f) Prior to leaving a client's address, perform area surveys and survey for removable contamination in all areas of use, to ensure compliance with Rule .03 of this Chapter;
- (g) Use radioactive gases only in areas of use and under conditions which have been evaluated and approved by the Division for compliance with airborne release standards; and,
- (h) Retain a record of each survey required by Rule .05(38)(f) in accordance with Rule .05(97)(b).

(39) **Storage and Control of Volatiles and Gases.**

- (a) A licensee shall store volatile radioactive materials and radioactive gases in the shippers' radiation shield and container.
- (b) A licensee shall store and use a multi-dose container in a properly functioning fume hood.

- (c) A licensee who administers radioactive aerosols or gases shall do so with a system that will keep airborne concentrations within the limits prescribed in Rule .03 of this Chapter.
- (d) The system shall either be directly vented to the atmosphere through an air exhaust or provide for collection and decay or disposal of the aerosol or gas in a shielded container.
- (e) A licensee shall check the operation of collection systems monthly. Records of these checks shall be maintained for 3 years.

(40) Decay-in-Storage.

- (a) A licensee may hold radioactive material with a physical half-life of less than 120 days for decay-in-storage before disposal without regard to its radioactivity if the licensee:
 1. Monitors radioactive material at the container surface before disposal and determines that its radioactivity cannot be distinguished from the background radiation level with an appropriate radiation detection survey instrument set on its most sensitive scale and with no interposed shielding;
 2. Removes or obliterates all radiation labels, except for material that will be handled as biomedical waste after release; and
 3. Separates and monitors each generator column individually with all radiation shielding removed to ensure that its contents have decayed to background radiation level before disposal.
- (b) For radioactive material disposed in accordance with (40)(a) of this section, the licensee shall retain a record of each disposal in accordance with Rule .05(98).

SPECIFIC REQUIREMENTS FOR THE USE OF RADIOACTIVE MATERIAL WRITTEN DIRECTIVE NOT REQUIRED

- (41) Use of Unsealed Radioactive Material for Uptake, Dilution, or Excretion Studies for which a Written Directive is Not Required.** A licensee may use any unsealed radioactive material, in quantities that do not require a written directive, for a diagnostic use involving measurements of uptake, dilution, or excretion that is:
- (a) Obtained from a manufacturer or preparer licensed pursuant to Rule .02 of this Chapter or equivalent regulations of another Agreement State or the Nuclear Regulatory Commission; or
 - (b) Excluding production of PET radionuclides, prepared by an authorized nuclear pharmacist, a physician who is an authorized user and who meets the

requirements specified in Rule .05(47) or .05(52) and .05(47)(c)1.(ii)(VII), or an individual under the supervision of either as specified in Rule .05(18); or

- (c) Obtained from and prepared by a Division, Nuclear Regulatory Commission or Agreement State licensee for use in research in accordance with a Radioactive Drug Research Committee-approved protocol or an Investigational New Drug (IND) protocol accepted by FDA; or
 - (d) Prepared by the licensee in accordance with a Radioactive Drug Research Committee-approved application or an Investigational New Drug (IND) protocol accepted by FDA for use in research.
- (42) **Possession of Survey Instrument.** A licensee authorized to use radioactive material for uptake, dilution, and excretion studies shall possess a portable radiation detection survey instrument capable of detecting dose rates over the range 1 microsievert (0.1 mrem) per hour to 500 microsievert (50 mrem) per hour. The instrument shall be operable and calibrated in accordance with Rule .05(30).
- (43) **Training for Uptake, Dilution, and Excretion Studies.** Except as provided in Rule .05(26), the licensee shall require an authorized user of a unsealed radioactive material for the uses authorized under Rule .05(41) to be a physician who:
- (a) Is certified by a medical specialty board whose certification process has been recognized by the Division, Nuclear Regulatory Commission or an Agreement State. (The names of board certifications that have been recognized by the Commission or an Agreement State will be posted on the NRC's Web page.) To have its certification process recognized, a specialty board shall require all candidates for certification to:
 - 1. Complete 60 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed radioactive material for uptake, dilution, and excretion studies as described in Rule .05(43)(c)1.(i) through .05(43)(c)1.(ii)(VI); and
 - 2. Pass an examination, administered by diplomates of the specialty board, that assesses knowledge and competence in radiation safety, radionuclide handling, and quality control; or
 - (b) Is an authorized user under Rule .05(47) or .05(52) or equivalent Agreement State or Nuclear Regulatory Commission requirements; or
 - (c)
 - 1. Has completed 60 hours of training and experience, including a minimum of 8 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for uptake, dilution, and excretion studies that includes:

- (i) Classroom and laboratory training in the following areas:
 - (I) Radiation physics and instrumentation;
 - (II) Radiation protection;
 - (III) Mathematics pertaining to the use and measurement of radioactivity;
 - (IV) Chemistry of radioactive material for medical use; and
 - (V) Radiation biology; and
 - (ii) Work experience, under the supervision of an authorized user who meets the requirements in Rules .05(26), (43), (47) or (52) or equivalent Agreement State or Nuclear Regulatory Commission requirements, involving:
 - (I) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
 - (II) Performing quality control procedures on instruments used to determine the activity of dosages and performing checks for proper operation of survey meters;
 - (III) Calculating, measuring, and safely preparing patient or human research subject dosages;
 - (IV) Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;
 - (V) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures; and
 - (VI) Administering dosages to patients or human research subjects; and
2. Has obtained written attestation that the individual has satisfactorily completed the requirements in Rule .05(43)(c)1. and is able to independently fulfill the radiation safety-related duties as an authorized user for the medical uses authorized under Rule .05(41). The signed attestation must be obtained from either:

- (i) A preceptor authorized user, who meets the requirements in Rules .05(26), (43), (47), or (52), or equivalent Agreement State or Nuclear Regulatory Commission requirements; or
- (ii) A residency program director who affirms in writing that the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in Rules .05(26), (43), (47), or (52), or equivalent Agreement State or Nuclear Regulatory Commission requirements, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in subparagraph .05(43)(c)1.

(44) **Use of Unsealed Radioactive Material for Imaging and Localization Studies for Which a Written Directive is Not Required.** A licensee may use, for imaging and localization studies, any radioactive material (except aerosol or gaseous forms) prepared for medical use, in quantities that do not require a written directive as described in Rule .05(19) that is:

- (a) Obtained from a manufacturer or preparer licensed pursuant to Rule .02 of this Chapter or equivalent regulations of another Agreement State or the Nuclear Regulatory Commission; or
- (b) Excluding production of PET radionuclides, prepared by an authorized nuclear pharmacist, a physician who is an authorized user and who meets the requirements specified in Rule .05(47) or .05(52) and .05(47)(c)1.(ii)(VII), or an individual under the supervision of either as specified in Rule .05(18); or
- (c) Obtained from and prepared by the Division, Nuclear Regulatory Commission or Agreement State licensee for use in research in accordance with a Radioactive Drug Research Committee-approved protocol or an Investigational New Drug (IND) protocol accepted by FDA; or
- (d) Prepared by the licensee in accordance with a Radioactive Drug Research Committee-approved application or an Investigational New Drug (IND) protocol accepted by FDA, or
- (e) Provided the conditions of Rule .05(39) are met, a licensee shall use radioactive aerosols or gases only if specific application is made to and approved by the Division.

(45) **Permissible molybdenum-99, strontium-82, and strontium-85 concentrations.**

- (a) A licensee shall not administer to humans a radioactive drug containing:
 - 1. More than 0.15 kilobecquerel of molybdenum-99 per megabecquerel of technetium-99m (0.15 μ Ci of Mo-99 per mCi of Tc-99m); or
 - 2. More than 0.02 kilobecquerel of strontium-82 per megabecquerel of rubidium-82 chloride injection (0.02 μ Ci of Sr-82 per mCi of Rb-82 chloride); or
 - 3. More than 0.2 kilobecquerel of strontium-85 per megabecquerel of rubidium-82 chloride injection (0.2 μ Ci of Sr-85 per mCi of Rb-82);
- (b) To demonstrate compliance with Rule .05(45)(a), the licensee preparing radioactive drugs from radionuclide generators shall:
 - 1. Measure the molybdenum-99 concentration in each eluate from a generator to demonstrate compliance with subparagraph .05(45)(a);
 - 2. Before the first patient use of the day, measure the concentration of radionuclides strontium-82 and strontium-85 to demonstrate compliance with subparagraph .05(45)(a).
- (c) A licensee who must measure radionuclide contaminant concentration shall retain a record of each measurement in accordance with Rule .05(99).
- (d) A licensee shall report immediately to the Division each occurrence of radionuclide contaminant concentration exceeding the limits specified in Rule .05(45)(a).

(46) **Possession of Survey Instruments.** A licensee authorized to use radioactive material for imaging and localization studies shall possess a portable radiation detection survey instrument capable of detecting dose rates over the range of 1 microsievert (0.1 mrem) per hour to 500 microsievert (50 mrem) per hour, and a portable radiation measurement survey instrument capable of measuring dose rates over the range 10 microsievert (1 mrem) per hour to 10 millisievert (1,000 mrem) per hour. The instruments shall be operable and calibrated in accordance with Rule .05(30).

(47) **Training for Imaging and Localization Studies.** Except as provided in Rule .05(26), the licensee shall require an authorized user of unsealed radioactive material for the uses authorized under Rule .05(44) to be a physician who:

- (a) Is certified by a medical specialty board whose certification process has been recognized by the Division, Nuclear Regulatory Commission or an Agreement State. (The names of board certifications that have been recognized by the Nuclear Regulatory Commission or an Agreement State will be posted on the

NRC's Web page.) To have its certification process recognized, a specialty board shall require all candidates for certification to:

1. Complete 700 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed radioactive material for imaging and localization studies as described in (c)1.(i) through (c)1.(ii)(VII) of this rule; and
 2. Pass an examination, administered by diplomates of the specialty board, which assesses knowledge and competence in radiation safety, radionuclide handling, and quality control; or
- (b) Is listed as an authorized user under Rule .05(52) and meets the requirements in .05(47)(c)1.(ii)(VII) or equivalent Agreement State or Nuclear Regulatory Commission requirements; or
- (c)
1. Has completed 700 hours of training and experience, including a minimum of 80 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for imaging and localization studies that includes, at a minimum:
 - (i) Classroom and laboratory training in the following areas:
 - (I) Radiation physics and instrumentation;
 - (II) Radiation protection;
 - (III) Mathematics pertaining to the use and measurement of radioactivity;
 - (IV) Chemistry of radioactive material for medical use;
 - (V) Radiation biology; and
 - (ii) Work experience, under the supervision of an authorized user, who meets the requirements in Rule .05(26), .05(47) or .05(47)(c)1.(ii)(VII) and Rule .05(52), or equivalent Agreement State or Nuclear Regulatory Commission requirements. An authorized nuclear pharmacist who meets the requirements in 391-3-17-.05(24) or 391-3-17-.05(26) may provide the supervised work experience for subparagraph .05(47)(c)1.(ii)(VII). Work experience must involve:
 - (I) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;

- (II) Performing quality control procedures on instruments used to determine the activity of dosages and performing checks for proper operation of survey meters;
 - (III) Calculating, measuring, and safely preparing patient or human research subject dosages;
 - (IV) Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;
 - (V) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;
 - (VI) Administering dosages to patients or human research subjects; and
 - (VII) Eluting generator systems appropriate for preparation of radioactive drugs for imaging and localization studies, measuring and testing the eluate for radiochemical purity, and processing the eluate with reagent kits to prepare labeled radioactive drugs; and
2. Has obtained written attestation that the individual has satisfactorily completed the requirements in Rule .05(47)(c)1. and is able to independently fulfill the radiation safety-related duties as an authorized user for the medical uses authorized under Rules .05(41) and .05(44).

The signed attestation must be obtained from either:

- (i) A preceptor authorized user, who meets the requirements in Rules .05(26), (43), (47), or (52), or equivalent Agreement State or Nuclear Regulatory Commission requirements; or
- (ii) A residency program director who affirms in writing that the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in Rules .05(26), (43), (47), or (52), or equivalent Agreement State or Nuclear Regulatory Commission requirements, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and

Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in subparagraph .05(47)(c)1.

**SPECIFIC REQUIREMENTS FOR THE USE OF
UNSEALED RADIOACTIVE MATERIAL WRITTEN
DIRECTIVE REQUIRED**

(48) **Use of Unsealed Radioactive Material for Which a Written Directive is Required.** A licensee may use any unsealed radioactive material identified in subparagraph (52)(b)1.(ii)(VII) prepared for diagnostic or therapeutic medical use for which a written directive is required that has been:

- (a) Obtained from a manufacturer or preparer licensed pursuant to Rule .02 of this Chapter or equivalent regulations of another Agreement State or the Nuclear Regulatory Commission; or
- (b) Excluding production of PET radionuclides, prepared by an authorized nuclear pharmacist, a physician who is an authorized user and who meets the requirements specified in Rule .05(47) or (52), or an individual under the supervision of either as specified in Rule .05(26); or
- (c) Obtained from and prepared by the Division, Nuclear Regulatory Commission or Agreement State licensee in accordance with a Radioactive Drug Research Committee-approved protocol or an Investigational New Drug (IND) protocol accepted by the FDA for use in research; or
- (d) Prepared by the licensee in accordance with a Radioactive Drug Research Committee-approved application or an IND protocol accepted by FDA for use in research.

(49) **Safety Instruction.** In addition to the requirements of Rule [.07\(3\)](#) of this Chapter:

- (a) A licensee shall provide radiation safety instruction to personnel caring for patients or human research subjects that have received therapy with a radioactive drug, and cannot be released in accordance with Rule .05(37). The training must be provided initially and at least annually. The instruction must be appropriate to the personnel's assigned duties and include the following:
 - 1. Patient or human research subject control;
 - 2. Visitor control to include the following:

- (i) Routine visitation to hospitalized individuals in accordance with Rule .03 of this Chapter;
 - (ii) Contamination control;
 - (iii) Waste control; and
 - (iv) Notification of the RSO, or his or her designee, and the authorized user if the patient or the human research subject dies or has a medical emergency.
- (b) A licensee shall retain a record of individuals receiving instruction in accordance with Rule .05(101).

(50) Safety Precautions.

- (a) For each patient or human research subject receiving radiopharmaceutical therapy and hospitalized for compliance with Rule .05(37), a licensee shall:
 - 1. Quarter the patient or the human research subject either in:
 - (i) A private room with a private sanitary facility; or
 - (ii) A room, with a private sanitary facility, with another individual who also has received radiopharmaceutical therapy and who cannot be released in accordance with Rule .05(37); and,
 - 2. Visibly post the patient's or the human research subject's room with a "Radioactive Materials" sign and note on the door or in the patient's or human research subject's chart where and how long visitors may stay in the patient's or the human research subject's room; and
 - 3. Either monitor material and items removed from the patient's or the human research subject's room to determine that their radioactivity cannot be distinguished from the natural background radiation level with a radiation detection survey instrument set on its most sensitive scale and with no interposed shielding, or handle such material and items as radioactive waste.
- (b) The Radiation Safety Officer, or his designee, and the authorized user shall be notified immediately if the hospitalized patient dies or has a medical emergency. The licensee shall also notify the Division in accordance with Rule .05(119) if it is possible that any individual could receive exposures in excess of the limits in Rule .03(5)(i) of this Chapter as a result of the deceased's body.

- (51) **Possession of Survey Instruments.** A licensee authorized to use radioactive material for which a written directive is required shall possess a portable radiation detection survey instrument capable of detecting dose rates over the range of 1 microsievert (0.1 mrem) per hour to 500 microsievert (50 mrem) per hour, and a portable radiation measurement survey instrument capable of measuring dose rates over the range 10 microsievert (1 mrem) per hour to 10 millisievert (1,000 mrem) per hour. The instruments shall be operable and calibrated in accordance with Rule .05(30).
- (52) **Training for Use of Unsealed Radioactive Material for Which a Written Directive is Required.** Except as provided in Rule .05(26), the licensee shall require an authorized user of radioactive material for the uses authorized under Rule .05(48) to be a physician who:
- (a) Is certified by a medical specialty board whose certification process has been recognized by the Division, Nuclear Regulatory Commission or an Agreement State, and who meets the requirements of Rule .05(52)(b)1(ii)(VII). (Specialty boards whose certification processes have been recognized by the Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's Web page.) To be recognized, a specialty board shall require all candidates for certification to:
 - 1. Successfully complete residency training in a radiation therapy or nuclear medicine training program or a program in a related medical specialty. These residency training programs must include 700 hours of training and experience as described in Rule .05(52)(b)1.(i) through .05(52)(b)1.(ii)(V). Eligible training programs must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Council on Postdoctoral Training of the American Osteopathic Association; and
 - 2. Pass an examination, administered by diplomates of the specialty board, which tests knowledge and competence in radiation safety, radionuclide handling, quality assurance, and clinical use of unsealed radioactive material for which a written directive is required; or
 - (b)
 - 1. Has completed 700 hours of training and experience, including a minimum of 200 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material requiring a written directive that includes:
 - (i) Classroom and laboratory training in the following areas:
 - (I) Radiation physics and instrumentation;
 - (II) Radiation protection;

- (III) Mathematics pertaining to the use and measurement of radioactivity;
 - (IV) Chemistry of radioactive material for medical use; and
 - (V) Radiation biology; and
- (ii) Work experience, under the supervision of an authorized user who meets the requirements in Rule .05(26), .05(52) or equivalent Agreement State, or Nuclear Regulatory Commission requirements. The work experience must involve:
- (I) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
 - (II) Performing quality control procedures on instruments used to determine the activity of dosages, and performing checks for proper operation of survey meters;
 - (III) Calculating, measuring, and safely preparing patient or human research subject dosages;
 - (IV) Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;
 - (V) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures.
 - (VI) Reserved.
 - (VII) Administering dosages of radioactive drugs to patients or human research subjects involving a minimum of 3 cases in each of the following categories for which the individual is requesting authorized user status. This experience may be obtained concurrently with the supervised work experience required by Rule .05(52)(b)1.(ii):
 - (i) Oral administration of less than or equal to 1.22 gigabecquerel (33 millicurie) of sodium iodide I-131, for which a written directive is required;

- (ii) Oral administration of greater than 1.22 gigabecquerel (33 millicurie) of sodium iodide I-131²;
 - (iii) Parenteral administration of any radioactive drug that contains a radionuclide that is primarily used for its electron emission, beta radiation characteristics, alpha radiation characteristics, or photon energy less than 150 keV, for which a written directive is required; and/or
 - (iv) Parenteral administration of any other radionuclide, for which a written directive is required; and
- 2. Has obtained written attestation that the individual has satisfactorily completed the requirements in Rule .05(52)(b)1., and is able to independently fulfill the radiation safety-related duties as an authorized user for the medical uses authorized under Rule .05(48).

The signed attestation must be obtained from either:

- (i) A preceptor authorized user, who meets the requirements in Rules .05(26), (43), (47), or (52), or equivalent Agreement State or Nuclear Regulatory Commission requirements and has experience in administering dosages in the same dosage category or categories (i.e., in Rule .05(52)(b)1.(ii)(VII)) as the individual requesting authorized user status; or
- (ii) A residency program director who affirms in writing that the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in Rules .05(26), (43), (47), or (52), or equivalent Agreement State or Nuclear Regulatory Commission requirements, have experience in administering dosages in the same dosage category or categories (i.e., in Rule .05(52)(b)1.(ii)(VII)) as the individual requesting authorized user status, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the

Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in subparagraph .05(52)(b)1.

(53) **Training for the Oral Administration of Sodium Iodide I-131 in Quantities Less than or Equal to 1.22 Gigabecquerel (33 millicurie) for which a Written Directive is Required.** Except as provided in Rule .05(26), the licensee shall require an authorized user for the oral administration of sodium iodide I-131 in quantities less than or equal to 1.22 gigabecquerel (33 millicurie), for which a written directive is required, to be a physician who:

- (a) Is certified by a medical specialty board whose certification process includes all of the requirements in .05(53)(c)1. and .05(53)(c)2. and whose certification has been recognized by the Division, an Agreement State or the Nuclear Regulatory Commission. (The names of board certifications that have been recognized by the Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's Web page.); or
- (b) Is an authorized user under Rule (52) for uses listed in (52)(b)1.(ii)(VII)(i) or (ii), or (54), or equivalent Agreement State or Nuclear Regulatory Commission requirements; or
- (c)
 - 1. Has successfully completed 80 hours classroom and laboratory training, applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive; the training must include:
 - (i) Radiation physics and instrumentation;
 - (ii) Radiation protection;
 - (iii) Mathematics pertaining to the use and measurement of radioactivity;
 - (iv) Chemistry of radioactive material for medical use; and
 - (v) Radiation biology; and
 - 2. Has work experience, under the supervision of an authorized user who meets the requirements in Rule .05(26), (52), (53) or (54), or equivalent Agreement State or Nuclear Regulatory Commission requirements. A supervising authorized user, who meets the requirements of Rule .05(52)(b) must have experience in administering dosages as specified in Rule .05(52)(b)1.(ii)(VII)(i) or (ii); the work experience must involve:

- (i) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
 - (ii) Performing quality control procedures on instruments used to determine the activity of dosages and performing checks for proper operation for survey meters;
 - (iii) Calculating, measuring, and safely preparing patient or human research subject dosages;
 - (iv) Using administrative controls to prevent a misadministration involving the use of radioactive material;
 - (v) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures; and
 - (vi) Administering dosages to patients or human research subjects that includes at least 3 cases involving the oral administration of less than or equal to 1.22 gigabecquerel (33 millicurie) of sodium iodide I-131; and
3. Has obtained written attestation that the individual has satisfactorily completed the requirements in Rule .05(53)(c)1. and (53)(c)2. and is able to independently fulfill the radiation safety-related duties as an authorized user for medical uses authorized under .05(48).

The signed attestation must be obtained from either:

- (i) A preceptor authorized user, who meets the requirements in Rules .05(26), (43), (47), or (52), or equivalent Agreement State or Nuclear Regulatory Commission requirements and has experience in administering dosages in the same dosage category or categories (i.e., in Rule .05(52)(b)1.(ii)(VII)) as the individual requesting authorized user status; or
- (ii) A residency program director who affirms in writing that the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in Rules .05(26), (43), (47), or (52), or equivalent Agreement State or Nuclear Regulatory Commission requirements, have experience in administering dosages in the same dosage category or categories (i.e., in Rule .05(52)(b)1.(ii)(VII)) as the individual requesting authorized user status, and concurs with the attestation provided by

the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in subparagraphs .05(53)(c)1. and 2.

(54) Training for the Oral Administration of Sodium Iodide I-131 in Quantities Greater than 1.22 Gigabecquerel (33 millicurie) for which a Written Directive is Required.

Except as provided in Rule .05(26), the licensee shall require an authorized user for the oral administration of sodium iodide I-131 in quantities greater than 1.22 gigabecquerel (33 millicurie), to be a physician who:

- (a) Is certified by a medical specialty board whose certification process includes all of the requirements in Rules .05(54)(c)1. and .05(54)(c)2. and whose certification has been recognized by the Division, an Agreement State or the Nuclear Regulatory Commission. (The names of board certifications that have been recognized by the Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's Web page.); or
- (b) Is an authorized user under Rule .05(52) for uses listed in Rule .05(52)(b)1.(ii)(VII)(ii), or equivalent Agreement State or Nuclear Regulatory Commission requirements; or
- (c)
 - 1. Has successfully completed 80 hours classroom and laboratory training, applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive; the training must include:
 - (i) Radiation physics and instrumentation;
 - (ii) Radiation protection;
 - (iii) Mathematics pertaining to the use and measurement of radioactivity;
 - (iv) Chemistry of radioactive material for medical use; and
 - (v) Radiation biology; and
 - 2. Has work experience, under the supervision of an authorized user who meets the requirements in Rule .05(26), (52), or (54), or equivalent Agreement State or Nuclear Regulatory Commission requirements. A

supervising authorized user, who meets the requirements of Rule .05(52)(b), must have experience in administering dosages as specified in Rule .05(52)(b)1.(ii)(VII)(ii); the work experience must involve:

- (i) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
- (ii) Performing quality control procedures on instruments used to determine the activity of dosages and performing checks for proper operation for survey meters;
- (iii) Calculating, measuring, and safely preparing patient or human research subject dosages;
- (iv) Using administrative controls to prevent a misadministration involving the use of radioactive material;
- (v) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures; and
- (vi) Administering dosages to patients or human research subjects that includes at least 3 cases involving the oral administration of greater than 1.22 gigabecquerel (33 millicurie) of sodium iodide I-131; and

3. Has obtained written attestation that the individual has satisfactorily completed the requirements in Rule .05(54)(c)1. and .05(54)(c)2. and is able to independently fulfill the duties as an authorized user for medical uses authorized under Rule .05(48). The written attestation must be signed by a preceptor authorized user, who meets the requirements in Rule .05(26), .05(52), or .05(54), or equivalent Agreement State or Nuclear Regulatory Commission requirements. The preceptor authorized user, who meets the requirements of Rule .05(52)(b), must have experience in administering dosages as specified in Rule .05(52)(b)1.(ii)(VII)(ii).

(54.1) Except as provided in Rule .05(26) the licensee shall require an authorized user for the parenteral administration requiring a written directive, to be a physician who:

- (a) Is an authorized user under Rule .05(52) for uses listed in .05(52)(b)1.(ii)(VII)(iii) or .05(52)(b)1.(ii)(VII)(iv), or equivalent Agreement State or Nuclear Regulatory Commission requirements; or
- (b) Is an authorized user under Rules .05(63), .05(84), or equivalent Agreement State or Nuclear Regulatory Commission requirements and who meets the requirements in .05(54.1)(d); or

- (c) Is certified by a medical specialty board whose certification process has been recognized by the Division, Nuclear Regulatory Commission or an Agreement State under Rules .05(63) or .05(84), and who meets the requirements in paragraph .05(54.1)(d).
- (d)
 - 1. Has successfully completed 80 hours of classroom and laboratory training, applicable to parenteral administrations, for which a written directive is required, of any beta emitter, or any photon-emitting radionuclide with a photon energy less than 150 keV, and/or parenteral administration of any other radionuclide for which a written directive is required. The training must include:
 - (i) Radiation physics and instrumentation;
 - (ii) Radiation protection;
 - (iii) Mathematics pertaining to the use and measurement of radioactivity;
 - (iv) Chemistry of byproduct material for medical use; and
 - (v) Radiation biology; and
 - 2. Has work experience, under the supervision of an authorized user who meets the requirements in Rules .05(26), .05(52), .05 (54.1) or equivalent Agreement State or Nuclear Regulatory Commission requirements, in the parenteral administration, for which a written directive is required, of any beta emitter, or any photon-emitting radionuclide with a photon energy less than 150 keV, and/or parenteral administration of any other radionuclide for which a written directive is required. A supervising authorized user who meets the requirements in Rule .05(52) or .05 (54.1) must have experience in administering dosages as specified in 05(52)(b)1.(ii)(VII)(iii) or .05(52)(b)1.(ii)(VII)(iv). The work experience must involve:
 - (i) Ordering, receiving, and unpacking radioactive materials safely, and performing the related radiation surveys;
 - (ii) Performing quality control procedures on instruments used to determine the activity of dosages, and performing checks for proper operation of survey meters;
 - (iii) Calculating, measuring, and safely preparing patient or human research subject dosages;

- (iv) Using administrative controls to prevent a medical event involving the use of unsealed byproduct material;
 - (v) Using procedures to contain spilled byproduct material safely, and using proper decontamination procedures; and
 - (vi) Administering dosages to patients or human research subjects, that include at least 3 cases involving the parenteral administration, for which a written directive is required, of any beta emitter, or any photon-emitting radionuclide with a photon energy less than 150 keV and/or at least 3 cases involving the parenteral administration of any other radionuclide, for which a written directive is required; and
3. Has obtained written attestation that the individual has satisfactorily completed the requirements in .05(54.1)(d)1. and (d)2. and is able to independently fulfill the radiation safety-related duties as an authorized user for the parenteral administration of unsealed radioactive material requiring a written directive.

The signed attestation must be obtained from either:

- (i) A preceptor authorized user, who meets the requirements in Rules .05(26), (52), (54.1) or equivalent Agreement State or Nuclear Regulatory Commission requirements and has experience in administering dosages in the same dosage category or categories (i.e., in Rule .05(52)(b)1.(ii)(VII)) as the individual requesting authorized user status; or
- (ii) A residency program director who affirms in writing that the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in Rules .05(26), (52) or (54.1), or equivalent Agreement State or Nuclear Regulatory Commission requirements, have experience in administering dosages in the same dosage category or categories (i.e., in Rule .05(52)(b)1.(ii)(VII)) as the individual requesting authorized user status, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American

Osteopathic Association and must include training and experience specified in subparagraphs .05(54.1)(d)1. and 2.

Manual Brachytherapy

- (55) **Use of Sealed Sources for Manual Brachytherapy.** A licensee shall use only brachytherapy sources for therapeutic medical uses:
- (a) As approved in the Sealed Source and Device Registry for manual brachytherapy medical use. The manual brachytherapy sources may be used for manual brachytherapy uses that are not explicitly listed in the Sealed Source and Device Registry, but must be used in accordance with the radiation safety conditions and limitations described in the Sealed Source and Device Registry; or
 - (b) In research to deliver therapeutic doses for medical use in accordance with an active Investigational Device Exemption (IDE) application accepted by the U.S. Food and Drug Administration provided the requirements of Rule .05(21)(a) are met.
- (56) **Surveys After Source Implant and Removal.**
- (a) Immediately after implanting sources in a patient or a human research subject, the licensee shall perform a survey to locate and account for all sources that have not been implanted.
 - (b) Immediately after removing the last temporary implant source from a patient or a human research subject, the licensee shall make a survey of the patient or the human research subject with a radiation detection survey instrument to confirm that all sources have been removed.
 - (c) A licensee shall retain a record of the surveys in accordance with Rule .05(102).
- (57) **Brachytherapy Sources Inventory.**
- (a) A licensee shall maintain accountability at all times for all brachytherapy sources in storage or use.
 - (b) Promptly after removing sources from a patient or a human research subject, a licensee shall return brachytherapy sources to a secure storage area.
 - (c) A licensee shall maintain a record of the brachytherapy source accountability in accordance with Rule .05(103).
- (58) **Safety Instruction.** In addition to the requirements of Rule .07(3) of this Chapter:

- (a) The licensee shall provide radiation safety instruction, initially and at least annually, to personnel caring for patients or human research subjects that are undergoing implant therapy and cannot be released in accordance with Rule .05(37). Instruction must be commensurate with the duties of the personnel and shall include the following:
 - 1. Size and appearance of the brachytherapy sources;
 - 2. Safe handling and shielding instructions;
 - 3. Patient or human research subject control;
 - 4. Visitor control, including both:
 - (i) Routine visitation of hospitalized individuals in accordance with Rule .03(5)(i)1.(i) of this Chapter; and
 - (ii) Visitation authorized in accordance with Rule .03(5)(i)2. of this Chapter; and
 - 5. Notification of the Radiation Safety Officer, or his or her designee, and an authorized user if the patient or the human research subject dies or has a medical emergency. The licensee shall also notify the Division in accordance with Rule .05(119) if it is possible for any individual to receive exposures in excess of 5 millisievert (500 mrem) as a result of the deceased's body.
- (b) A licensee shall retain a record of individuals receiving instruction in accordance with Rule .05(101).

(59) Safety Precautions for Patients or Human Research Subjects Receiving Brachytherapy.

- (a) For each patient or human research subject that is receiving brachytherapy and cannot be released in accordance with Rule .05(37), a licensee shall:
 - 1. Not place the patient or human research subject in the same room as an individual who is not receiving brachytherapy;
 - 2. Visibly post the patient's or human research subject's room with a "Radioactive Materials" sign and note on the door or in the patient's or human research subject's chart where and how long visitors may stay in the patient's or human research subject's room.
- (b) A licensee shall have emergency response equipment available near each treatment room to respond to a source that inadvertently becomes:

1. Dislodged from the patient; or
 2. Lodged within the patient following removal of the source applicators.
- (c) Radiation Safety Officer, or his designee, and the authorized user shall be notified immediately if the hospitalized patient or human research subject dies or has a medical emergency.

(60) Calibration Measurements of Brachytherapy Sealed Sources.

- (a) Prior to the first medical use of a brachytherapy sealed source on or after July 1, 2003, a licensee shall perform the following:
1. Determine the source output or activity using a dosimetry system that meets the requirements of Rule .05(72)(a);
 2. Determine source positioning accuracy within applicators; and
 3. Use published protocols accepted by nationally recognized bodies to meet the requirements of Rule .05(60)(a)1. and .05(60)(a)2.
- (b) A licensee may use measurements provided by the source manufacturer or by a calibration laboratory accredited by the American Association of Physicists in Medicine that are made in accordance with Rule .05(60)(a).
- (c) A licensee shall mathematically correct the outputs or activities determined in Rule .05(60)(a) of this section for physical decay at intervals consistent with 1.0 percent physical decay.
- (d) An authorized medical physicist shall perform or review the calculation measurements made pursuant to Rule .05(60)(a), (60)(b), or (60)(c).
- (e) Only an authorized medical physicist shall calculate the activity of each strontium-90 source that is used to determine the treatment times for ophthalmic treatments. The decay must be based on the activity determined in accordance with Rule .05(60)(a), (60)(b), and (60)(c).
- (f) A licensee shall retain a record of each calibration in accordance with Rule .05(104).
- (g) A licensee shall retain a record of decay calculations required by Rule .05(60)(e) in accordance with Rule .05(105).

(61) Therapy-related Computer Systems. The licensee shall perform acceptance testing on the treatment planning system in accordance with published protocols accepted by

nationally recognized bodies. At a minimum, the acceptance testing must include, as applicable, verification of:

- (a) The source-specific input parameters required by the dose calculation algorithm;
- (b) The accuracy of dose, dwell time, and treatment time calculations at representative points;
- (c) The accuracy of isodose plots and graphic displays; and
- (d) The accuracy of the software used to determine radioactive source positions from radiographic images.

(62) **Possession of Survey Instruments.** A licensee authorized to use manual brachytherapy sources shall possess a portable radiation detection survey instrument capable of detecting dose rates over the range of 1 microsievert (0.1 mrem) per hour to 500 microsievert (50 mrem) per hour, and a portable radiation measurement survey instrument capable of measuring dose rates over the range 10 microsievert (1 mrem) per hour to 10 millisievert (1,000 mrem) per hour. The instruments shall be operable and calibrated in accordance with Rule .05(30).

(63) **Training for Use of Manual Brachytherapy Sources.** Except as provided in Rule .05(26), the licensee shall require an authorized user of a manual brachytherapy source for the uses authorized under Rule .05(55) to be a physician who:

- (a) Is certified by a medical specialty board whose certification process has been recognized by the Division, an Agreement State or the Nuclear Regulatory Commission. (The names of board certifications that have been recognized by the Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's Web page.) To have its certification process recognized, a specialty board shall require all candidates for certification to:
 - 1. Successfully complete a minimum of 3 years of residency training in a radiation oncology program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association; and
 - 2. Pass an examination, administered by diplomates of the specialty board, that tests knowledge and competence in radiation safety, radionuclide handling, treatment planning, quality assurance, and clinical use of manual brachytherapy; or
- (b)
 - 1. Has completed a structured educational program in basic radionuclide handling techniques applicable to the use of manual brachytherapy sources that includes:

- (i) 200 hours of classroom and laboratory training in the following areas:
 - (I) Radiation physics and instrumentation;
 - (II) Radiation protection;
 - (III) Mathematics pertaining to the use and measurement of radioactivity; and
 - (IV) Radiation biology; and
 - (ii) 500 hours of work experience, under the supervision of an authorized user who meets the requirements in .05(26), (63) or equivalent Agreement State, or Nuclear Regulatory Commission requirements at a medical institution authorized to use byproduct material under Rule .05(55), involving:
 - (I) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
 - (II) Checking survey meters for proper operation;
 - (III) Preparing, implanting, and removing brachytherapy sources;
 - (IV) Maintaining running inventories of material on hand;
 - (V) Using administrative controls to prevent a misadministration involving the use of radioactive material; and
 - (VI) Using emergency procedures to control radioactive material; and
2. Has completed three years of supervised clinical experience in radiation oncology, under an authorized user who meets the requirements in Rule .05(26), .05(63) or equivalent Agreement State or Nuclear Regulatory Commission requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by Rule .05(63)(b)1.(ii); and

3. Has obtained written attestation that the individual has satisfactorily completed the requirements in Rules .05(63)(b)1. and (63)(b)2. and is able to independently fulfill the radiation safety-related duties as an authorized user of manual brachytherapy sources for the medical uses authorized under in Rule .05(55).

The signed attestation must be obtained from either:

- (i) A preceptor authorized user, who meets the requirements in Rules .05(26) or (63), or equivalent Agreement State or Nuclear Regulatory Commission requirements and has experience in administering dosages in the same dosage category or categories (i.e., in Rule .05(52)(b)1.(ii)(VII)) as the individual requesting authorized user status; or
- (ii) A residency program director who affirms in writing that the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in Rules .05(26) or (63), or equivalent Agreement State or Nuclear Regulatory Commission requirements, have experience in administering dosages in the same dosage category or categories (i.e., in Rule .05(52)(b)1.(ii)(VII)) as the individual requesting authorized user status, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in subparagraphs .05(63)(b)1. and 2.

(64) **Training for Ophthalmic Use of Strontium-90.** Except as provided in Rule .05(26), the licensee shall require an authorized user of a strontium-90 source for ophthalmic uses authorized under Rule .05(55) to be a physician who:

- (a) Is an authorized user under Rule .05(63) or equivalent Agreement State or Nuclear Regulatory Commission requirements; or,
- (b)
 1. Has completed 24 hours of classroom and laboratory training applicable to the medical use of strontium-90 for ophthalmic radiotherapy. The training must include:
 - (i) Radiation physics and instrumentation;

- (ii) Radiation protection;
 - (iii) Mathematics pertaining to the use and measurement of radioactivity; and
 - (iv) Radiation biology; and
 - 2. Supervised clinical training in ophthalmic radiotherapy under the supervision of an authorized user at a medical institution, clinic, or private practice, and that includes the use of strontium-90 for the ophthalmic treatment of five individuals. This supervised clinical training must involve:
 - (i) Examination of each individual to be treated;
 - (ii) Calculation of the dose to be administered;
 - (iii) Administration of the dose; and
 - (iv) Follow-up and review of each individual's case history; and
 - 3. Has obtained written attestation, signed by a preceptor authorized user, who meets the requirements in Rule .05(26), .05(63) or .05(64) or equivalent Agreement State or Nuclear Regulatory Commission requirements, that the individual has satisfactorily completed the requirements in Rule .05(64)(b)1. and 2., and is able to independently fulfill the radiation safety-related duties as an authorized user of strontium-90 for ophthalmic use.
- (c) Licensees who use strontium-90 for ophthalmic treatments must ensure that certain activities as specified in subparagraph .05(64)(d) are performed by either:
- 1. An authorized medical physicist; or
 - 2. An individual who:
 - (i) is identified as an ophthalmic physicist on a specific medical use license issued by the Commission or an Agreement State; permit issued by a Commission or Agreement State broad scope medical use licensee; medical use permit issued by a Commission master material licensee; or permit issued by a Commission master material licensee broad scope medical use permittee; and

- (ii) holds a master's or doctor's degree in physics, medical physics, other physical sciences, engineering, or applied mathematics from an accredited college or university; and
 - (iii) has successfully completed 1 year of full-time training in medical physics and an additional year of full-time work experience under the supervision of a medical physicist; and
 - (iv) Has documented training in:
 - (I) The creation, modification, and completion of written directives;
 - (II) Procedures for administrations requiring a written directive; and
 - (III) Performing the calibration measurements of brachytherapy sources as detailed in Rule (.05)(60).
- (d) The individuals who are identified in subparagraph .05(64)(c) must:
- 1. Calculate the activity of each strontium-90 source that is used to determine the treatment times for ophthalmic treatments. The decay must be based on the activity determined under Rule (.05)(60); and
 - 2. Assist the licensee in developing, implementing, and maintaining written procedures to provide high confidence that the administration is in accordance with the written directive. These procedures must include the frequencies that the individual meeting the requirements in subparagraph .05(64)(c) will observe treatments, review the treatment methodology, calculate treatment time for the prescribed dose, and review records to verify that the administrations were in accordance with the written directives.
- (e) Licensees must retain a record of the activity of each strontium-90 source in accordance with Rule (.05)(105).

Sealed Sources For Diagnosis

(65) Use of Sealed Sources and Medical Devices for Diagnosis.

- (a) A licensee must use only sealed sources that are not in medical devices for diagnostic medical uses if the sealed sources are approved in the Sealed Source and Device Registry for diagnostic medicine. The sealed sources may be used for

diagnostic medical uses that are not explicitly listed in the Sealed Source and Device Registry but must be used in accordance with the radiation safety conditions and limitations described in the Sealed Source and Device Registry.

- (b) A licensee must only use medical devices containing sealed sources for diagnostic medical uses if both the sealed sources and medical devices are approved in the Sealed Source and Device Registry for diagnostic medical uses. The diagnostic medical devices may be used for diagnostic medical uses that are not explicitly listed in the Sealed Source and Device Registry but must be used in accordance with the radiation safety conditions and limitations described in the Sealed Source and Device Registry.
- (c) Sealed sources and devices for diagnostic medical uses may be used in research in accordance with an active Investigational Device Exemption (IDE) application accepted by the U.S. Food and Drug Administration provided the requirements of Rule .05(20)(a) are met.

(66) **Training for Use of Sealed Sources for Diagnosis and Medical Devices for Diagnosis.** Except as provided in Rule .05(26), the licensee shall require the authorized user of a diagnostic sealed source for the use in a device authorized under Rule .05(65) to be a physician, dentist, or podiatrist who:

- (a) Is certified by a specialty board whose certification process includes all of the requirements in Rules .05(66)(c) and .05(66)(d) and whose certification has been recognized by an Agreement State or the Nuclear Regulatory Commission. (The names of board certifications that have been recognized by the Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's Web page.); or
- (b) Is an authorized user for uses listed in Rule .05(44) or equivalent Agreement State or Nuclear Regulatory Commission requirements; or
- (c) Has had 8 hours of classroom and laboratory training in basic radionuclide handling techniques specifically applicable to the use of the device that includes:
 - 1. Radiation physics and instrumentation;
 - 2. Radiation protection;
 - 3. Mathematics pertaining to the use and measurement of radioactivity; and
 - 4. Radiation biology; and
- (d) Has completed training in the use of the device for the uses requested.

Photon-Emitting Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units

(67) Use of Sealed Sources in a Remote Afterloader Unit, Teletherapy Unit, or Gamma Stereotactic Radiosurgery Unit.

- (a) A licensee must only use sealed sources:
 - 1. Approved and as provided for in the Sealed Source and Device Registry in photon emitting remote afterloader units, teletherapy units, or gamma stereotactic radiosurgery units to deliver therapeutic doses for medical uses: or
 - 2. In research involving photon-emitting remote afterloader units, teletherapy units, or gamma stereotactic radiosurgery units in accordance with an active Investigational Device Exemption (IDE) application accepted by the U.S. Food and Drug Administration provided the requirements of Rule .05(21)(a) are met.
- (b) A licensee must use photon-emitting remote afterloader units, teletherapy units, or gamma stereotactic radiosurgery units:
 - 1. Approved in the Sealed Source and Device Registry to deliver a therapeutic dose for medical use. These devices may be used for therapeutic medical treatments that are not explicitly provided for in the Sealed Source and Device Registry, but must be used in accordance with radiation safety conditions and limitations described in the Sealed Source and Device Registry; or
 - 2. In research in accordance with an active Investigational Device Exemption (IDE) application accepted by the FDA provided the requirements of Rule .05(21)(a) are met.

(68) Surveys of Patients and Human Research Subjects Treated with a Remote Afterloader Unit.

- (a) Before releasing a patient or a human research subject from licensee control, a licensee shall make a survey of the patient or the human research subject and the remote afterloader unit with a portable radiation detection survey instrument to confirm that the source(s) has been removed from the patient or human research subject and returned to the safe, shielded position.
- (b) A licensee shall retain a record of the surveys in accordance with Rule .05(102).

(69) Installation, Maintenance, Adjustment, and Repair.

- (a) Only a person specifically licensed by the Director, the Nuclear Regulatory Commission or an Agreement State shall install, maintain, adjust, or repair a remote afterloader unit, teletherapy unit, or gamma stereotactic radiosurgery unit that involves work on the source(s) shielding, the source(s) driving unit, or other electronic or mechanical component that could expose the source(s), reduce the shielding around the source(s), or compromise the radiation safety of the unit or the source(s).
- (b) Except for low dose-rate remote afterloader units, only a person specifically licensed by the Director, an Agreement State or the Nuclear Regulatory Commission shall install, replace, relocate, or remove a sealed source or source contained in other remote afterloader units, teletherapy units, or gamma stereotactic units.
- (c) For a low dose-rate remote afterloader unit, only a person specifically licensed by the Director, an Agreement State or the Nuclear Regulatory Commission, or an authorized medical physicist shall install, replace, relocate, or remove a sealed source(s) contained in the unit.
- (d) A licensee shall retain a record of the installation, maintenance, adjustment and repair done on remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units in accordance with Rule .05(106).

(70) Safety Procedures and Instructions for Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units.

- (a) A licensee shall:
 - 1. Secure the unit, the console, the console keys, and the treatment room when not in use or when unattended;
 - 2. Permit only individuals approved by the authorized user, Radiation Safety Officer, or authorized medical physicist to be present in the treatment room during treatment with the source(s);
 - 3. Prevent dual operation of more than one radiation producing device in a treatment room, if applicable; and
 - 4. Develop, implement, and maintain written procedures for responding to an abnormal situation when the operator is unable to place the source(s) in the shielded position, or remove the patient or human research subject from the radiation field with controls from outside the treatment room. This procedure must include:
 - (i) Instructions for responding to equipment failures and the names of the individuals responsible for implementing corrective actions;

- (ii) The process for restricting access to and posting of the treatment area to minimize the risk of inadvertent exposure; and
 - (iii) The names and telephone numbers of the authorized users, the authorized medical physicist, and the Radiation Safety Officer to be contacted if the unit or console operates abnormally.
- (b) A copy of the procedures required by Rule .05(70)(a)4. must be physically located at the unit console.
- (c) A licensee shall post instructions at the unit console to inform the operator of:
 - 1. The location of the procedures required by Rule .05(70)(a)4.; and
 - 2. The names and telephone numbers of the authorized users, the authorized medical physicist, and the Radiation Safety Officer to be contacted if the unit or console operates abnormally.
- (d)
 - 1. Prior to the first use for patient treatment of a new unit or an existing unit with a manufacturer upgrade that affects the operation and safety of the unit, a licensee shall ensure that vendor operational and safety training is provided to all individuals who will operate the unit. The vendor operational and safety training must be provided by the device manufacturer or by an individual certified by the device manufacturer to provide the operational and safety training.
 - 2. A licensee shall provide operational and safety instructions initially and at least annually to all individuals who operate the unit at the facility, as appropriate to the individual's assigned duties. The instructions shall include instruction in:
 - (i) The procedures identified in Rule .05(70)(a)4.; and
 - (ii) The operating procedures for the unit.
- (e) A licensee shall ensure that operators, authorized medical physicists, and authorized users participate in drills of the emergency procedures, initially and at least annually.
- (f) A licensee shall retain a record of individuals receiving instruction required by Rule .05(70)(d), in accordance with Rule .05(101).
- (g) A licensee shall retain a copy of the procedures required by subparagraphs .05(70)(a)4. and (d)2.(ii).

(71) Safety Precautions for Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units.

- (a) A licensee shall control access to the treatment room by a door at each entrance.
- (b) A licensee shall equip each entrance to the treatment room with an electrical interlock system that will:
 - 1. Prevent the operator from initiating the treatment cycle unless each treatment room entrance door is closed;
 - 2. Cause the source(s) to be shielded promptly when an entrance door is opened; and
 - 3. Prevent the source(s) from being exposed following an interlock interruption until all treatment room entrance doors are closed and the source(s) on-off control is reset at the console.
- (c) A licensee shall require any individual entering the treatment room to assure, through the use of appropriate radiation monitors, that radiation levels have returned to ambient levels.
- (d) Except for low-dose remote afterloader units, a licensee shall construct or equip each treatment room with viewing and intercom systems to permit continuous observation of the patient or the human research subject from the treatment console during irradiation.
- (e) For licensed activities where sources are placed within the patient's or human research subject's body, a licensee shall only conduct treatments which allow for expeditious removal of a decoupled or jammed source.
- (f) In addition to the requirements specified in Rule .05(71)(a) through (71)(e), a licensee shall:
 - 1. For low dose-rate, medium dose-rate, and pulsed dose-rate remote afterloader units, require:
 - (i) An authorized medical physicist and either an authorized user or a physician, under the supervision of an authorized user, who has been trained in the operation and emergency response for the unit to be physically present during the initiation of all patient treatments involving the unit; and
 - (ii) An authorized medical physicist and either an authorized user or an individual, under the supervision of an authorized user, who has been trained to remove the source applicator(s) in the event of an

emergency involving the unit, to be immediately available during continuation of all patient treatments involving the unit.

2. For high dose-rate remote afterloader unit, require:
 - (i) An authorized user and an authorized medical physicist to be physically present during the initiation of all patient treatments involving the unit; and
 - (ii) An authorized medical physicist and either an authorized user or a physician, under the supervision of an authorized user, who has been trained in the operation and emergency response for the unit, to be physically present during continuation of all patient treatments involving the unit.
 3. For gamma stereotactic radiosurgery units, require an authorized user and an authorized medical physicist to be physically present throughout all patient treatments involving the unit.
 4. Notify the Radiation Safety Officer, or his or her designee, and an authorized user as soon as possible, if the patient or human research subject has a medical emergency and, immediately, if the patient dies.
- (g) A licensee shall have emergency response equipment available near each treatment room, to respond to a source that inadvertently:
1. Remains in the unshielded position; or
 2. Lodges within the patient following completion of the treatment.

(72) Dosimetry Equipment.

- (a) Except for low dose-rate remote afterloader sources where the source output or activity is determined by the manufacturer, a licensee shall have a calibrated dosimetry system available for use. To satisfy this requirement, one of the following two conditions must be met:
 1. The system must have been calibrated using a system or source traceable to the National Institute of Standards and Technology (NIST) and published protocols accepted by nationally recognized bodies; or by a calibration laboratory accredited by the American Association of Physicists in Medicine (AAPM). The calibration must have been performed within the previous 2 years and after any servicing that may have affected system calibration; or

2. The system must have been calibrated within the previous 4 years; 18 to 30 months after that calibration, the system must have been inter-compared with another dosimetry system that was calibrated within the past 24 months by NIST or by a calibration laboratory accredited by the AAPM. The results of the inter-comparison must have indicated that the calibration factor of the licensee's system had not changed by more than 2 percent. The licensee may not use the inter-comparison result to change the calibration factor. When inter-comparing dosimetry systems to be used for calibrating sealed sources for therapeutic units, the licensee shall use a comparable unit with beam attenuators or collimators, as applicable, and sources of the same radionuclide as the source used at the licensee's facility.
- (b) The licensee shall have available for use a dosimetry system for spot-check output measurements, if applicable. To satisfy this requirement, the system may be compared with a system that has been calibrated in accordance with Rule .05(72)(a). This comparison must have been performed within the previous year and after each servicing that may have affected system calibration. The spot-check system may be the same system used to meet the requirement in Rule .05(72)(a).
- (c) The licensee shall retain a record of each calibration, inter-comparison, and comparison in accordance with Rule .05(107).

(73) Full Calibration Measurements on Teletherapy Units.

- (a) A licensee authorized to use a teletherapy unit for medical use shall perform full calibration measurements on each teletherapy unit:
 1. Before the first medical use of the unit; and
 2. Before medical use under the following conditions:
 - (i) Whenever spot-check measurements indicate that the output differs by more than 5 percent from the output obtained at the last full calibration corrected mathematically for radioactive decay;
 - (ii) Following replacement of the source or following reinstallation of the teletherapy unit in a new location;
 - (iii) Following any repair of the teletherapy unit that includes removal of the source or major repair of the components associated with the source exposure assembly; and
 3. At intervals not exceeding 1 year.

- (b) To satisfy the requirement of Rule .05(73)(a), full calibration measurements must include determination of:
 - 1. The output within ± 3 percent for the range of field sizes and for the distance or range of distances used for medical use;
 - 2. The coincidence of the radiation field and the field indicated by the light beam localizing device;
 - 3. The uniformity of the radiation field and its dependence on the orientation of the useful beam;
 - 4. Timer accuracy and linearity over the range of use;
 - 5. On-off error; and
 - 6. The accuracy of all distance measuring and localization devices in medical use.
- (c) A licensee shall use the dosimetry system described in Rule .05(72)(a) to measure the output for one set of exposure conditions. The remaining radiation measurements required in Rule .05(73)(b)1. may be made using a dosimetry system that indicates relative dose rates.
- (d) A licensee shall make full calibration measurements required by Rule .05(73)(a) in accordance with published protocols accepted by nationally recognized bodies.
- (e) A licensee shall mathematically correct the outputs determined in Rule .05(73)(b)1. for physical decay for intervals not exceeding 1 month for cobalt-60, 6 months for cesium-137, or at intervals consistent with 1 percent decay for all other nuclides.
- (f) Full calibration measurements required by Rule .05(73)(a) and physical decay corrections required by Rule .05(73)(e) must be performed by the authorized medical physicist.
- (g) A licensee shall retain a record of each calibration in accordance with Rule .05(108).

(74) Full Calibration Measurements on Remote Afterloader Units.

- (a) A licensee authorized to use a remote afterloader unit for medical use shall perform full calibration measurements on each unit:
 - 1. Before the first medical use of the unit;
 - 2. Before medical use under the following conditions:

- (i) Following replacement of the source or following reinstallation of the unit in a new location outside the facility; and
 - (ii) Following any repair of the unit that includes removal of the source or major repair of the components associated with the source exposure assembly;
 - 3. At intervals not exceeding 1 quarter for high dose-rate, medium dose-rate, and pulsed dose-rate remote afterloader units with sources whose half-life exceeds 75 days; and
 - 4. At intervals not exceeding 1 year for low dose-rate remote afterloader units.
- (b) To satisfy the requirement of Rule .05(74)(a), full calibration measurements must include, as applicable, determination of:
- 1. The output within +/- 5 percent;
 - 2. Source positioning accuracy to within +/- 1 millimeter;
 - 3. Source retraction with backup battery upon power failure; and
 - 4. Length of the source transfer tubes;
 - 5. Timer accuracy and linearity over the typical range of use;
 - 6. Length of the applicators; and
 - 7. Function of the source transfer tubes, applicators, and transfer tube-applicator interfaces.
- (c) In addition to the requirements for full calibrations for low dose-rate remote afterloader units in Rule .05(74)(b), a licensee shall perform an autoradiograph of the source(s) to verify inventory and source(s) arrangement at intervals not exceeding one quarter.
- (d) A licensee shall use the dosimetry system described in Rule .05(72)(a) to measure the output.
- (e) A licensee shall make full calibration measurements required by Rule .05(74)(a) in accordance with published protocols accepted by nationally recognized bodies.

- (f) For low dose-rate remote afterloader units, a licensee may use measurements provided by the source manufacturer that are made in accordance with Rule .05(74)(a) through (74)(e).
- (g) A licensee shall mathematically correct the outputs determined in Rule .05(74)(b)1. of this section for physical decay at intervals consistent with 1 percent physical decay.
- (h) Full calibration measurements required by Rule .05(74)(a) and physical decay corrections required by Rule .05(74)(g) must be performed by the authorized medical physicist.
- (i) A licensee shall retain a record of each calibration in accordance with Rule .05(108).

(75) Full Calibration Measurements on Gamma Stereotactic Radiosurgery Units.

- (a) A licensee authorized to use a gamma stereotactic radiosurgery unit for medical use shall perform full calibration measurements on each unit:
 - 1. Before the first medical use of the unit;
 - 2. Before medical use under the following conditions:
 - (i) Whenever spot-check measurements indicate that the output differs by more than 5 percent from the output obtained at the last full calibration corrected mathematically for radioactive decay;
 - (ii) Following replacement of the sources or following reinstallation of the gamma stereotactic radiosurgery unit in a new location; and
 - (iii) Following any repair of the gamma stereotactic radiosurgery unit that includes removal of the sources or major repair of the components associated with the source assembly; and
 - 3. At intervals not exceeding 1 year, with the exception that relative helmet factors need only be determined before the first medical use of a helmet and following any damage to a helmet.
- (b) To satisfy the requirement of Rule .05(75)(a), full calibration measurements must include determination of:
 - 1. The output within +/-3 percent;
 - 2. Relative helmet factors;
 - 3. Isocenter coincidence;

4. Timer accuracy and linearity over the range of use;
 5. On-off error;
 6. Trunnion centricity;
 7. Treatment table retraction mechanism, using backup battery power or hydraulic backups with the unit off;
 8. Helmet microswitches;
 9. Emergency timing circuits; and
 10. Stereotactic frames and localizing devices (trunnions).
- (c) A licensee shall use the dosimetry system described in Rule .05(72)(a) to measure the output for one set of exposure conditions. The remaining radiation measurements required in Rule .05(75)(b)1. may be made using a dosimetry system that indicates relative dose rates.
- (d) A licensee shall make full calibration measurements required by Rule .05(75)(a) in accordance with published protocols accepted by nationally recognized bodies.
- (e) A licensee shall mathematically correct the outputs determined in Rule .05(75)(b)1. at intervals not exceeding 1 month for cobalt-60 and at intervals consistent with 1 percent physical decay for all other radionuclides.
- (f) Full calibration measurements required by Rule .05(75)(a) and physical decay corrections required by Rule .05(75)(e) must be performed by the authorized medical physicist.
- (g) A licensee shall retain a record of each calibration in accordance with Rule .05(108).

(76) Periodic Spot-Checks for Teletherapy Units.

- (a) A licensee authorized to use teletherapy units for medical use shall perform output spot-checks on each teletherapy unit once in each calendar month that include determination of:
1. Timer accuracy, and timer linearity over the range of use;
 2. On-off error;
 3. The coincidence of the radiation field and the field indicated by the light beam localizing device;

4. The accuracy of all distance measuring and localization devices used for medical use;
 5. The output for one typical set of operating conditions measured with the dosimetry system described in Rule .05(72)(b); and
 6. The difference between the measurement made in Rule .05(76)(a)5. and the anticipated output, expressed as a percentage of the anticipated output (i.e., the value obtained at last full calibration corrected mathematically for physical decay).
- (b) A licensee shall perform measurements required by Rule .05(76)(a) in accordance with procedures established by the authorized medical physicist. That individual need not actually perform the spot-check measurements.
- (c) A licensee shall have the authorized medical physicist review the results of each spot-check within 15 days. The authorized medical physicist shall promptly notify the licensee in writing of the results of each spot-check.
- (d) A licensee authorized to use a teletherapy unit for medical use shall perform safety spot-checks of each teletherapy facility once in each calendar month and after each source installation to assure proper operation of:
1. Electrical interlocks at each teletherapy room entrance;
 2. Electrical or mechanical stops installed for the purpose of limiting use of the primary beam of radiation (restriction of source housing angulation or elevation, carriage or stand travel and operation of the beam on-off mechanism);
 3. Source exposure indicator lights on the teletherapy unit, on the control console, and in the facility;
 4. Viewing and intercom systems;
 5. Treatment room doors from inside and outside the treatment room; and
 6. Electrically assisted treatment room doors with the teletherapy unit electrical power turned off.
- (e) If the results of the checks required in Rule .05(76)(d) indicate the malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as may be necessary to repair, replace, or check the malfunctioning system.

- (f) A licensee shall retain a record of each spot-check required by Rule .05(76)(a) and (76)(d), in accordance with Rule .05(109).

(77) Periodic Spot-Checks for Remote Afterloader Units.

- (a) A licensee authorized to use remote afterloader units for medical use shall perform spot-checks of each remote afterloader facility and on each unit:
 - 1. At the beginning of each day of use of a high dose-rate, medium dose-rate or pulsed dose-rate remote afterloader unit;
 - 2. Prior to each patient treatment with a low dose-rate remote afterloader unit; and
 - 3. After each source installation.
- (b) The licensee shall have the authorized medical physicist establish written procedures for performing the spot-checks required in Rule .05(77)(a). The authorized medical physicist need not actually perform the spot-check measurements.
- (c) A licensee shall have the authorized medical physicist review the results of each spot-check within 15 days. The authorized medical physicist shall notify the licensee as soon as possible in writing of the results of each spot-check.
- (d) To satisfy the requirements of Rule .05(77)(a), spot-checks must, at a minimum, assure proper operation of:
 - 1. Electrical interlocks at each remote afterloader unit room entrance;
 - 2. Source exposure indicator lights on the remote afterloader unit, on the control console, and in the facility;
 - 3. Viewing and intercom systems in each high dose-rate, medium dose-rate and pulsed dose-rate remote afterloader facility;
 - 4. Emergency response equipment;
 - 5. Radiation monitors used to indicate the source position;
 - 6. Timer accuracy;
 - 7. Clock (date and time) in the unit's computer; and
 - 8. Decayed source(s) activity in the unit's computer.

- (e) If the results of the checks required in Rule .05(77)(d) indicate the malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as may be necessary to repair, replace, or check the malfunctioning system.
- (f) A licensee shall retain a record of each check required by Rule .05(77)(d) in accordance with Rule .05(110).

(78) Periodic Spot-Checks for Gamma Stereotactic Radiosurgery Units.

- (a) A licensee authorized to use a gamma stereotactic radiosurgery unit for medical use shall perform spot-checks of each gamma stereotactic radiosurgery facility and on each unit:
 - 1. Monthly;
 - 2. At the beginning of each day of use; and
 - 3. After each source installation.
- (b) The licensee shall have the authorized medical physicist:
 - 1. Establish written procedures for performing the spot-checks required in Rule .05(78)(a); and
 - 2. Review the results of each spot-check required by Rule .05(78)(a)1. within 15 days of the check. The authorized medical physicist need not actually perform the spot-check measurements.
- (c) To satisfy the requirements of Rule .05(78)(a)1., spot-checks must, at a minimum:
 - 1. Assure proper operation of:
 - (i) Treatment table retraction mechanism, using backup battery power or hydraulic backups with the unit off;
 - (ii) Helmet microswitches;
 - (iii) Emergency timing circuits; and
 - (iv) Stereotactic frames and localizing devices (trunnions).
 - 2. Determine:
 - (i) The output for one typical set of operating conditions measured with the dosimetry system described in Rule .05(72)(b);

- (ii) The difference between the measurement made in Rule .05(78)(c)2.(i) of this section and the anticipated output, expressed as a percentage of the anticipated output (i.e., the value obtained at last full calibration corrected mathematically for physical decay);
 - (iii) Source output against computer calculation;
 - (iv) Timer accuracy and linearity over the range of use;
 - (v) On-off error; and
 - (vi) Trunnion centricity.
- (d) To satisfy the requirements of Rule .05(78)(a)2. and (78)(a)3., spot-checks must assure proper operation of:
 1. Electrical interlocks at each gamma stereotactic radiosurgery room entrance;
 2. Source exposure indicator lights on the gamma stereotactic radiosurgery unit, on the control console, and in the facility;
 3. Viewing and intercom systems;
 4. Timer termination;
 5. Radiation monitors used to indicate room exposures; and
 6. Emergency off buttons.
- (e) A licensee shall arrange for prompt repair of any system identified in Rule .05(78)(c) that is not operating properly.
- (f) If the results of the checks required in Rule .05(78)(d) indicate the malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as may be necessary to repair, replace, or check the malfunctioning system.
- (g) A licensee shall retain a record of each check required by Rule .05(78)(c) and (78)(d) in accordance with Rule .05(111).

(79) Additional Technical Requirements for Mobile Remote Afterloader Units.

- (a) A licensee providing mobile remote afterloader service shall:

1. Check survey instruments before medical use at each address of use or on each day of use, whichever is more frequent; and
 2. Account for all sources before departure from a client's address of use.
- (b) In addition to the periodic spot-checks required by Rule .05(77), a licensee authorized to use mobile afterloaders for medical use shall perform checks on each remote afterloader unit before use at each address of use. At a minimum, checks must be made to verify the operation of:
1. Electrical interlocks on treatment area access points;
 2. Source exposure indicator lights on the remote afterloader unit, on the control console, and in the facility;
 3. Viewing and intercom systems;
 4. Applicators, source transfer tubes, and transfer tube-applicator interfaces;
 5. Radiation monitors used to indicate room exposures;
 6. Source positioning (accuracy); and
 7. Radiation monitors used to indicate whether the source has returned to a safe shielded position.
- (c) In addition to the requirements for checks in Rule .05(79)(b), a licensee shall ensure overall proper operation of the remote afterloader unit by conducting a simulated cycle of treatment before use at each address of use.
- (d) If the results of the checks required in Rule .05(79)(b) indicate the malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as may be necessary to repair, replace, or check the malfunctioning system.
- (e) A licensee shall retain a record of each check required by Rule .05(79)(b) in accordance with Rule .05(112).

(80) Radiation Surveys.

- (a) In addition to the survey requirements in Rule .03(8) of this Chapter, a person licensed pursuant to Rule .05 shall make surveys to ensure that the maximum radiation levels and average radiation levels from the surface of the main source safe with the source(s) in the shielded position does not exceed the levels stated in the Sealed Source and Device Registry.

- (b) The licensee shall make the survey required by Rule .05(80)(a) at installation of a new source and following repairs to the source(s) shielding, the source(s) driving unit, or other electronic or mechanical component that could expose the source, reduce the shielding around the source(s), or compromise the radiation safety of the unit or the source(s).
- (c) A licensee shall retain a record of the radiation surveys required by Rule .05(80)(a) of this section in accordance with Rule .05(113).

(81) **Five-Year Inspection for Teletherapy and Gamma Stereotactic Radiosurgery Units.**

- (a) A licensee shall have each teletherapy unit and gamma stereotactic radiosurgery unit fully inspected and serviced during source replacement or at intervals not to exceed 5 years, whichever comes first, to assure proper functioning of the source exposure mechanism and other safety components.
- (b) This inspection and servicing may only be performed by persons specifically licensed to do so by the Director, an Agreement State or the Nuclear Regulatory Commission.
- (c) A licensee shall keep a record of the inspection and servicing in accordance with Rule .05(114).

(82) **Therapy-Related Computer Systems.** The licensee shall perform acceptance testing on the treatment planning system in accordance with published protocols accepted by nationally recognized bodies. At a minimum, the acceptance testing must include, as applicable, verification of:

- (a) The source-specific input parameters required by the dose calculation algorithm;
- (b) The accuracy of dose, dwell time, and treatment time calculations at representative points;
- (c) The accuracy of isodose plots and graphic displays;
- (d) The accuracy of the software used to determine radioactive source positions from radiographic images; and
- (e) The accuracy of electronic transfer of the treatment delivery parameters to the treatment delivery unit from the treatment planning system.

(83) **Possession of Survey Instruments.** A licensee authorized to use radioactive material in remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units shall possess a portable radiation detection survey instrument capable of detecting dose rates over the range of 1 microsievert (0.1 mrem) per hour to 500 microsievert (50

mrem) per hour, and a portable radiation measurement survey instrument capable of measuring dose rates over the range 10 microsievert (1 mrem) per hour to 10 millisievert (1,000 mrem) per hour. The instruments shall be operable and calibrated in accordance with Rule .05(30).

- (84) **Training for Use of Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units.** Except as provided in Rule .05(26), the licensee shall require an authorized user of a sealed source for a use authorized under Rule .05(67) to be a physician who:

- (a) Is certified by a medical specialty board whose certification has been recognized by the Division, an Agreement State or the Nuclear Regulatory Commission, and who meets the requirements in .05(84)(c). (The names of board certifications that have been recognized by the Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's web page.) To have its certification process recognized, a specialty board shall require all candidates for certification to:

1. Successfully complete a minimum of 3 years of residency training in a radiation therapy program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association; and
2. Pass an examination, administered by diplomates of the specialty board, which tests knowledge and competence in radiation safety, radionuclide handling, treatment planning, quality assurance, and clinical use of stereotactic radiosurgery, remote afterloaders and external beam therapy; or

- (b) 1. Has completed a structured educational program in basic radionuclide techniques applicable to the use of a sealed source in a therapeutic medical unit that includes:

- (i) 200 hours of classroom and laboratory training in the following areas:

(I) Radiation physics and instrumentation;

(II) Radiation protection;

(III) Mathematics pertaining to the use and measurement of radioactivity; and

(IV) Radiation biology; and

- (ii) 500 hours of work experience, under the supervision of an authorized user who meets the requirements in Rule .05(26), .05(84) or equivalent Agreement State, or Nuclear Regulatory Commission requirements at a medical institution that is authorized to use radioactive materials in Rule .05(67), involving:
 - (I) Reviewing full calibration measurements and periodic spot checks;
 - (II) Preparing treatment plans and calculating treatment doses and times;
 - (III) Using administrative controls to prevent a misadministration involving the use of radioactive material;
 - (IV) Implementing emergency procedures to be followed in the event of the abnormal operation of the medical unit or console;
 - (V) Checking and using survey meters; and
 - (VI) Selecting the proper dose and how it is to be administered; and
- 2. Has completed three years of supervised clinical experience in radiation oncology, under an authorized user who meets the requirements in Rule .05(26), .05(84) or equivalent Agreement State or Nuclear Regulatory Commission requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by Rule .05(84)(b)1.(ii); and
- 3. Has obtained written attestation that the individual has satisfactorily completed the requirements in Rule .05(84)(b)1. and .05(84)(b)2., and .05(84)(c), and is able to independently fulfill the radiation safety-related duties as an authorized user of each type of therapeutic medical unit for which the individual is requesting authorized user status; and

The signed attestation must be obtained from either:

- (i) A preceptor authorized user, who meets the requirements in Rules .05(26), (84), or equivalent Agreement State or Nuclear Regulatory Commission requirements; or
 - (ii) A residency program director who affirms in writing that the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in Rules .05(26), (84), or equivalent Agreement State or Nuclear Regulatory Commission requirements, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in subparagraphs .05(63)(b)1. and 2.
- (c) Has received training in device operation, safety procedures, and clinical use for the type(s) of use for which authorization is sought. This training requirement may be satisfied by satisfactory completion of a training program provided by the vendor for new users or by receiving training supervised by an authorized user or authorized medical physicist, as appropriate, who is authorized for the type(s) of use for which the individual is seeking authorization.

Other Medical Uses of Radioactive Material or Radiation from Radioactive Material

- (85) **Other Medical Uses of Radioactive Material or Radiation From Radioactive Material.** A licensee may use radioactive material or a radiation source approved for medical use that is not specifically addressed in Rule .05 if:

- (a) The applicant or licensee has submitted the information required by Rule .05(8)(b), (8)(c) and (8)(d); and
- (b) The applicant or licensee has received written approval from the NRC or an Agreement State in a license and uses the material in accordance with the regulations and specific conditions the NRC or Agreement State considers necessary for the medical use of the material.

Records

- (86) **Records of Authority and Responsibilities for Radiation Protection Programs.**

- (a) A licensee shall retain a record of actions taken by the licensee's management in accordance with Rule .05(15)(a) for 5 years. The record must include a summary of the actions taken and a signature of licensee management.
 - (b) The licensee shall retain a current copy of the authorities, duties and responsibilities of the Radiation Safety Officer as required by Rule .05(15)(d), and a signed copy of the Radiation Safety Officer's agreement to be responsible for implementing the radiation safety program, as required by Rule .05(15)(b). The record must include the signature of the Radiation Safety Officer and licensee management.
 - (c) The minutes of each Radiation Safety Committee meeting held in accordance with Rule .05(15)(g) shall include:
 - 1. The date of the meeting;
 - 2. Members present;
 - 3. Members absent; and
 - 4. Summary of deliberations and discussions.
- (87) **Records of Radiation Protection Program Safety Changes.** A licensee shall retain a record of each radiation protection program change made in accordance with Rule .05(16)(a) for 5 years. The record must include a copy of the old and new procedures; the effective date of the change; and the signature of the licensee management that reviewed and approved the change.
- (88) **Records of Written Directives.** A licensee shall retain a copy of each written directive as required by Rule .05(19) for 3 years.
- (89) **Records of Misadministrations.** A licensee shall retain a record of misadministrations reported in accordance with Rule .05(115) for 3 years. The record must contain the licensee's name; names of the individuals involved; the social security number or other identification number if one has been assigned, of the individual who is the subject of the misadministration; a brief description of the event; why it occurred; the effect, if any, on the individual; the actions, if any, taken, or planned, to prevent recurrence; and, whether the licensee notified the individual (or the individual's responsible relative or guardian) and, if not, whether such failure to notify was based on guidance from the referring physician.
- (90) **Record of a Dose to an Embryo/Fetus or a Nursing Child.** A licensee shall retain a record of a dose to an embryo/fetus or a nursing child reported in accordance with Rule .05(116) for 3 years. The record must contain the licensee's name; names of all the individuals involved; social security number or other identification number if one has been assigned to the pregnant individual or nursing child who is the subject of the event;

a brief description of the event; why it occurred; the effect, if any, on the embryo/fetus or nursing child; the actions, if any, taken, or planned, to prevent recurrence; and whether the licensee notified the pregnant individual or mother (or the mother's or child's responsible relative or guardian) and, if not, whether such failure to notify was based on guidance from the referring physician.

- (91) **Records of Calibrations of Instruments Used to Measure the Activity of Unsealed Radioactive Material.** A licensee shall maintain a record of instrument calibrations required by Rule .05(29) for 3 years. The records must include the model and serial number of the instrument, the date of the calibration, the results of the calibration, and the name of the individual who performed the calibration.
- (92) **Records of Survey Instrument Calibrations.** A licensee shall maintain a record of instrument calibrations required by Rule .05(30) for 3 years. The record must include the model and serial number of the instrument, the date of the calibration, the results of the calibration, and the name of the individual who performed the calibration.
- (93) **Records of Dosages of Unsealed Radioactive Material for Medical Use.** A licensee shall maintain a record of dosage determinations required by Rule .05(31) for 3 years. The record must contain the radioactive drug; the patient's or human research subject's name, or identification number if one has been assigned; prescribed dosage; the determined dosage, or a notation that the total activity is less than 1.11 MBq (30 μ Ci); the date and time of the dosage determination; and the name of the individual who determined the dosage.
- (94) **Records of Possession of Sealed Sources and Brachytherapy Sources.** A licensee shall retain a record of the semi-annual physical inventory of sealed sources and brachytherapy sources required by Rule .05(33)(d) for 3 years. The inventory record must contain the model number of each source, and serial number if one has been assigned, the identity of each source radionuclide and its nominal activity, the location of each source, and the name of the individual who performed the inventory.
- (95) **Records of Surveys for Ambient Radiation Exposure Rate.** A licensee shall retain a record of each survey required by Rule .05(36) for 3 years. The record must include the date of the survey, the results of the survey, the instrument used to make the survey, and the name of the individual who performed the survey.
- (96) **Records of the Release of Individuals Containing Radioactive Drugs or Implants Containing Radioactive Material.**
 - (a) A licensee shall retain a record, signed by the authorized user, of the basis for authorizing the release of an individual, for 3 years after the date of release,
 - (b) A licensee shall retain a record, for 3 years after the date of release, that the instructions required by Rule .05(37)(b) were provided to a breast-feeding woman.

- (97) **Records of Administrative and Technical Requirements that Apply to the Provision of Mobile Services.**
- (a) A licensee shall retain a copy of the letter(s) that permits the use of radioactive material at a client's address of use, as required by Rule .05(9)(b), for 3 years after the last provision of service.
 - (b) A licensee shall retain the record of each survey required by Rule .05(38)(f) for 3 years. The record must include the date of the survey, the results of the survey, the instrument used to make the survey, and the name of the individual who performed the survey.
- (98) **Records of Decay-in-Storage.** A licensee shall maintain records of the disposal of licensed materials, as required by Rule .05(40), for 3 years. The record must include the date of the disposal, the survey instrument used, the background radiation level, the radiation level measured at the surface of each waste container, and the name of the individual who performed the survey.
- (99) **Records of Radionuclide Purity.** A licensee shall maintain a record of the radionuclide contaminant concentration tests required by Rule .05(45) for 3 years. The record must include, for each measured elution of radionuclide used to prepare a radioactive drug, the ratio of the measures expressed as kilobecquerel of contaminant per megabecquerel of desired radionuclide (microcurie/millicurie), or microgram of contaminant per megabecquerel of desired radionuclide (microgram/millicurie), the time and date of the measurement, and the name of the individual who made the measurement.
- (100) **Records of Training.** A licensee shall maintain records of training required by Rule .05(25) for 3 years after the last date an individual was authorized to act as a nuclear medicine technologist or radiation therapist at the licensee's facility.
- (101) **Records of Safety Instruction and Training.** A licensee shall maintain a record of safety instructions and training required by Rules .05(49), (58) and (70) for 3 years. The record must include a list of the topics covered, the date of the instruction or training, the name(s) of the attendee(s), and the name(s) of the individual(s) who provided the instruction.
- (102) **Records of Radiation Surveys of Patients and Human Research Subjects.** A licensee shall maintain a record of the surveys required by Rule .05(56) and (68) for 3 years. Each record must include the date and results of the survey, the survey instrument used, and the name of the individual who made the survey.
- (103) **Records of Brachytherapy Source Inventory.**
- (a) A licensee shall maintain a record of brachytherapy source accountability required by Rule .05(57) for 3 years.
 - (b) For temporary implants, the record must include:

1. The number and activity of sources removed from storage, the time and date they were removed from storage, the name of the individual who removed them from storage, and the location of use;
2. The number and activity of unused sources returned to storage, the time and date they were returned to storage, and the name of the individual who returned them to storage; and
3. The number and activity of temporarily implanted sources removed from the patient or human research subject, the time and date they were returned to storage, and the name of the individual who returned them to storage.

(c) For permanent implants, the record must include:

1. The number and activity of sources removed from storage, the date they were removed from storage, and the name of the individual who removed them from storage;
2. The number and activity of sources not implanted, the date they were returned to storage, and the name of the individual who returned them to storage; and
3. The number and activity of sources permanently implanted in the patient or human research subject.

- (104) **Records of Calibration Measurements on Brachytherapy Sources.** A licensee shall maintain a record of the calibrations on brachytherapy sources required by Rule .05(60) for 3 years after the last use of the source. The record must include the date of the calibration; the manufacturer's name, model number, and serial number for the source and the instruments used to calibrate the source; the source output or activity; source positioning accuracy within applicators; and the signature of the authorized medical physicist.
- (105) **Records of Decay of Strontium-90 Sources for Ophthalmic Treatments.** The licensee shall maintain a record of the activity of a strontium 90 source required by Rule .05(60) for the life of the source. The record must include the date and initial activity of the source as determined under Rule .05(60), and for each decay calculation, the date, and the source activity and the signature of the authorized medical physicist.
- (106) **Records of Installation, Maintenance, Adjustment, and Repair.** A licensee shall retain a record of the installation, maintenance, adjustment, and repair of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units as required by Rule .05(69) for 3 years. For each installation, maintenance, adjustment

and repair, the record must include the date, description of the service, and name(s) of the individual(s) who performed the work.

(107) Records of Dosimetry Equipment.

- (a) A licensee shall retain a record of the calibration, inter-comparison, and comparisons of its dosimetry equipment done in accordance with Rule .05(72) for the duration of the license.
- (b) For each calibration, inter-comparison, or comparison, the record must include:
 - 1. The date;
 - 2. The manufacturer's name, model numbers and serial numbers of the instruments that were calibrated, inter-compared, or compared as required by Rule .05(72)(a) and (72)(b);
 - 3. The correction factor that was determined from the calibration or comparison or the apparent correction factor that was determined from an inter-comparison; and
 - 4. The names of the individuals who performed the calibration, inter-comparison, or comparison.

(108) Records of Teletherapy, Remote Afterloader, and Gamma Stereotactic Radiosurgery Full Calibrations.

- (a) A licensee shall maintain a record of the teletherapy, remote afterloader, and gamma stereotactic radiosurgery full calibrations required by Rule .05(73), (74) and (75) for 3 years.
- (b) The record must include:
 - 1. The date of the calibration;
 - 2. The manufacturer's name, model number, and serial number for the teletherapy, remote afterloader, and gamma stereotactic radiosurgery unit(s), the source(s), and instruments used to calibrate the unit;
 - 3. The results and assessments of the full calibrations;
 - 4. The results of the autoradiograph required for low dose-rate remote afterloader units; and
 - 5. The signature of the authorized medical physicist who performed the full calibration.

(109) Records of Periodic Spot-Checks for Teletherapy Units.

- (a) A licensee shall retain a record of each periodic spot-check for teletherapy units required by Rule .05(76) for 3 years.
- (b) The record must include:
 - 1. The date of the spot-check;
 - 2. The manufacturer's name, model number, and serial number for the teletherapy unit, source and instrument used to measure the output of the teletherapy unit;
 - 3. An assessment of timer linearity and constancy;
 - 4. The calculated on-off error;
 - 5. A determination of the coincidence of the radiation field and the field indicated by the light beam localizing device;
 - 6. The determined accuracy of each distance measuring and localization device;
 - 7. The difference between the anticipated output and the measured output;
 - 8. Notations indicating the operability of each entrance door electrical interlock, each electrical or mechanical stop, each source exposure indicator light, and the viewing and intercom system and doors; and
 - 9. The name of the individual who performed the periodic spot-check and the signature of the authorized medical physicist who reviewed the record of the spot-check.

(110) Records of Periodic Spot-Checks for Remote Afterloader Units.

- (a) A licensee shall retain a record of each spot-check for remote afterloader units required by Rule .05(77) for 3 years.
- (b) The record must include, as applicable:
 - 1. The date of the spot-check;
 - 2. The manufacturer's name, model number, and serial number for the remote afterloader unit and source;
 - 3. An assessment of timer accuracy;
 - 4. Notations indicating the operability of each entrance door electrical interlock, radiation monitors, source exposure indicator lights, viewing

and intercom systems, and clock and decayed source activity in the unit's computer; and

5. The name of the individual who performed the periodic spot-check and the signature of the authorized medical physicist who reviewed the record of the spot-check.

(111) Records of Periodic Spot-Checks for Gamma Stereotactic Radiosurgery Units.

- (a) A licensee shall retain a record of each spot-check for gamma stereotactic radiosurgery units required by Rule .05(78) for 3 years.
- (b) The record must include:
 1. The date of the spot-check;
 2. The manufacturer's name, model number, and serial number for the gamma stereotactic radiosurgery unit and the instrument used to measure the output of the unit;
 3. An assessment of timer linearity and accuracy;
 4. The calculated on-off error;
 5. A determination of trunnion centricity;
 6. The difference between the anticipated output and the measured output;
 7. An assessment of source output against computer calculations;
 8. Notations indicating the operability of radiation monitors, helmet microswitches, emergency timing circuits, emergency off buttons, electrical interlocks, source exposure indicator lights, viewing and intercom systems, timer termination, treatment table retraction mechanism, and stereotactic frames and localizing devices (trunnions); and
 9. The name of the individual who performed the periodic spot-check and the signature of the authorized medical physicist who reviewed the record of the spot-check.

(112) Records of Additional Technical Requirements for Mobile Remote Afterloader Units.

- (a) A licensee shall retain a record of each check for mobile remote afterloader units required by Rule .05(79) for 3 years.

(b) The record must include:

1. The date of the check;
2. The manufacturer's name, model number, and serial number of the remote afterloader unit;
3. Notations accounting for all sources before the licensee departs from a facility;
4. Notations indicating the operability of each entrance door electrical interlock, radiation monitors, source exposure indicator lights, viewing and intercom system, applicators and source transfer tubes, and source positioning accuracy; and
5. The signature of the individual who performed the check.

(113) Records of Surveys of Therapeutic Treatment Units.

(a) A licensee shall maintain a record of radiation surveys of treatment units made in accordance with Rule .05(80) for the duration of use of the unit.

(b) The record must include:

1. The date of the measurements;
2. The manufacturer's name, model number and serial number of the treatment unit, source, and instrument used to measure radiation levels;
3. Each dose rate measured around the source while the unit is in the off position and the average of all measurements; and
4. The signature of the individual who performed the test.

(114) Records of Five-Year Inspection for Teletherapy and Gamma Stereotactic Surgery Units.

(a) A licensee shall maintain a record of the five-year inspections for teletherapy and gamma stereotactic radiosurgery units required by Rule .05(81) for the duration of use of the unit.

(b) The record must contain:

1. The inspector's radioactive materials license number;
2. The date of inspection;

3. The manufacturer's name and model number and serial number of both the treatment unit and source;
4. A list of components inspected and serviced, and the type of service; and
5. The signature of the inspector.

Reports

(115) Reports and Notifications of Misadministrations.

- (a) Other than events that result from intervention by a patient or human research subject, a licensee shall report any event in which the administration of radioactive material or radiation from radioactive material, except permanent implant brachytherapy, results in:
 1. A dose that differs from the prescribed dose by more than 0.05 Sv (5 rem) effective dose equivalent, 0.5 Sv (50 rem) to an organ or tissue, or 0.5 Sv (50 rem) shallow dose equivalent to the skin; and either
 - (i) The total dose delivered differs from the prescribed dose by 20 percent or more;
 - (ii) The total dosage delivered differs from the prescribed dosage by 20 percent or more or falls outside the prescribed dosage range; or
 - (iii) The fractionated dose delivered differs from the prescribed dose, for a single fraction, by 50 percent or more.
 2. A dose that exceeds 0.05 Sv (5 rem) effective dose equivalent, 0.5 Sv (50 rem) to an organ or tissue, or 0.5 Sv (50 rem) shallow dose equivalent to the skin from any of the following:
 - (i) An administration of a wrong radioactive drug or the wrong radionuclide for brachytherapy procedures;
 - (ii) An administration of a radioactive drug containing radioactive material by the wrong route of administration;
 - (iii) An administration of a dose or dosage to the wrong individual or human research subject;
 - (iv) An administration of a dose or dosage delivered by the wrong mode of treatment; or
 - (v) A leaking sealed source.

3. A dose to the skin or an organ or tissue other than the treatment site that exceeds by:
 - (i) 0.5 Sv (50 rem) or more the expected dose to that site from the procedure if the administration had been given in accordance with the written directive prepared or revised before administration; and
 - (ii) 50 percent or more the expected dose to that site from the procedure if the administration had been given in accordance with the written directive prepared or revised before administration.
 4. For permanent implant brachytherapy, the administration of byproduct material or radiation from byproduct material (excluding sources that were implanted in the correct site but migrated outside the treatment site) that results in:
 - (i) The total source strength administered differing by 20 percent or more from the total source strength documented in the post-implantation portion of the written directive;
 - (ii) The total source strength administered outside of the treatment site exceeding 20 percent of the total source strength documented in the post-implantation portion of the written directive; or
 - (iii) An administration that includes any of the following:
 - (I) The wrong radionuclide;
 - (II) The wrong individual or human research subject;
 - (III) Sealed source(s) implanted directly into a location discontinuous from the treatment site, as documented in the post-implantation portion of the written directive; or
 - (IV) A leaking sealed source resulting in a dose that exceeds 0.5 Sv (50 rem) to an organ or tissue.
- (b) A licensee shall report any event resulting from intervention of a patient or human research subject in which the administration of radioactive material or radiation from radioactive material results, or will result in, unintended permanent functional damage to an organ or a physiological system, as determined by a physician.
 - (c) The licensee shall notify the Division by telephone no later than the next calendar day after discovery of the misadministration.

- (d) The licensee shall submit a written report to the Division within 15 days after discovery of the misadministration.
 - 1. The written report must include:
 - (i) The licensee's name;
 - (ii) The name of the prescribing physician;
 - (iii) A brief description of the event;
 - (iv) Why the event occurred;
 - (v) The effect, if any, on the individual(s) who received the administration;
 - (vi) Actions, if any, that have been taken, or are planned, to prevent recurrence;
 - (vii) Certification that the licensee notified the individual (or the individual's responsible relative or guardian), and if not, why not; and
 - 2. The report may not contain the individual's name or any other information that could lead to identification of the individual.
- (e) The licensee shall provide notification of the misadministration to the referring physician and also notify the individual who is the subject of the misadministration no later than 24 hours after its discovery, unless the referring physician personally informs the licensee either that he or she will inform the individual or that, based on medical judgment, telling the individual would be harmful. The licensee is not required to notify the individual without first consulting the referring physician. If the referring physician or the affected individual cannot be reached within 24 hours, the licensee shall notify the individual as soon as possible thereafter. The licensee may not delay any appropriate medical care for the individual, including any necessary remedial care as a result of the misadministration, because of any delay in notification. To meet the requirements of this paragraph, the notification of the individual who is the subject of the misadministration may be made instead to that individual's responsible relative or guardian. If a verbal notification is made, the licensee shall inform the individual or appropriate responsible relative or guardian that a written description of the event can be obtained from the licensee upon request. The licensee shall provide such a written description if requested.

- (f) Aside from the notification requirement, nothing in this section affects any rights or duties of licensees and physicians in relation to each other, to individuals affected by the misadministration, or to that individual's responsible relatives or guardians.
- (g) A licensee shall retain a record of a misadministration in accordance with Rule .05(89). A copy of the record required under Rule .05(89) shall be provided to the referring physician if other than the licensee, within 15 days after discovery of the misadministration.

(116) Report and Notification of a Dose to an Embryo/Fetus or a Nursing Child.

- (a) A licensee shall report any dose to an embryo/fetus that is greater than 50 mSv (5 rem) dose equivalent that is a result of an administration of radioactive material or radiation from radioactive material to a pregnant individual unless the dose to the embryo/fetus was specifically approved, in advance, by the authorized user.
- (b) A licensee shall report any dose to a nursing child that was not specifically approved, in advance, by the authorized user, that is a result of an administration of radioactive material to a breast feeding individual that:
 - 1. Is greater than 50 mSv (5 rem) total effective dose equivalent; or
 - 2. Has resulted in unintended permanent functional damage to an organ or a physiological system, as determined by a physician.
- (c) The licensee shall notify by telephone the Division no later than the next calendar day after discovery of a dose to the embryo/fetus or nursing child that requires a report in Rule .05(116)(a) or (116)(b).
- (d) The licensee shall submit a written report to the Division within 15 days after discovery of a dose to the embryo/fetus or nursing child that requires a report in Rule .05(116)(a) or (116)(b).
 - 1. The written report must include:
 - (i) The licensee's name;
 - (ii) The name of the prescribing physician;
 - (iii) A brief description of the event;
 - (iv) Why the event occurred;
 - (v) The effect on the embryo/fetus or the nursing child;

- (vi) What actions, if any, have been taken, or are planned, to prevent recurrence; and
 - (vii) Certification that the licensee notified the pregnant individual or mother (or the mother's or child's responsible relative or guardian), and if not, why not.
 - 2. The report must not contain the individual's or child's name or any other information that could lead to identification of the individual or child.
- (e) The licensee shall notify the referring physician and also notify the pregnant individual or mother, both hereafter referred to as the mother, no later than 24 hours after discovery of an event that would require reporting under Rule .05(116)(a) or (116)(b), unless the referring physician personally informs the licensee either that he or she will inform the mother or that, based on medical judgment, telling the mother would be harmful. The licensee is not required to notify the mother without first consulting with the referring physician. If the referring physician or mother cannot be reached within 24 hours, the licensee shall make the appropriate notifications as soon as possible thereafter. The licensee may not delay any appropriate medical care for the embryo/fetus or for the nursing child, including any necessary remedial care as a result of the event, because of any delay in notification. To meet the requirements of this paragraph, the notification may be made to the mother's or child's responsible relative or guardian instead of the mother, when appropriate. If a verbal notification is made, the licensee shall inform the mother, or the mother's or child's responsible relative or guardian, that a written description of the event can be obtained from the licensee upon request. The licensee shall provide such a written description if requested.
- (f) A licensee shall retain a record of a dose to an embryo/fetus or a nursing child in accordance with Rule .05(90). A copy of the record required under Rule .05(90) shall be provided to the referring physician, if other than the licensee, within 15 days after discovery of the event.
- (117) **Reports of Leaking Sources.** A licensee shall file a report with the Division within 5 days if a leakage test required by Rule .05(33) reveals the presence of 185 Bq (0.005 μ Ci) or more of removable contamination. The written report must include the model number and serial number if assigned, of the leaking source; the radionuclide and its estimated activity; the results of the test; the date of the test; and the action taken.
- (118) **Reports of Patient Departure Prior to Authorized Release.**

- (a) A licensee shall notify the Division by telephone immediately upon discovery that a patient or human research subject has departed from the licensee's facility without authorization under Rule .05(37)(a).
- (b) The licensee shall submit a written report to the Division within 30 days after discovery of the unauthorized departure. The written report must include:
 - 1. The licensee's name;
 - 2. The date and time of the unauthorized departure;
 - 3. The projected date and time when release would have occurred;
 - 4. The address of the patient's or human research subject's home or anticipated destination following departure;
 - 5. The radionuclide, chemical and physical form and calculated activity at time of release;
 - 6. The apparent reason(s) for the departure prior to authorized release; and
 - 7. A description of any changes in the licensee's patient release criteria or patient instructions that are designed to avoid a recurrence of such an event.

(119) Notification of Deceased Patients or Human Research Subjects Containing Radioactive Material.

- (a) The licensee shall notify the Division by telephone immediately upon discovery that a patient or human research subject containing radioactive material has died, and it is possible that any individual could receive exposures in excess of limits specified in Rule .03(5)(i) of this Chapter as a result of the deceased's body.
- (b) The licensee shall submit a written report to the Division within 30 days after discovery that the patient or human research subject referenced in (119)(a) has died. The written report must include:
 - 1. The licensee's name;
 - 2. The date of death;
 - 3. The radionuclide, chemical and physical form and calculated activity at time of death; and,
 - 4. The names (or titles) and address(es) of known individuals who might have received exposures exceeding 5 millisievert (500 mrem).

(120) Report and Notification for an Eluate Exceeding Permissible Molybdenum-99, Strontium-82, and Strontium-85 Concentrations.

- (a) The licensee shall notify by telephone the Georgia Department of Natural Resources, Environmental Protection Division and the distributor of the generator within 7 calendar days after discovery that an eluate exceeded the permissible concentration listed in 391-3-17-.05(45)(a) at the time of generator elution. The telephone report to the Georgia EPD must include the manufacturer, model number, and serial number (or lot number) of the generator; the results of the measurement; the date of the measurement; whether dosages were administered to patients or human research subjects, when the distributor was notified, and the action taken.
- (b) By an appropriate method listed in [391-3-17-.01\(13\)](#), the licensee shall submit a written report to Georgia Department of Natural Resources, Environmental Protection Division within 30 calendar days after discovery of an eluate exceeding the permissible concentration at the time of generator elution. The written report must include the action taken by the licensee; the patient dose assessment; the methodology used to make this dose assessment if the eluate was administered to patients or human research subjects; and the probable cause and an assessment of failure in the licensee's equipment, procedures or training that contributed to the excessive readings if an error occurred in the licensee's breakthrough determination; and the information in the telephone report as required by subparagraph .05(120)(a).

¹ "Essentials and guidelines of an Accredited Educational Program for the Radiation Therapy Technologist", Joint Review Committee on Education in Radiologic Technology, 1988.

² Experience with at least 3 cases in category (VII)(ii) also satisfies the requirement in category (VII)(i).

Cite as Ga. Comp. R. & Regs. R. 391-3-17-.05

Authority: O.C.G.A. § [31-13-1](#) *et seq.*

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Amended: F. Apr. 16, 1997; eff. May 6, 1997.

Amended: F. Mar. 29, 2002; eff. Apr. 18, 2002.

Repealed: New Rule of same title adopted. F. May 30, 2003; eff. July 1, 2003, as specified by the Agency.

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Amended: New title, "Use of Radionuclides in the Healing Arts." F. June 1, 2017; eff. June 21, 2017.

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Amended: F. Feb. 26, 2020; eff. Mar. 17, 2020.

Amended: F. Mar. 24, 2021; eff. Apr. 13, 2021.

Rule 391-3-17-.06. Transportation of Radioactive Material.

(1) **General.**

- (a) **Purpose.** The Regulations in this Rule, 391-3-17-.06, establish requirements for packaging, preparation for shipment, and transportation of radioactive material.
- (b) **Scope.** This Rule applies to any licensee authorized by specific or general license issued by the Director, Agreement State, or NRC to receive, possess, use, or transfer licensed material to a carrier for transport of the material outside the site of usage as specified in the license, or transports that material on public highways or public access roads. No provision of this part authorizes possession of licensed material.

(2) **Requirement for License.** No person shall transport radioactive material or deliver radioactive material to a carrier for transport except as authorized in a general or specific license issued by the Director or as exempted in (4).

(3) **Definitions.** As used in this Rule, the following definitions apply:

- (a) "A₁" and "A₂" mean, respectively, the maximum activity of special form radioactive material (A₁) and the maximum activity of radioactive material, other than special form material, LSA, and SCO material (A₂), permitted in a Type A package.
- (b) "Carrier" means a person engaged in the transportation of passengers or property by land or water as a common, contract, or private carrier, or by civil aircraft.
- (c) "Certificate holder" means a person who has been issued a certificate of compliance or other package approval by the U.S. Nuclear Regulatory Commission.
- (d) "Certificate of Compliance (CoC)" means the certificate issued by the U.S Nuclear Regulatory Commission, which approves the design of a package for the transportation of radioactive material.
- (e) "Close reflection by water" means immediate contact by water of sufficient thickness for maximum reflection of neutrons.
- (f) "Closed transport vehicle" means a transport vehicle equipped with a securely attached exterior enclosure that during normal transportation restricts the access of unauthorized persons to the cargo space containing the radioactive material. The enclosure may be either temporary or permanent but shall limit access from top,

sides, and ends. In the case of packaged materials, it may be of the "see-through" type.

- (g) "Consignment" means each shipment of a package or groups of packages or load of radioactive material offered by a shipper for transport.
- (h) "Containment system" means the assembly components of the packaging intended to retain the radioactive material during transport.
- (i) "Conveyance" means:
 - 1. For transport by public highway or rail any transport vehicle or large freight container;
 - 2. For transport by water any vessel, or any hold, compartment, or defined deck area of a vessel including any transport vehicle on board the vessel; and
 - 3. For transport by any aircraft.
- (j) "Criticality Safety Index (CSI)" means the dimensionless number (rounded up to the next tenth) assigned to and placed on the label of a fissile material package, to designate the degree of control of accumulation of packages, overpacks or freight containers containing fissile material during transportation. Determination of the criticality safety index is described in 391-3-17-.06(11) and (12) and [10 CFR 71.59](#). The criticality safety index for an overpack, freight container, consignment or conveyance containing fissile material packages is the arithmetic sum of the criticality safety indices of all the fissile material packages contained within the overpack, freight container, consignment or conveyance.
- (k) "Deuterium" means deuterium and any deuterium compounds, including heavy water, in which the ratio of deuterium atoms to hydrogen atoms exceeds 1:5,000.
- (l) "DOT" means the U.S. Department of Transportation.
- (m) "Exclusive use" means the sole use of a conveyance by a single consignor and for which all initial, intermediate, and final loading and unloading are carried out in accordance with the direction of the consignor or consignee. The consignor and the carrier must ensure that any loading or unloading is performed by personnel having radiological training and resources appropriate for safe handling of the consignment. The consignor must issue specific instructions, in writing, for maintenance of exclusive use shipment controls, and include them with the shipping paper information provided to the carrier by the consignor.¹
- (n) "Fissile material" means the radionuclides uranium-233, uranium-235, plutonium-239, and plutonium-241, or any combination of these radionuclides. Fissile material means the fissile nuclides themselves, not material containing fissile

nuclides. Neither natural nor depleted uranium is fissile material.² Unirradiated natural uranium or depleted uranium that has been irradiated in thermal reactors only are not included in this definition. Certain exclusions from fissile material controls are provided in [10 CFR 71.15](#).

- (o) "Graphite" means graphite with a boron equivalent content less than five (5) parts per million and density greater than 1.5 grams per cubic centimeter.
- (p) "Indian Tribe" means an Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, [25 U.S.C. 479a](#).
- (q) "Licensed material" means byproduct, source, or special nuclear material received, possessed, used, or transferred under a general or specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State pursuant to the regulations in 10 CFR or this Chapter, respectively.
- (r) "Low specific activity material" means radioactive material with limited specific activity which is nonfissile or is excepted under 391-3-17-.06(4)(f), and which satisfies the descriptions and limits set forth below. Shielding materials surrounding the LSA material may not be considered in determining the estimated average specific activity of the package contents. The LSA material must be in one of three groups:
 - 1. LSA-I
 - (i) Uranium and thorium ores, concentrates of uranium and thorium ores, and other ores containing naturally occurring radionuclides that are intended to be processed for the use of these radionuclides; or
 - (ii) Natural uranium, depleted uranium, natural thorium or their compounds or mixtures, provided they are unirradiated and in solid or liquid form; or
 - (iii) Radioactive material, other than fissile material, for which the A_2 value is unlimited; or
 - (iv) Other radioactive material in which the activity is distributed throughout and the estimated average specific activity does not exceed 30 times the value for exempt material activity concentration determined in accordance with 391-3-17-.06(23).
 - 2. LSA-II
 - (i) Water with tritium concentration up to 20.0 Ci/L (0.8 TBq/liter); or

- (ii) Other radioactive material in which the activity is distributed throughout and the estimated average specific activity does not exceed 10^{-4} A₂/g for solids and gases, and 10^{-5} A₂/g for liquids.
- 3. LSA-III. Solids (e.g., consolidated wastes, activated materials), excluding powders, that satisfy the requirements of [10 CFR 71.77](#), in which:
 - (i) The radioactive material is distributed throughout a solid or a collection of solid objects, or is essentially uniformly distributed in a solid compact binding agent (such as concrete, bitumen, ceramic, etc);
 - (ii) The radioactive material is relatively insoluble, or it is intrinsically contained in a relatively insoluble material, so that, even under loss of packaging, the loss of radioactive material per package by leaching, when placed in water for seven days, would not exceed 0.1 A₂; and
 - (iii) The estimated average specific activity of the solid, excluding any shielding material, does not exceed 2×10^{-3} A₂/g.
- (s) "Low toxicity alpha emitters" means natural uranium, depleted uranium, natural thorium; uranium-235, uranium-238, thorium-232, thorium-228 or thorium-230 when contained in ores or physical or chemical concentrates or tailings; or alpha emitters with a half-life of less than 10 days.
- (t) "Maximum normal operating pressure" means the maximum gauge pressure that would develop in the containment system in a period of one year under the heat condition specified in [10 CFR 71.71\(c\)\(1\)](#), in the absence of venting, external cooling by an ancillary system, or operational controls during transport.
- (u) "Natural thorium" means thorium with the naturally occurring distribution of thorium isotopes (essentially 100 weight percent thorium-232).
- (v) "Normal form radioactive material" means radioactive material that has not been demonstrated to qualify as "special form radioactive material."
- (w) "Nuclear waste" means a quantity of source, byproduct or special nuclear material³ required to be in US Nuclear Regulatory Commission-approved specification packaging while transported to, through or across a state boundary to a disposal site, or to a collection point for transport to a disposal site.

- (x) "Optimum interspersed hydrogenous moderation" means the presence of hydrogenous material between packages to such an extent that the maximum nuclear reactivity results.
- (y) "Package" means the packaging together with its radioactive contents as presented for transport.
 - 1. "Fissile material package or Type AF package, Type BF package, Type B(U)F package, or Type B(M)F package" means a fissile material packaging together with its fissile material contents.
 - 2. "Type A package" means a Type A packaging together with its radioactive contents. A Type A package is defined and must comply with the DOT regulations in 49 CFR Part 173.
 - 3. "Type B package" means a Type B packaging together with its radioactive contents. On approval, a Type B package design is designated by NRC as B(U) unless the package has a maximum normal operating pressure of more than 700 kPa (100 lb/in²) gauge or a pressure relief device that would allow the release of radioactive material to the environment under the tests specified in 10 CFR Part 71 (hypothetical accident conditions), in which case it will receive a designation B(M). B(U) refers to the need for unilateral approval of international shipments; B(M) refers to the need for multilateral approval of international shipments. There is no distinction made in how packages with these designations may be used in domestic transportation. To determine their distinction for international transportation, see DOT regulations in 49 CFR Part 173. A Type B package approved before September 6, 1983, was designated only as Type B. Limitations on its use are specified in .06(8).
- (z) "Packaging" means the assembly of components necessary to ensure compliance with the packaging requirements of this Rule. It may consist of one or more receptacles, absorbent materials, spacing structures, thermal insulation, radiation shielding, and devices for cooling or absorbing mechanical shocks. The vehicle, tie-down system, and auxiliary equipment may be designated as part of the packaging.
- (aa) "Regulations of the U.S. Department of Transportation" means the regulations in 49 CFR Parts 100-189 and Parts 390-397.
- (bb) "Regulations of the U.S. Nuclear Regulatory Commission" means the regulations in 10 CFR 71 for purposes of this Rule.
- (cc) "Special form radioactive material" means radioactive material that satisfies the following conditions:

1. It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;
 2. The piece or capsule has at least one dimension not less than 5 millimeters (0.2 in.); and
 3. It satisfies the requirements specified by the Nuclear Regulatory Commission in [10 CFR 71.75](#). A special form encapsulation designed in accordance with the requirements of [10 CFR 71.4](#) in effect on June 30, 1983 (see 10 CFR 71, revised as of January 1, 1983), and constructed prior to July 1, 1985, may continue to be used. A special form encapsulation designed in accordance with the Nuclear Regulatory Commission requirements in [10 CFR 71.4](#) in effect on March 31, 1996 (see 10 CFR 71, revised as of January 1, 1996), and constructed prior to April 1, 1998, may continue to be used. A special form material that was successfully tested before September 10, 2015 in accordance with the requirements of [10 CFR 71.75\(d\)](#) in effect before September 10, 2015 may continue to be used. Any other special form must meet requirements of this definition applicable at the time of its design or construction.
- (dd) "Specific activity" of a radionuclide means the radioactivity of a radionuclide per unit mass of that nuclide. The specific activity of a material in which the radionuclide is essentially uniformly distributed is the radioactivity per unit mass of the material.
- (ee) "Spent nuclear fuel or Spent fuel" means fuel that has been withdrawn from a nuclear reactor following irradiation, has undergone at least one (1) year's decay since being used as a source of energy in a power reactor, and has not been chemically separated into its constituent elements by reprocessing. Spent fuel includes the special nuclear material, byproduct material, source material, and other radioactive materials associated with fuel assemblies.
- (ff) "Surface Contaminated Object (SCO)" means a solid object that is not itself classed as radioactive material, but which has radioactive material distributed on any of its surfaces. SCO must be in one of two groups with surface activity not exceeding the following limits:
1. SCO-I: A solid object on which:
 - (i) The non-fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 10⁻⁴ microcurie/cm² (4 Bq/cm²) for beta and gamma and low toxicity alpha emitters, or 10⁻⁵ microcurie/cm² (0.4 Bq/cm²) for all other alpha emitters;

- (ii) The fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 1.0 microcurie/cm² (4×10^4 Bq/cm²) for beta and gamma and low toxicity alpha emitters, or 0.1 microcurie/cm² (4×10^3 Bq/cm²) for all other alpha emitters; and
- (iii) The non-fixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 1.0 microcurie/cm² (4×10^4 Bq/cm²) for beta and gamma and low toxicity alpha emitters, or 0.1 microcurie/cm² (4×10^3 Bq/cm²) for all other alpha emitters.

2. SCO-II: A solid object on which the limits for SCO-I are exceeded and on which:

- (i) The non-fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 10⁻² microcurie/cm² (400 Bq/cm²) for beta and gamma and low toxicity alpha emitters, or 10⁻³ microcurie/cm² (40 Bq/cm²) for all other alpha emitters;
- (ii) The fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 20 microcurie/cm² (8×10^5 Bq/cm²) for beta and gamma and low toxicity alpha emitters, or 2 microcurie/cm² (8×10^4 Bq/cm²) for all other alpha emitters; and
- (iii) The non-fixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 20 microcurie/cm² (8×10^5 Bq/cm²) for beta and gamma and low toxicity alpha emitters, or 2 microcurie/cm² (8×10^4 Bq/cm²) for all other alpha emitters.

- (gg) "Transport index" means the dimension-less number (rounded up to the next tenth) placed on the label of a package, to designate the degree of control to be exercised by the carrier during transportation. The transportation index is the number expressing the maximum radiation level in millirem per hour at 1 meter from the external surface of the package.
- (hh) "Tribal official" means the highest ranking individual that represents Tribal leadership, such as the Chief, President, or Tribal Council leadership.

- (ii) "Type A package" means a packaging that, together with its radioactive contents limited to A_1 or A_2 as appropriate, meets the requirements of [49 CFR 173.410](#) and [173.412](#) and is designed to retain the integrity of containment and shielding required by this Rule under normal conditions of transport as demonstrated by the tests set forth in [49 CFR 173.465](#) or [173.466](#), as appropriate.
- (jj) "Type A quantity" means a quantity of radioactive material, the aggregate radioactivity of which does not exceed A_1 for special form radioactive material or A_2 for normal form radioactive material, where A_1 and A_2 are given in Table 4, "A₁ and A₂ Values for Radionuclides" or may be determined by procedures described in (23) of this Rule.
- (kk) "Type B package" is defined in Rule [391-3-17-.01\(2\)\(ttt\)](#).
- (ll) "Type B packaging" means a packaging designed to retain the integrity of containment and shielding when subjected to the normal conditions of transport and hypothetical accident test conditions set forth in 10 CFR Part 71.
- (mm) "Type B quantity" means a quantity of radioactive material greater than a Type A quantity.
- (nn) "Unirradiated uranium" means uranium containing not more than 2×10^3 Bq of plutonium per gram of uranium-235, not more than 9×10^6 Bq of fission products per gram of uranium-235, and not more than 5×10^{-3} grams of uranium-236 per gram of uranium-235.
- (oo) "Uranium-natural, depleted, enriched" means:
1. Natural uranium means uranium (which may be chemically separated) with the naturally occurring distribution of uranium isotopes (approximately 0.711 weight percent uranium-235, and the remainder by weight essentially uranium-238).
 2. Depleted uranium means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.
 3. Enriched uranium means uranium containing more uranium-235 than the naturally occurring distribution of uranium isotopes.
- (pp) "Contamination" means the presence of a radioactive substance on a surface in quantities in excess of 0.4 Bq/cm^2 ($1 \times 10^{-5} \text{ } \mu\text{Ci/cm}^2$) for beta and gamma emitters and low toxicity alpha emitters, or 0.04 Bq/cm^2 ($1 \times 10^{-6} \text{ } \mu\text{Ci/cm}^2$) for all other alpha emitters.
1. Fixed contamination means contamination that cannot be removed from a surface during normal conditions of transport

2. Non-fixed contamination means contamination that can be removed from a surface during normal conditions of transport

(4) Exemptions.

- (a) Common and contract carriers, freight forwarders, and warehousemen who are subject to the requirements of the U.S. Department of Transportation (DOT) in 49 CFR 170 through 189 or the U.S. Postal Service in the Postal Service Manual (Domestic Mail Manual), Section C-023.9.0, and the U.S. Postal Service, are exempt from the requirements of this Rule and as stated in [10 CFR 30.13](#) to the extent that they transport or store radioactive material in the regular course of their carriage for others or storage incident thereto. Common and contract carriers who are not subject to the requirements of the U.S. Department of Transportation or U.S. Postal Service are subject to (2) of this Rule and other applicable requirements of these Regulations.
- (b) Any licensee is exempt from the requirements of this Rule to the extent that the licensee delivers to a carrier for transport a package containing radioactive material having a specific activity not greater than 0.002 microcurie per gram (70 Bq/gm).
- (c) Any physician licensed by Georgia to dispense drugs in the practice of medicine is exempt from Rule .06 with respect to transport by the physician of licensed material for use in the practice of medicine. However, any physician operating under this exemption must be licensed under Rule .05.
- (d) A licensee is exempt from the requirements of Rule .06 with respect to shipment or carriage of the following low-level materials:
 1. Natural material and ores containing naturally occurring radionuclides that are either in their natural state, or have only been processed for purposes other than for the extraction of the radionuclides, and which are not intended to be processed for use of these radionuclides, provided the activity concentration of the material does not exceed 10 times the applicable radionuclide activity concentration values specified in Table 5 and 7.
 2. Materials for which the activity concentration is not greater than the activity concentration values specified in Table 5 and 7, or for which the consignment activity is not greater than the limit for an exempt consignment found in Table 5 and 7.
 3. Non-radioactive solid objects with radioactive substances present on any surfaces in quantities not in excess of the levels cited in the definition of contamination in 391-3-17-.06(3)(pp).

- (e) A licensee is exempt from the requirements of Rule .06, other than .06(5) and .06(17), with respect to shipment or carriage of the following packages, providing the packages do not contain any fissile material, or the material is exempt from classification as fissile material in .06(4)(f):
1. A package that contains no more than a Type A quantity of radioactive material;
 2. A package transported within the United States that contains no more than 20 Ci (0.74 TBq) of special form plutonium-244; or
 3. A package contains LSA or SCO radioactive material, provided that the LSA or SCO material has an external radiation dose of less than or equal to 1 rem/hr (10 mSv/hr) at a distance of 3 meters from the unshielded material or that the package contains only LSA-I or SCO-I material.
- (f) Fissile material meeting the requirements of at least one of the following six paragraphs in this part are exempt from classification as fissile material and from the fissile material package standards of [10 CFR 71.55](#) and [71.59](#), but are subject to all other requirements of this part, except as noted.
1. Individual package containing two (2) grams or less of fissile material.
 2. Individual or bulk packaging containing fifteen (15) grams or less of fissile material provided the package has at least 200 grams of solid nonfissile material for every gram of fissile material. Lead, beryllium, graphite, and hydrogenous material enriched in deuterium may be present in the package but must not be included in determining the required mass for solid nonfissile material.
 3. Low concentrations of solid fissile material commingled with solid nonfissile material, provided that (i) there is at least 2,000 grams of solid nonfissile material for every gram of fissile material, and (ii) there is no more than 180 grams of fissile material distributed within 360 kg of contiguous nonfissile material. Lead, beryllium, graphite, and hydrogenous material enriched in deuterium may be present in the package but must not be included in determining the required mass for solid nonfissile material.
 4. Uranium enriched in uranium-235 to a maximum of one (1) percent by weight, and with a total plutonium and uranium-233 content of up to one (1) percent of the mass of uranium-235, provided that the mass of any beryllium, graphite, and hydrogenous material enriched in deuterium constitutes less than five (5) percent of the uranium mass, and that the fissile material is distributed homogeneously and does not form a lattice arrangement within the package.

5. Liquid solutions of uranyl nitrate enriched in uranium-235 to a maximum of two (2) percent by mass, with a total plutonium and uranium-233 content not exceeding 0.002 percent of the mass of uranium, and with a minimum nitrogen to uranium atomic ratio (N/U) of 2. The material must be contained in at least a DOT Type A package.
6. Packages containing, individually, a total plutonium mass of not more than 1,000 grams, of which not more than twenty (20) percent by mass may consist of plutonium-239, plutonium-241, or any combination of these radionuclides.

(5) Transportation of Licensed Material.

- (a) Each licensee who transports licensed material outside the site of usage, as specified in a Division license, or where transport is on public highway, or public access road, or who delivers licensed material to a carrier for transport, shall:
 1. Comply with the applicable requirements, appropriate to the mode of transport, of the regulations of the US Department of Transportation (DOT).
 - (i) The licensee shall particularly note DOT regulations in the following areas:
 - (I) Packaging - 49 CFR Part 173, Subparts A and B and I.
 - (II) Marking and Labeling - 49 CFR Part 172: Subpart D, and §§ [49 CFR 172.400](#) through [172.407](#), §§ [172.436](#) through [172.440](#) of Subpart E.
 - (III) Placarding - 49 CFR Part 172: Subpart F, especially §§ 172.500 through 172.519, 172.556 and Appendices B and C.
 - (IV) Accident Reporting - 49 CFR Part 171: §§ 171.15 and [171.16](#).
 - (V) Shipping Papers and Emergency Information - 49 CFR Part 172, Subpart C and Subpart G.
 - (VI) Hazardous material employee training - 49 CFR Part 172: Subpart H.
 - (VII) Security Plans - 49 CFR Part 172: Subpart I.
 - (VIII) Hazardous material shipper/carrier registration - 49 CFR Part 107: Subpart G.

- (ii) The licensee shall also note DOT regulations pertaining to the following modes of transportation:
 - (I) Rail - 49 CFR Part 174, Subparts A through D and K.
 - (II) Air - 49 CFR Part 175.
 - (III) Vessel - 49 CFR Part 176, Subparts A through F and M.
 - (IV) Public Highway - 49 CFR Part 177 and Parts 390 through 397.

2. Assure that any special instructions needed to safely open the package are sent to or have been made available to the consignee in accordance with Rule [391-3-17-.03\(12\)\(f\)](#).

- (b) If, for any reason, the regulations of the DOT are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of 49 CFR Parts 170-189 appropriate to the mode of transport to the same extent as if the shipment was subject to the regulations.

(6) General Licenses for Carriers.

- (a) A general license is hereby issued to any common or contract carrier not exempt under (4) to receive, possess, transport, and store radioactive material in the regular course of their carriage for others or storage incident thereto, provided the transportation and storage is in accordance with the applicable requirements, appropriate to the mode of transport, of the DOT insofar as such requirements relate to the loading and storage of packages, placarding of the transporting vehicle, and incident reporting.⁴
- (b) A general license is hereby issued to any private carrier to transport radioactive material, provided the transportation is in accordance with the applicable requirements, appropriate to the mode of transport, of the DOT insofar as such requirements relate to the loading and storage of packages, placarding of the transporting vehicle, and incident reporting.
- (c) Persons who transport radioactive material pursuant to the general licenses in (6)(a) or (b) are exempt from the requirements of Rules [391-3-17-.03](#) and .07 to the extent that they transport radioactive material.

(7) General License: NRC-Approved Packages.

- (a) A general license is hereby issued to any licensee to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, certificate

of compliance, or other approval has been issued by the U.S. Nuclear Regulatory Commission (NRC).

- (b) Each licensee issued a general license under .06(7)(a) shall:
 - 1. Possess a copy of the specific license, certificate of compliance, or other approval of the package and the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken prior to shipment;
 - 2. Comply with the terms and conditions of the license, certificate, or other approval by the Nuclear Regulatory Commission, as applicable, and the applicable requirements of this Rule;
 - 3. Submit in writing before the first use of the package to: ATTN: Document Control Desk, Director, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards, using an appropriate method listed in [10 CFR 71.71\(a\)](#), the licensee's name and license number and the package identification number specified in the package approval.
- (c) This general license applies only to a licensee who has a quality assurance program required by the Georgia Department of Natural Resources Radioactive Materials Program satisfying the provisions of (22).
- (d) The general license in (7)(a) applies only when the package approval authorizes use of the package under this general license.
- (e) For a Type B or fissile material package the design of which was approved by NRC before April 1, 1996 the general license is subject to additional restrictions of [10 CFR 71.19](#).

(8) **[Reserved].**

(9) **General License: DOT Specification Container.**

- (a) A general license is issued to any licensee of the Division to transport, or to deliver to a carrier for transport, licensed material in a specification container for fissile material or for a Type B quantity of radioactive material as specified in 49 CFR Parts 173 and 178.
- (b) This general license applies only to a licensee who:
 - 1. Has a copy of the specification;
 - 2. Complies with the terms and conditions of the specification and the applicable requirements of this Rule; and

3. Has a quality assurance program required by (22).
- (c) The general license in (9)(a) is subject to the limitation that the specification container may not be used for a shipment to a location outside the United States, except by multilateral approval, as defined in DOT regulations at [49 CFR 173.403](#).

(10) General License: Use of Foreign-Approved Package.

- (a) A general license is issued to any licensee of the Division to transport, or to deliver to a carrier for transport, licensed material in a package the design of which has been approved in a foreign national competent authority certificate which has been revalidated by the DOT as meeting the applicable requirements of [49 CFR 171.23](#).
- (b) This general license applies only to international shipments.
- (c) This general license applies only to a licensee who:
 1. Has a copy of the applicable certificate, the revalidation, and the drawings and other documents referenced in the certificate relating to the use and maintenance of the packaging and to the actions to be taken prior to shipment;
 2. Complies with the terms and conditions of the certificate and revalidation and with the applicable requirements of this Rule; and
 3. Has a quality assurance program approved by the Georgia Department of Natural Resources, Environmental Protection Division, Radioactive Materials Program satisfying the requirements of (22).

(11) General License: Fissile Material, Limited Quantity per Package.

- (a) A general license is hereby issued to any licensee to transport fissile material, or to deliver fissile material to a carrier for transport, if the material is shipped in accordance with this section. The material must be contained in a Type A package. The Type A package must also meet the DOT requirements of [49 CFR 173.417\(a\)](#).
- (b) This general license applies only to a licensee who has a quality assurance program required by (22).
- (c) This general license applies only when a package contains no more than a Type A quantity of fissile material and contains less than 500 grams total of beryllium, graphite, or hydrogenous material enriched in deuterium.

- (d) 1. This general license applies only to packages containing fissile material that are labeled with a Criticality Safety Index (CSI), defined as

$$CSI = 10 \left[\frac{\text{grams of } ^{235}\text{U}}{X} + \frac{\text{grams of } ^{233}\text{U}}{Y} + \frac{\text{grams of Pu}}{Z} \right]$$

where the values of X, Y, and Z used in the CSI equation must be taken from Tables 1 or 2, as appropriate. If Table 2 is used to obtain the value of X, then the values for the terms for uranium-233 and plutonium must be assumed to be zero. Table 1 values for X, Y, and Z must be used to determine the CSI if:

- i. Uranium-233 is present in the package;
 - ii. The mass of plutonium exceeds one (1) percent of the mass of uranium-235;
 - iii. The uranium is of unknown uranium-235 enrichment or greater than 24 weight percent enrichment; or
 - iv. Substances having a moderating effectiveness (i.e., an average hydrogen density greater than water) (e.g., certain hydrocarbon oils or plastics) are present in any form, except as polyethylene used for packing or wrapping.
2. In all cases, the Criticality Safety Index must be rounded up to one decimal place and may not exceed 10.0.
 3. For a shipment of multiple packages containing fissile material, the sum of the CSIs must be less than or equal to 50 (for shipment on a non-exclusive use conveyance) and less than or equal to 100 (for shipment on an exclusive use conveyance).

Table 1

Fissile Material	Fissile Material mass mixed with moderating substances having an average hydrogen density less than or equal to water (in grams)	Fissile Material mass mixed with moderating substances having an average hydrogen density greater than water ^(a) (in grams)
²³⁵ U (X)	60	38

^{233}U (Y)	43	27
^{239}Pu or ^{241}Pu (Z)	37	24

- (a) - When mixtures of moderating substances are present, the lower mass limits shall be used if more than 15 percent of the moderating substances has an average hydrogen density greater than water.

Table 2

Mass Limits for General License Packages Containing Uranium-235 of Known Enrichment

Uranium Enrichment in weight percent of ^{235}U not exceeding	Fissile Material mass of ^{235}U (X) (in grams)
24	60
20	63
15	67
11	72
10	76
9.5	78
9	81
8.5	82
8	85
7.5	88
7	90
6.5	93
6	97
5.5	102
5	108
4.5	114
4	120
3.5	132
3	150
2.5	180

2	246
1.5	408*
1.35	480*
1	1,020*
0.92	1,800*

*- Pursuant to the Division's agreement with the USNRC, jurisdiction extends only to 350 grams of uranium-235.

(12) General License: Plutonium-Beryllium Special Form Material.

(a) A general license is hereby issued to any licensee to transport fissile material in the form of plutonium-beryllium (Pu-Be) special form sealed sources, or to deliver Pu-Be sealed sources to a carrier for transport, if the material is shipped in accordance with this section. The material must be contained in a Type A package. The Type A package must also meet the DOT requirements of [49 CFR 173.417\(a\)](#).

(b) This general license applies only when all of the following requirements are met:

1. The package contains no more than a Type A quantity of radioactive material.
2. The package contains less than 1,000 grams of plutonium, provided that: plutonium-239, plutonium-241, or any combination of these radionuclides, constitutes less than 240 grams of the total quantity of plutonium in the package.

(c) 1. This general license applies only to packages that are labeled with a Criticality Safety Index, calculated by:

$$\text{CSI} = (10 / 24) \times (\text{grams } ^{239}\text{Pu} + \text{grams } ^{241}\text{Pu})$$

where the CSI value is less than or equal to 100 and must be rounded up to the first decimal place.

2. For a shipment of multiple packages containing Pu-Be sealed sources, the sum of the CSIs must be less than or equal to 50 (for shipment on a nonexclusive use conveyance) and less than or equal to 100 (for shipment on an exclusive use conveyance).

- (d) The general license has a quality assurance program required by (22).
- (13) **Assumptions as to Unknown Properties of Fissile Material.** When the isotopic abundance, mass, concentration, degree of irradiation, degree of moderation, or other pertinent property of fissile material in any package is not known, the licensee shall package the fissile material as if the unknown properties had credible values that will cause the maximum neutron multiplication.
- (14) **External Radiation Standards For All Packages.**
- (a) Except as provided in (14)(b), each package of radioactive materials offered for transportation must be designed and prepared for shipment so that under conditions normally incident to transportation the radiation level does not exceed 200 mrem/hr (2 mSv/hr) at any point on the external surface of the package, and the transport index does not exceed 10.
- (b) A package that exceeds the radiation level limits specified in (14)(a) must be transported by exclusive use shipment only, and the radiation levels for such shipment must not exceed the following during transportation:
1. 200 mrem/hr (2 mSv/hr) on the external surface of the package, unless the following conditions are met, in which case the limit is 1,000 mrem/hr (10 mSv/hr):
 - (i) The shipment is made in a closed transport vehicle;
 - (ii) The package is secured within the vehicle so that its position remains fixed during transportation; and
 - (iii) There are no loading or unloading operations between the beginning and end of the transportation;
 2. 200 mrem/hr (2 mSv/hr) at any point on the outer surface of the vehicle, including the top and underside of the vehicle; or in the case of a flat-bed style vehicle, at any point on the vertical planes projected from the outer edges of the vehicle, on the upper surface of the load or enclosure, if used, and on the lower external surface of the vehicle; and
 3. 10 mrem/hr (0.1 mSv/hr) at any point two (2) meters (80 inches) from the outer lateral surfaces of the vehicle (excluding the top and underside of the vehicle); or in the case of a flat-bed style vehicle, at any point two (2) meters (6.6 feet) from the vertical planes projected by the outer edges of the vehicle (excluding the top and underside of the vehicle); and
 4. 2 mrem/hr (0.02 mSv/hr) in any normally occupied space, except that this provision does not apply to private carriers, if exposed personnel under

their control wear radiation dosimetry devices in conformance with Rule [391-3-17-.03\(8\)\(b\)](#).

- (c) For shipments made under the provisions of (14)(b), the shipper will provide specific written instructions to the carrier for maintenance of the exclusive use shipment controls. The instructions must be included with the shipping paper information.
 - (d) The written instructions required for exclusive use shipments must be sufficient so that, when followed, they will cause the carrier to avoid actions that will unnecessarily delay delivery or unnecessarily result in increased radiation levels or radiation exposures to transport workers or members of the general public.
- (15) **Preliminary Determinations.** Prior to the first use of any packaging for the shipment of radioactive material:
- (a) The licensee shall ascertain that the determinations in [10 CFR 71.85\(a\) through \(c\)](#) have been made.
- (16) **Routine Determinations.** Prior to each shipment of licensed material, the licensee shall determine that:
- (a) The package is proper for the contents to be shipped;
 - (b) The package is in unimpaired physical condition except for superficial defects such as marks or dents;
 - (c) Each closure device of the packaging, including any required gasket, is properly installed and secured and free of defects;
 - (d) Any system for containing liquid is adequately sealed and has adequate space or other specified provision for expansion of the liquid;
 - (e) Any pressure relief device is operable and set in accordance with written procedures;
 - (f) The package has been loaded and closed in accordance with written procedures;
 - (g) For fissile material, any moderator or neutron absorber, if required, is present and in proper condition;
 - (h) Any structural part of the package which could be used to lift or tie down the package during transport is rendered inoperable for that purpose unless it satisfies design requirements specified by [10 CFR 71.45](#);

- (i) The level of non-fixed radioactive contamination on the external surfaces of each package offered for shipment is as low as reasonably achievable.
1. The level of non-fixed radioactive contamination may be determined by wiping an area of 300 square centimeters of the surface concerned with an absorbent material, using moderate pressure, and measuring the activity on the wiping material. Sufficient measurements must be taken in the most appropriate locations to yield a representative assessment of the removable contamination levels. Except as provided in (16)(i)2., the amount of radioactivity measured on any single wiping material, when averaged over the surface wiped, must not exceed the limits given in Table 3 at any time during transport. Other methods of assessment of equal or greater efficiency may be used. When other methods are used, the detection efficiency of the method used must be taken into account and in no case may the removable contamination on the external surfaces of the package exceed 10 times the limits listed in Table 3.
 2. In the case of packages transported as exclusive use shipments by rail or highway only, the non-fixed radioactive contamination at any time during transport must not exceed 10 times the levels prescribed in (16)(i)1. The levels at the beginning of transport must not exceed the levels in (16)(i)1.;

Table 3

Contaminant	Maximum Permissible limits		
	$\mu\text{Ci}/\text{cm}^2$	dpm/cm^2	Bq/cm^2
Beta-/gamma-emitting radionuclides; and low toxicity alpha emitters.....	10^{-5}	22	0.4
All other alpha-emitting radionuclides.....	10^{-6}	2.2	0.04

- (j) External radiation levels around the package and around the vehicle, if applicable, will not exceed 200 millirem per hour (2 mSv/hr) at any point on the external surface of the package at any time during transportation. The transport index shall not exceed 10.
- (k) For package transported as exclusive use by rail, highway, or water, radiation levels external to the package may exceed the limits specified in (16)(j). but shall not exceed any of the following:

1. 200 millirem per hour (2 mSv/hr) on the accessible external surface of the package unless the following conditions are met, in which case the limit is 1,000 millirem per hour (10 mSv/hr):
 - (i) The shipment is made in a closed transport vehicle,
 - (ii) Provisions are made to secure the package so that its position within the vehicle remains fixed during transportation, and
 - (iii) There are no loading or unloading operations between the beginning and end of the transportation;
 2. 200 millirem per hour (2 mSv/hr) at any point on the outer surface of the vehicle, including the top and underside of the vehicle, or, in the case of a flat-bed style vehicle with a personnel barrier⁵, at any point on the vertical planes projected from the outer edges of the vehicle, on the upper surface of the load (or enclosure, if used), and on the lower external surface of the vehicle;
 3. 10 millirem per hour (0.1 mSv/hr) at any point 2 meters from the vertical planes represented by the outer lateral surfaces of the vehicle; or in the case of a flat-bed style vehicle, at any point 2 meters from the vertical planes projected from the outer edges of the vehicle; and
 4. 2 millirem per hour (0.02 mSv/hr) in any normally occupied positions of the vehicle, except that this provision does not apply to private motor carriers when persons occupying these positions are provided with special health supervision, personnel radiation exposure monitoring devices, and training in accordance with [391-3-17-.07\(3\)](#) of this Chapter; and
- (l) A package must be prepared for transport so that in still air at 100 degrees Fahrenheit (38 degrees Celsius) and in the shade, no accessible surface of a package would have a temperature exceeding 122 degrees Fahrenheit (50 degrees Celsius) in a nonexclusive use shipment or 185 degrees Fahrenheit (85 degrees Celsius) in an exclusive use shipment. Accessible package surface temperatures shall not exceed these limits at any time during transportation.
- (m) A package may not incorporate a feature intended to allow continuous venting during transport.
- (17) **Air Transport of Plutonium.** Notwithstanding the provisions of any general licenses and notwithstanding any exemptions stated directly in this Rule or included indirectly by citation of the DOT regulations, as may be applicable, the licensee shall assure that plutonium in any form is not transported by air, or delivered to a carrier for air transport, unless:

- (a) The plutonium is contained in a medical device designed for individual human application;
 - (b) The plutonium is contained in a material in which the specific activity is not greater than the activity concentration values for plutonium as specified in Table 7, and in which the radioactivity is essentially uniformly distributed;
 - (c) The plutonium is shipped in a single package containing no more than an A2 quantity of plutonium in any isotope or form and is shipped in accordance with (5); or
 - (d) The plutonium is shipped in a package specifically authorized, in the certificate of compliance, issued by the Nuclear Regulatory Commission, for the shipment of plutonium by air and the licensee requires, through special arrangement with the carrier, compliance with [49 CFR 175.704](#), the US Department of Transportation regulations applicable to the air transport of plutonium.
- (18) **Opening instructions.** Before delivery of a package to a carrier for transport, the licensee shall ensure that any special instructions needed to safely open the package have been sent to, or otherwise made available to, the consignee for the consignee's use in accordance with Rule [391-3-17-.03\(12\)\(f\)](#).
- (19) **Shipment Records.** Each licensee shall maintain for a period of three years after shipment a record of each shipment of licensed material not exempt under (4), showing, where applicable:
- (a) Identification of the packaging by model number;
 - (b) Verification that there were no significant defects in the packaging, as shipped;
 - (c) Volume and identification of coolant;
 - (d) Type and quantity of licensed material in each package, and the total quantity of each shipment;
 - (e) Date of the shipment;
 - (f) Name and address of the transferee;
 - (g) Address to which the shipment was made; and
 - (h) Results of the determinations required by (16) and the conditions of the package approval.
 - (i) The licensee shall make available to the Division for inspection, upon reasonable notice, all records required by this part. Records are only valid if stamped, initialed, or signed and dated by authorized personnel, or otherwise authenticated.

- (j) The licensee shall maintain sufficient written records to furnish evidence of the quality of packaging. The records to be maintained include results of the determinations required by 391-3-17-.06(15) and [10 CFR 71.85](#); design, fabrication, and assembly records; results of reviews, inspections, tests, and audits; results of monitoring work performance and materials analyses; and results of maintenance, modification, and repair activities. Inspection, test, and audit records must identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. These records must be retained for 3 years after the life of the packaging to which they apply.
 - (k) For each item of irradiated fissile material -
 - 1. Identification by model number and serial number;
 - 2. Irradiation and decay history to the extent appropriate to demonstrate that its nuclear and thermal characteristics comply with license conditions; and
 - 3. Any abnormal or unusual condition relevant to radiation safety;
 - (l) For fissile packages and for Type B packages, any special controls exercised.
- (20) **Reports.** The licensee shall report to the Division within 30 days:
- (a) Any instance in which there is significant reduction in the effectiveness of any authorized packaging during use; and
 - (b) Details of any defects with safety significance in the packaging after first use, with the means employed to repair the defects and prevent their recurrence.
- (21) **Advance Notification of Transport of Nuclear Waste.**
- (a) As specified in paragraphs (b), (c), and (d) of this section, each licensee shall provide advance notification to the governor of a State, or the governor's designee⁶, of the shipment of licensed material, within or across the boundary of the State, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.
 - 1. As specified in paragraphs (b), (c), and (d) of this section, after June 11, 2013, each licensee shall provide advance notification to the Tribal official of participating Tribes referenced in paragraph (d)3.(iii) of this section, or the official's designee, of the shipment of licensed material, within or across the boundary of the Tribe's reservation, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.

(b) Advance notification is also required when:

1. The licensed material is required to be in Type B packaging for transportation;
2. The licensed material is being transported into, within, or through, a state en route to a disposal facility or to a collection point for transport to a disposal facility; and
3. The quantity of licensed material in a single package exceeds the least of the following:
 - (i) 3000 times the A1 value of the radionuclides as specified in Table 7, for special form radioactive material;
 - (ii) 3000 times the A2 value of the radionuclides as specified in Table 7 for normal form radioactive material; or
 - (iii) 27,000 Ci (1000 TBq);

(c) Each advance notification required by .06(21)(a) shall contain the following information:

1. The name, address, and telephone number of the shipper, carrier, and receiver of the shipment;
2. A description of the nuclear waste contained in the shipment as required by [49 CFR 172.202](#) and [172.203\(d\)](#);
3. The point of origin of the shipment and the seven-day period during which departure of the shipment is estimated to occur;
4. The seven-day period during which arrival of the shipment at state boundaries or Tribal reservation boundaries is estimated to occur;
5. The destination of the shipment, and the seven-day period during which arrival of the shipment is estimated to occur; and
6. A point of contact with a telephone number for current shipment information.

(d) Procedures for Submitting Advance Notification:

1. The notification required by .06(21)(a) shall be made in writing to the office of each appropriate governor, or governor's designee, to the office of each appropriate Tribal official or Tribal official's designee, and to the Division.

2. A notification delivered by mail must be postmarked at least seven days before the beginning of the seven-day period during which departure of the shipment is estimated to occur.
 3. A notification delivered by any other means than mail must reach the office of the governor or of the governor's designee or the Tribal official or Tribal official's designee at least four days before the beginning of the seven-day period during which departure of the shipment is estimated to occur.
 - (i) [Reserved]
 - (ii) The list of governor's designees and Tribal official's designees of participating Tribes will be published annually in the Federal Register on or about June 30th to reflect any changes in information.
 - (iii) A list of the names and mailing addresses of the governors' designees and Tribal officials' designees of participating Tribes, including telephone and mailing addresses of Tribal official's designees, is available on the NRC Web site at:
<https://scp.nrc.gov/special/designee.pdf>.
 4. A copy of the notification shall be retained by the licensee for three years.
- (e) A licensee who finds that schedule information previously furnished to a governor or governor's designee or a Tribal official or Tribal official's designee, in accordance with this section, will not be met, shall telephone a responsible individual in the office of the governor of the State or of the governor's designee or the Tribal official or the Tribal official's designee and inform that individual of the extent of the delay beyond the schedule originally reported. The licensee shall maintain a record of the name of the individual contacted for three years.
 - (f) Each licensee who cancels a nuclear waste shipment for which advance notification has been sent shall send a cancellation notice to the governor of each State or to the governor's designee previously notified, each Tribal official or to the Tribal official's designee previously notified, and to the Division.
 1. The licensee shall state in the notice that it is a cancellation and identify the advance notification that is being cancelled. The licensee shall retain a copy of the notice as a record for 3 years.

(22) Quality Assurance Requirements.

This paragraph describes quality assurance requirements applying to design, purchase, fabrication, handling, shipping, storing, cleaning, assembly, inspection, testing, operation, maintenance, repair, and modification of components of packaging that are important to safety. As used in this paragraph, "quality assurance" comprises all those planned and systematic actions necessary to provide adequate confidence that a system or component will perform satisfactorily in service. Quality assurance includes quality control, which comprises those quality assurance actions related to control of the physical characteristics and quality of the material or component to predetermined requirements. Each licensee is responsible for satisfying the quality assurance requirements that apply to its use of a packaging for the shipment of licensed material subject to this subpart.

- (a) Unless otherwise authorized by the Division, each licensee shall establish, maintain, and execute a quality assurance program to verify by procedures such as checking, auditing, and inspection that deficiencies, deviations, and defective material and equipment relating to the shipment of packages containing radioactive material are promptly identified and corrected.
- (b) The licensee shall identify the material and components to be covered by the quality assurance program.
- (c) Each licensee shall document the quality assurance program by written procedures or instructions and shall carry out the program in accordance with those procedures throughout the period during which packaging is used.
- (d) Prior to the use of any package for the shipment of radioactive material, each licensee shall obtain approval by the Division of its quality assurance program.
- (e) The licensee shall maintain sufficient written records to demonstrate compliance with the quality assurance program. Records of quality assurance pertaining to the use of a package for shipment of radioactive material shall be maintained for a period of three years after shipment.
- (f) Radiography containers. A program for transport container inspection and maintenance limited to radiographic exposure devices, source changers, or packages transporting these devices and meeting the requirements of rule [391-3-17-.04\(11\)\(d\) and \(e\)](#) or equivalent NRC or Agreement State requirement, is deemed to satisfy the requirements of 391-3-17-.06(7) and .06(22)(g).
- (g) Establishment of program. Each licensee shall establish, maintain, and execute a quality assurance program satisfying each of the applicable criteria of 391-3-17-.06(22) and satisfying any specific provisions that are applicable to the licensee's activities including procurement of packaging. The licensee shall execute the

applicable criteria in a graded approach to an extent that is commensurate with the quality assurance requirement's importance to safety.

(h) Approval of program.

1. Before the use of any package for the shipment of licensed material subject to this paragraph, each licensee shall obtain Division approval of its quality assurance program. Using an appropriate method listed in 391-3-17-.06(22), each licensee shall file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied, by submitting the description to: Georgia Department of Natural Resources/Environmental Protection Division, Radioactive Materials Program, at 4244 International Parkway, Suite 120, Atlanta, Georgia 30354.

(i) Quality Assurance Organization

1. The licensee shall be responsible for the establishment and execution of the quality assurance program. The licensee may delegate to others, such as contractors, agents, or consultants, the work of establishing and executing the quality assurance program, or any part of the quality assurance program, but shall retain responsibility for the program. These activities include performing the functions associated with attaining quality objectives and the quality assurance functions.
2. The quality assurance functions are:
 - (i) Assuring that an appropriate quality assurance program is established and effectively executed; and
 - (ii) Verifying, by procedures such as checking, auditing, and inspection, that activities affecting the functions that are important to safety have been correctly performed.

(j) Changes to Quality Assurance Programs

1. Each quality assurance program approval holder shall submit, in accordance with the requirements of [391-3-17-.01\(13\)](#) and 391-3-17-.06(19), a description of a proposed change to its Georgia Department of Natural Resources Radioactive Materials Program approved quality assurance program that will reduce commitments in the program description as approved by the Georgia Department of Natural Resources Radioactive Materials Program. The quality assurance program approval holder shall not implement the change before receiving Georgia Department of Natural Resources Radioactive Materials Program approval.

- (i) The description of a proposed change to the Georgia Department of Natural Resources Radioactive Materials Program approved quality assurance program must identify the change, the reason for the change, and the basis for concluding that the revised program incorporating the change continues to satisfy the applicable requirements of 391-3-17-.06(22).
 - (ii) [Reserved]
- 2. Each quality assurance program approval holder may change a previously approved quality assurance program without prior Georgia Department of Natural Resources Radioactive Materials Program approval, if the change does not reduce the commitments in the quality assurance program previously approved by the Georgia Department of Natural Resources Radioactive Materials Program. Changes to the quality assurance program that do not reduce the commitments shall be submitted to the Georgia Department of Natural Resources Radioactive Materials Program every 24 months, in accordance with [391-3-17-.01\(13\)](#). In addition to quality assurance program changes involving administrative improvements and clarifications, spelling corrections, and non-substantive changes to punctuation or editorial items, the following changes are not considered reductions in commitment:
 - (i) The use of a quality assurance standard approved by the Georgia Department of Natural Resources Radioactive Materials Program that is more recent than the quality assurance standard in the applicant's current quality assurance program at the time of the change;
 - (ii) The use of generic organizational position titles that clearly denote the position function, supplemented as necessary by descriptive text, rather than specific titles, provided that there is no substantive change to either the functions of the position or reporting responsibilities;
 - (iii) The use of generic organizational charts to indicate functional relationships, authorities, and responsibilities, or alternatively, the use of descriptive text, provided that there is no substantive change to the functional relationships, authorities, or responsibilities;
 - (iv) The elimination of quality assurance program information that duplicates language in quality assurance regulatory guides and quality assurance standards to which the quality assurance program approval holder has committed to on record; and

- (v) Organizational revisions that ensure that persons and organizations performing quality assurance functions continue to have the requisite authority and organizational freedom, including sufficient independence from cost and schedule when opposed to safety considerations.
3. Each quality assurance program approval holder shall maintain records of quality assurance program changes.

(k) Quality Assurance Records

1. The licensee shall maintain sufficient written records to describe the activities affecting quality. These records must include changes to the quality assurance program as required by 391-3-17-.06(22)(j), the instructions, procedures, and drawings required by [10 CFR 71.111](#) to prescribe quality assurance activities, and closely related specifications such as required qualifications of personnel, procedures, and equipment. The records must include the instructions or procedures that establish a records retention program that is consistent with applicable regulations and designates factors such as duration, location, and assigned responsibility. The licensee shall retain these records for 3 years beyond the date when the licensee last engage in the activity for which the quality assurance program was developed. If any portion of the quality assurance program, written procedures or instructions is superseded, the licensee shall retain the superseded material for 3 years after it is superseded.

(23) Determination of A_1 and A_2 .

- (a) Values of A_1 and A_2 for individual radionuclides, which are the bases for many activity limits elsewhere in these regulations, are given in Table 4. The curie (Ci) values specified are obtained by converting from the Terabecquerel (TBq) value. The curie values are expressed to three significant figures to assure that the difference in the TBq and Ci quantities is one tenth of one percent or less. Where values of A_1 or A_2 are unlimited, it is for radiation control purposes only. For nuclear critical safety, some materials are subject to controls placed on fissile material.
- (b)
1. For individual radionuclides whose identities are known but are not listed in Table 4, the A_1 and A_2 values contained in Table 5 may be used. Otherwise, the licensee shall obtain prior Division approval of the A_1 and A_2 values for radionuclides not listed in Table 4, before shipping the material
 2. For individual radionuclides whose identities are known but are not listed in Table 7, the exempt material activity concentration and exempt consignment activity values contained in Table 5 may be used. Otherwise, the licensee shall obtain prior Division approval of the exempt material

activity concentration and exempt consignment activity values for radionuclides not listed in Table 7, before shipping the material.

- (c) In calculations of A_1 and A_2 for a radionuclide not in Table 4, a single radioactive decay chain, in which radionuclides are present in their naturally occurring proportions, and in which no daughter nuclide has a half-life either longer than 10 days, or longer than that of the parent nuclide, shall be considered as a single radionuclide, and the activity to be taken into account, and the A_1 and A_2 values to be applied shall be those corresponding to the parent nuclide of that chain. In the case of radioactive decay chains in which any daughter nuclide has a half-life either longer than ten days, or greater than that of the parent nuclide, the parent and those daughter nuclides shall be considered as a mixture of different nuclides.
- (d) Mixtures of radionuclides.

1. For mixture of radionuclides whose identities and respective activities are known, following conditions apply:

- (i) For a special form radioactive material, the maximum quantity transported in a Type A package is as follows:

$$\sum_i \frac{B(i)}{A_1(i)} \leq 1$$

where $B(i)$ is the activity of radionuclide i in special form, and $A_1(i)$ is the A_1 value for radionuclide i .

- (ii) For normal form radioactive material, the maximum quantity transported in a Type A package is as follows:

$$\sum_i \frac{B(i)}{A_2(i)} \leq 1$$

where $B(i)$ is the activity of radionuclide i in normal form, and $A_2(i)$ is the A_2 value for radionuclide i .

- (iii) If the package contains both special and normal form radioactive material, the activity that may be transported in a Type A package is as follows:

$$\sum_i \frac{B(i)}{A_1(i)} + \sum_j \frac{C(j)}{A_2(j)} \leq 1$$

where $B(i)$ is the activity of radionuclide i as special form radioactive material, $A_1(i)$ is the A_1 value for radionuclide i , $C(j)$ is the activity of radionuclide j as normal form radioactive material, and $A_2(j)$ is the A_2 value for radionuclide j .

- (iv) Alternatively, the A_1 value for mixtures of special form material may be determined as follows:

A_1 for mixture =

$$\frac{1}{\sum_i \frac{f(i)}{A_1(i)}}$$

where $f(i)$ is the fraction of activity for radionuclide i in the mixture and $A_1(i)$ is the appropriate A_1 value for radionuclide i .

- (v) Alternatively, the A_2 value for mixtures of normal form material may be determined as follows:

A_2 for mixture =

$$\frac{1}{\sum_i \frac{f(i)}{A_2(i)}}$$

where $f(i)$ is the fraction of activity of radionuclide i in the mixture and $A_2(i)$ is the appropriate A_2 value for radionuclide i .

- (e) The exempt activity concentration for mixtures of radionuclides may be determined as follows:

Exempt activity concentration for mixture =

$$\frac{1}{\sum_i \frac{f(i)}{[A](i)}}$$

where $f(i)$ is the fraction activity concentration of radionuclide i in the mixture and $[A](i)$ is the activity concentration for exempt material containing radionuclide i .

- (f) The activity limit for an exempt consignment for mixtures of radionuclides may be determined as follows:

Exempt consignment activity limit for mixture =

$$\frac{1}{\sum_i \frac{f(i)}{A(i)}}$$

where f(i) is the fraction of activity of radionuclide i in the mixture and [A] is the activity limit for exempt consignments for radionuclide i.

- (g)
1. When the identity of each radionuclide is known, but the individual activities of some of the radionuclides are not known, the radionuclides may be grouped, and the lowest A₁ or A₂ value, as appropriate, for the radionuclides in each group may be used in applying formulas above. Groups may be based on the total alpha activity and the total beta/gamma activity when these are known, using the lowest A₁ or A₂ values for the alpha emitters and beta/gamma emitters.
 2. When the identity of each radionuclide is known, but the individual activities of some of the radionuclides are not known, the radionuclides may be grouped, and the lowest [A] (activity concentration for exempt material) or A (activity limit for exempt consignment) value, as appropriate, for the radionuclides in each group may be used in applying the formulas in paragraph 391-3-17-.06(23). Groups may be based on the total alpha activity and the total beta/gamma activity when these are known, using the lowest [A] or A values for the alpha emitters and beta/gamma emitters, respectively.

Table 4- A₁ and A₂ VALUES FOR RADIONUCLIDES

Symbol of radionuclide	Element and atomic number	A ₁ (TBq)	A ₁ (Ci) ^b	A ₂ (TBq)	A ₂ (Ci) ^b	Specific activity (TBq/g) (Ci/g)	
Ac-225 (a)	Actinium (89)	8.0X10 ⁻¹	2.2X10 ¹	6.0X10 ⁻³	1.6X10 ⁻¹	2.1X10 ³	5.8X10 ³
Ac-227 (a)		9.0X10 ⁻¹	2.4X10 ¹	9.0X10 ⁻⁵	2.4X10 ⁻³	2.7	7.2X10 ³
Ac-228		6.0X10 ⁻¹	1.6X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	8.4X10 ⁴	2.2X10 ⁴
Ag-105	Silver (47)	2.0	5.4X10 ¹	2.0	5.4X10 ¹	1.1X10 ³	3.0X10 ³
Ag-108m (a)		7.0X10 ⁻¹	1.9X10 ¹	7.0X10 ⁻¹	1.9X10 ¹	9.7X10 ⁻¹	2.6X10 ³
Ag-110m (a)		4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	1.8X10 ²	4.7X10 ³
Ag-111		2.0	5.4X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	5.8X10 ³	1.6X10 ⁴
Al-26	Aluminum (13)	1.0X10 ⁻¹	2.7	1.0X10 ⁻¹	2.7	7.0X10 ⁻⁴	1.9X10 ³
Am-241	Americium (95)	1.0X10 ¹	2.7X10 ²	1.0X10 ⁻³	2.7X10 ⁻²	1.3X10 ⁻¹	3.4
Am-242m (a)		1.0X10 ¹	2.7X10 ²	1.0X10 ⁻³	2.7X10 ⁻²	3.6X10 ⁻¹	1.0X10 ³
Am-243 (a)		5.0	1.4X10 ²	1.0X10 ⁻³	2.7X10 ⁻²	7.4X10 ⁻³	2.0X10 ³
Ar-37	Argon (18)	4.0X10 ¹	1.1X10 ³	4.0X10 ¹	1.1X10 ³	3.7X10 ³	9.9X10 ³

Ar-39		4.0X10 ¹	1.1X10 ³	2.0X10 ¹	5.4X10 ²	1.3	3.4X10 ¹
Ar-41		3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	1.5X10 ⁶	4.2X10 ¹
As-72	Arsenic (33)	3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	6.2X10 ⁴	1.7X10 ¹
As-73		4.0X10 ¹	1.1X10 ³	4.0X10 ¹	1.1X10 ³	8.2X10 ²	2.2X10 ¹
As-74		1.0	2.7X10 ¹	9.0X10 ⁻¹	2.4X10 ¹	3.7X10 ³	9.9X10 ¹
As-76		3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	5.8X10 ⁴	1.6X10 ¹
As-77		2.0X10 ¹	5.4X10 ²	7.0X10 ⁻¹	1.9X10 ¹	3.9X10 ⁴	1.0X10 ¹
At-211 (a)	Astatine (85)	2.0X10 ¹	5.4X10 ²	5.0X10 ⁻¹	1.4X10 ¹	7.6X10 ⁴	2.1X10 ¹
Au-193	Gold (79)	7.0	1.9X10 ²	2.0	5.4X10 ¹	3.4X10 ⁴	9.2X10 ¹
Au-194		1.0	2.7X10 ¹	1.0	2.7X10 ¹	1.5X10 ⁴	4.1X10 ¹
Au-195		1.0X10 ¹	2.7X10 ²	6.0	1.6X10 ²	1.4X10 ²	3.7X10 ¹
Au-198		1.0	2.7X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	9.0X10 ³	2.4X10 ¹
Au-199		1.0X10 ¹	2.7X10 ²	6.0X10 ⁻¹	1.6X10 ¹	7.7X10 ³	2.1X10 ¹
Ba-131 (a)	Barium (56)	2.0	5.4X10 ¹	2.0	5.4X10 ¹	3.1X10 ³	8.4X10 ¹
Ba-133		3.0	8.1X10 ¹	3.0	8.1X10 ¹	9.4	2.6X10 ¹
Ba-133m		2.0X10 ¹	5.4X10 ²	6.0X10 ⁻¹	1.6X10 ¹	2.2X10 ⁴	6.1X10 ¹
Ba-140 (a)		5.0X10 ⁻¹	1.4X10 ¹	3.0X10 ⁻¹	8.1	2.7X10 ³	7.3X10 ¹
Be-7	Beryllium (4)	2.0X10 ¹	5.4X10 ²	2.0X10 ¹	5.4X10 ²	1.3X10 ⁴	3.5X10 ¹
Be-10		4.0X10 ¹	1.1X10 ³	6.0X10 ⁻¹	1.6X10 ¹	8.3X10 ⁻⁴	2.2X10 ¹
Bi-205	Bismuth (83)	7.0X10 ⁻¹	1.9X10 ¹	7.0X10 ⁻¹	1.9X10 ¹	1.5X10 ³	4.2X10 ¹
Bi-206		3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	3.8X10 ³	1.0X10 ¹
Bi-207		7.0X10 ⁻¹	1.9X10 ¹	7.0X10 ⁻¹	1.9X10 ¹	1.9	5.2X10 ¹
Bi-210		1.0	2.7X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	4.6X10 ³	1.2X10 ¹
Bi-210m (a)		6.0X10 ⁻¹	1.6X10 ¹	2.0X10 ⁻²	5.4X10 ⁻¹	2.1X10 ⁻⁵	5.7X10 ¹
Bi-212 (a)		7.0X10 ⁻¹	1.9X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	5.4X10 ⁵	1.5X10 ¹
Bk-247	Berkelium (97)	8.0	2.2X10 ²	8.0X10 ⁻⁴	2.2X10 ⁻²	3.8X10 ⁻²	1.0
Bk-249 (a)		4.0X10 ¹	1.1X10 ³	3.0X10 ⁻¹	8.1	6.1X10 ¹	1.6X10 ¹
Br-76	Bromine (35)	4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	9.4X10 ⁴	2.5X10 ¹
Br-77		3.0	8.1X10 ¹	3.0	8.1X10 ¹	2.6X10 ⁴	7.1X10 ¹
Br-82		4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁴	1.1X10 ¹
C-11	Carbon (6)	1.0	2.7X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	3.1X10 ⁷	8.4X10 ¹
C-14		4.0X10 ¹	1.1X10 ³	3.0	8.1X10 ¹	1.6X10 ⁻¹	4.5
Ca-41	Calcium (20)	Unlimited	Unlimited	Unlimited	Unlimited	3.1X10 ⁻³	8.5X10 ¹

Ca-45		4.0X10 ¹	1.1X10 ³	1.0	2.7X10 ¹	6.6X10 ²	1.8X10 ³
Ca-47 (a)		3.0	8.1X10 ¹	3.0X10 ⁻¹	8.1	2.3X10 ⁴	6.1X10 ⁴
Cd-109	Cadmium (48)	3.0X10 ¹	8.1X10 ²	2.0	5.4X10 ¹	9.6X10 ¹	2.6X10 ²
Cd-113m		4.0X10 ¹	1.1X10 ³	5.0X10 ⁻¹	1.4X10 ¹	8.3	2.2X10 ²
Cd-115 (a)		3.0	8.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	1.9X10 ⁴	5.1X10 ⁴
Cd-115m		5.0X10 ⁻¹	1.4X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	9.4X10 ²	2.5X10 ³
Ce-139	Cerium (58)	7.0	1.9X10 ²	2.0	5.4X10 ¹	2.5X10 ²	6.8X10 ²
Ce-141		2.0X10 ¹	5.4X10 ²	6.0X10 ⁻¹	1.6X10 ¹	1.1X10 ³	2.8X10 ³
Ce-143		9.0X10 ⁻¹	2.4X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	2.5X10 ⁴	6.6X10 ⁴
Ce-144 (a)		2.0X10 ⁻¹	5.4	2.0X10 ⁻¹	5.4	1.2X10 ²	3.2X10 ²
Cf-248	Californium (98)	4.0X10 ¹	1.1X10 ³	6.0X10 ⁻³	1.6X10 ⁻¹	5.8X10 ¹	1.6X10 ²
Cf-249		3.0	8.1X10 ¹	8.0X10 ⁻⁴	2.2X10 ⁻²	1.5X10 ⁻¹	4.1
Cf-250		2.0X10 ¹	5.4X10 ²	2.0X10 ⁻³	5.4X10 ⁻²	4.0	1.1X10 ³
Cf-251		7.0	1.9X10 ²	7.0X10 ⁻⁴	1.9X10 ⁻²	5.9X10 ⁻²	1.6
Cf-252		1.0X10 ⁻¹	2.7	3.0X10 ⁻³	8.1X10 ⁻²	2.0X10 ¹	5.4X10 ¹
Cf-253 (a)		4.0X10 ¹	1.1X10 ³	4.0X10 ⁻²	1.1	1.1X10 ³	2.9X10 ³
Cf-254		1.0X10 ⁻³	2.7X10 ⁻²	1.0X10 ⁻³	2.7X10 ⁻²	3.1X10 ²	8.5X10 ²
Cl-36	Chlorine (17)	1.0X10 ¹	2.7X10 ²	6.0X10 ⁻¹	1.6X10 ¹	1.2X10 ⁻³	3.3X10 ⁻³
Cl-38		2.0X10 ⁻¹	5.4	2.0X10 ⁻¹	5.4	4.9X10 ⁶	1.3X10 ⁷
Cm-240	Curium (96)	4.0X10 ¹	1.1X10 ³	2.0X10 ⁻²	5.4X10 ⁻¹	7.5X10 ²	2.0X10 ³
Cm-241		2.0	5.4X10 ¹	1.0	2.7X10 ¹	6.1X10 ²	1.7X10 ³
Cm-242		4.0X10 ¹	1.1X10 ³	1.0X10 ⁻²	2.7X10 ⁻¹	1.2X10 ²	3.3X10 ²
Cm-243		9.0	2.4X10 ²	1.0X10 ⁻³	2.7X10 ⁻²	1.9X10 ⁻³	5.2X10 ⁻³
Cm-244		2.0X10 ¹	5.4X10 ²	2.0X10 ⁻³	5.4X10 ⁻²	3.0	8.1X10 ¹
Cm-245		9.0	2.4X10 ²	9.0X10 ⁻⁴	2.4X10 ⁻²	6.4X10 ⁻³	1.7X10 ⁻²
Cm-246		9.0	2.4X10 ²	9.0X10 ⁻⁴	2.4X10 ⁻²	1.1X10 ⁻²	3.1X10 ⁻²
Cm-247 (a)		3.0	8.1X10 ¹	1.0X10 ⁻³	2.7X10 ⁻²	3.4X10 ⁻⁶	9.3X10 ⁻⁶
Cm-248		2.0X10 ⁻²	5.4X10 ⁻¹	3.0X10 ⁻⁴	8.1X10 ⁻³	1.6X10 ⁻⁴	4.2X10 ⁻⁴
Co-55	Cobalt (27)	5.0X10 ⁻¹	1.4X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	1.1X10 ⁵	3.1X10 ⁵
Co-56		3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	1.1X10 ³	3.0X10 ³
Co-57		1.0X10 ¹	2.7X10 ²	1.0X10 ¹	2.7X10 ²	3.1X10 ²	8.4X10 ²
Co-58		1.0	2.7X10 ¹	1.0	2.7X10 ¹	1.2X10 ³	3.2X10 ³

Co-58m		4.0X10 ¹	1.1X10 ³	4.0X10 ¹	1.1X10 ³	2.2X10 ⁵	5.9X10 ¹
Co-60		4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	4.2X10 ¹	1.1X10 ¹
Cr-51	Chromium (24)	3.0X10 ¹	8.1X10 ²	3.0X10 ¹	8.1X10 ²	3.4X10 ³	9.2X10 ¹
Cs-129	Cesium (55)	4.0	1.1X10 ²	4.0	1.1X10 ²	2.8X10 ⁴	7.6X10 ¹
Cs-131		3.0X10 ¹	8.1X10 ²	3.0X10 ¹	8.1X10 ²	3.8X10 ³	1.0X10 ¹
Cs-132		1.0	2.7X10 ¹	1.0	2.7X10 ¹	5.7X10 ³	1.5X10 ¹
Cs-134		7.0X10 ⁻¹	1.9X10 ¹	7.0X10 ⁻¹	1.9X10 ¹	4.8X10 ¹	1.3X10 ¹
Cs-134m		4.0X10 ¹	1.1X10 ³	6.0X10 ⁻¹	1.6X10 ¹	3.0X10 ⁵	8.0X10 ¹
Cs-135		4.0X10 ¹	1.1X10 ³	1.0	2.7X10 ¹	4.3X10 ⁻⁵	1.2X10 ¹
Cs-136		5.0X10 ⁻¹	1.4X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	2.7X10 ³	7.3X10 ¹
Cs-137 (a)		2.0	5.4X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	3.2	8.7X10 ¹
Cu-64	Copper (29)	6.0	1.6X10 ²	1.0	2.7X10 ¹	1.4X10 ⁵	3.9X10 ¹
Cu-67		1.0X10 ¹	2.7X10 ²	7.0X10 ⁻¹	1.9X10 ¹	2.8X10 ⁴	7.6X10 ¹
Dy-159	Dysprosium (66)	2.0X10 ¹	5.4X10 ²	2.0X10 ¹	5.4X10 ²	2.1X10 ²	5.7X10 ¹
Dy-165		9.0X10 ⁻¹	2.4X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	3.0X10 ⁵	8.2X10 ¹
Dy-166 (a)		9.0X10 ⁻¹	2.4X10 ¹	3.0X10 ⁻¹	8.1	8.6X10 ³	2.3X10 ¹
Er-169	Erbium (68)	4.0X10 ¹	1.1X10 ³	1.0	2.7X10 ¹	3.1X10 ³	8.3X10 ¹
Er-171		8.0X10 ⁻¹	2.2X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	9.0X10 ⁴	2.4X10 ¹
Eu-147	Europium (63)	2.0	5.4X10 ¹	2.0	5.4X10 ¹	1.4X10 ³	3.7X10 ¹
Eu-148		5.0X10 ⁻¹	1.4X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	6.0X10 ²	1.6X10 ¹
Eu-149		2.0X10 ¹	5.4X10 ²	2.0X10 ¹	5.4X10 ²	3.5X10 ²	9.4X10 ¹
Eu-150 (short lived)		2.0	5.4X10 ¹	7.0X10 ⁻¹	1.9X10 ¹	6.1X10 ⁴	1.6X10 ¹
Eu-150 (long lived)		7.0X10 ⁻¹	1.9X10 ¹	7.0X10 ⁻¹	1.9X10 ¹	6.1X10 ⁴	1.6X10 ¹
Eu-152		1.0	2.7X10 ¹	1.0	2.7X10 ¹	6.5	1.8X10 ¹
Eu-152m		8.0X10 ⁻¹	2.2X10 ¹	8.0X10 ⁻¹	2.2X10 ¹	8.2X10 ⁴	2.2X10 ¹
Eu-154		9.0X10 ⁻¹	2.4X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	9.8	2.6X10 ¹
Eu-155		2.0X10 ¹	5.4X10 ²	3.0	8.1X10 ¹	1.8X10 ¹	4.9X10 ¹
Eu-156		7.0X10 ⁻¹	1.9X10 ¹	7.0X10 ⁻¹	1.9X10 ¹	2.0X10 ³	5.5X10 ¹
F-18	Fluorine (9)	1.0	2.7X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	3.5X10 ⁶	9.5X10 ¹
Fe-52 (a)	Iron (26)	3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	2.7X10 ⁵	7.3X10 ¹

Fe-55		4.0X10 ¹	1.1X10 ³	4.0X10 ¹	1.1X10 ³	8.8X10 ¹	2.4X10 ¹
Fe-59		9.0X10 ⁻¹	2.4X10 ¹	9.0X10 ⁻¹	2.4X10 ¹	1.8X10 ³	5.0X10 ¹
Fe-60 (a)		4.0X10 ¹	1.1X10 ³	2.0X10 ⁻¹	5.4	7.4X10 ⁻⁴	2.0X10 ¹
Ga-67	Gallium (31)	7.0	1.9X10 ²	3.0	8.1X10 ¹	2.2X10 ⁴	6.0X10 ¹
Ga-68		5.0X10 ⁻¹	1.4X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	1.5X10 ⁶	4.1X10 ¹
Ga-72		4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	1.1X10 ⁵	3.1X10 ¹
Gd-146 (a)	Gadolinium (64)	5.0X10 ⁻¹	1.4X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	6.9X10 ²	1.9X10 ¹
Gd-148		2.0X10 ¹	5.4X10 ²	2.0X10 ⁻³	5.4X10 ⁻²	1.2	3.2X10 ¹
Gd-153		1.0X10 ¹	2.7X10 ²	9.0	2.4X10 ²	1.3X10 ²	3.5X10 ¹
Gd-159		3.0	8.1X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	3.9X10 ⁴	1.1X10 ¹
Ge-68 (a)	Germanium (32)	5.0X10 ⁻¹	1.4X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	2.6X10 ²	7.1X10 ¹
Ge-71		4.0X10 ¹	1.1X10 ³	4.0X10 ¹	1.1X10 ³	5.8X10 ³	1.6X10 ¹
Ge-77		3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	1.3X10 ⁵	3.6X10 ¹
Hf-172 (a)	Hafnium (72)	6.0X10 ⁻¹	1.6X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	4.1X10 ¹	1.1X10 ¹
Hf-175		3.0	8.1X10 ¹	3.0	8.1X10 ¹	3.9X10 ²	1.1X10 ¹
Hf-181		2.0	5.4X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	6.3X10 ²	1.7X10 ¹
Hf-182		Unlimited	Unlimited	Unlimited	Unlimited	8.1X10 ⁻⁶	2.2X10 ¹
Hg-194 (a)	Mercury (80)	1.0	2.7X10 ¹	1.0	2.7X10 ¹	1.3X10 ⁻¹	3.5
Hg-195m (a)		3.0	8.1X10 ¹	7.0X10 ⁻¹	1.9X10 ¹	1.5X10 ⁴	4.0X10 ¹
Hg-197		2.0X10 ¹	5.4X10 ²	1.0X10 ¹	2.7X10 ²	9.2X10 ³	2.5X10 ¹
Hg-197m		1.0X10 ¹	2.7X10 ²	4.0X10 ⁻¹	1.1X10 ¹	2.5X10 ⁴	6.7X10 ¹
Hg-203		5.0	1.4X10 ²	1.0	2.7X10 ¹	5.1X10 ²	1.4X10 ¹
Ho-166	Holmium (67)	4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	2.6X10 ⁴	7.0X10 ¹
Ho-166m		6.0X10 ⁻¹	1.6X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	6.6X10 ⁻²	1.8
I-123	Iodine (53)	6.0	1.6X10 ²	3.0	8.1X10 ¹	7.1X10 ⁴	1.9X10 ¹
I-124		1.0	2.7X10 ¹	1.0	2.7X10 ¹	9.3X10 ³	2.5X10 ¹
I-125		2.0X10 ¹	5.4X10 ²	3.0	8.1X10 ¹	6.4X10 ²	1.7X10 ¹
I-126		2.0	5.4X10 ¹	1.0	2.7X10 ¹	2.9X10 ³	8.0X10 ¹
I-129		Unlimited	Unlimited	Unlimited	Unlimited	6.5X10 ⁻⁶	1.8X10 ¹
I-131		3.0	8.1X10 ¹	7.0X10 ⁻¹	1.9X10 ¹	4.6X10 ³	1.2X10 ¹
I-132		4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	3.8X10 ⁵	1.0X10 ¹

I-133		7.0X10 ⁻¹	1.9X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	4.2X10 ⁴	1.1X10 ⁵
I-134		3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	9.9X10 ⁵	2.7X10 ⁶
I-135 (a)		6.0X10 ⁻¹	1.6X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	1.3X10 ⁵	3.5X10 ⁶
In-111	Indium (49)	3.0	8.1X10 ¹	3.0	8.1X10 ¹	1.5X10 ⁴	4.2X10 ⁵
In-113m		4.0	1.1X10 ²	2.0	5.4X10 ¹	6.2X10 ⁵	1.7X10 ⁶
In-114m (a)		1.0X10 ¹	2.7X10 ²	5.0X10 ⁻¹	1.4X10 ¹	8.6X10 ²	2.3X10 ³
In-115m		7.0	1.9X10 ²	1.0	2.7X10 ¹	2.2X10 ⁵	6.1X10 ⁶
Ir-189 (a)	Iridium (77)	1.0X10 ¹	2.7X10 ²	1.0X10 ¹	2.7X10 ²	1.9X10 ³	5.2X10 ⁴
Ir-190		7.0X10 ⁻¹	1.9X10 ¹	7.0X10 ⁻¹	1.9X10 ¹	2.3X10 ³	6.2X10 ⁴
Ir-192		^c 1.0	^c 2.7X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	3.4X10 ²	9.2X10 ³
Ir-194		3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	3.1X10 ⁴	8.4X10 ⁵
K-40	Potassium (19)	9.0X10 ⁻¹	2.4X10 ¹	9.0X10 ⁻¹	2.4X10 ¹	2.4X10 ⁻⁷	6.4X10 ⁻⁸
K-42		2.0X10 ⁻¹	5.4	2.0X10 ⁻¹	5.4	2.2X10 ⁵	6.0X10 ⁶
K-43		7.0X10 ⁻¹	1.9X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	1.2X10 ⁵	3.3X10 ⁶
Kr-79	Krypton (36)	4.0	1.1X10 ²	2.0	5.4X10 ¹	4.2X10 ⁴	1.1X10 ⁵
Kr-81		4.0X10 ¹	1.1X10 ³	4.0X10 ¹	1.1X10 ³	7.8X10 ⁻⁴	2.1X10 ⁻⁴
Kr-85		1.0X10 ¹	2.7X10 ²	1.0X10 ¹	2.7X10 ²	1.5X10 ¹	3.9X10 ²
Kr-85m		8.0	2.2X10 ²	3.0	8.1X10 ¹	3.0X10 ⁵	8.2X10 ⁶
Kr-87		2.0X10 ⁻¹	5.4	2.0X10 ⁻¹	5.4	1.0X10 ⁶	2.8X10 ⁷
La-137	Lanthanum (57)	3.0X10 ¹	8.1X10 ²	6.0	1.6X10 ²	1.6X10 ⁻³	4.4X10 ⁻⁴
La-140		4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	2.1X10 ⁴	5.6X10 ⁵
Lu-172	Lutetium (71)	6.0X10 ⁻¹	1.6X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	4.2X10 ³	1.1X10 ⁴
Lu-173		8.0	2.2X10 ²	8.0	2.2X10 ²	5.6X10 ¹	1.5X10 ²
Lu-174		9.0	2.4X10 ²	9.0	2.4X10 ²	2.3X10 ¹	6.2X10 ²
Lu-174m		2.0X10 ¹	5.4X10 ²	1.0X10 ¹	2.7X10 ²	2.0X10 ²	5.3X10 ³
Lu-177		3.0X10 ¹	8.1X10 ²	7.0X10 ⁻¹	1.9X10 ¹	4.1X10 ³	1.1X10 ⁴
Mg-28 (a)	Magnesium (12)	3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	2.0X10 ⁵	5.4X10 ⁶
Mn-52	Manganese (25)	3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	1.6X10 ⁴	4.4X10 ⁵
Mn-53		Unlimited	Unlimited	Unlimited	Unlimited	6.8X10 ⁻⁵	1.8X10 ⁻⁵
Mn-54		1.0	2.7X10 ¹	1.0	2.7X10 ¹	2.9X10 ²	7.7X10 ³
Mn-56		3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	8.0X10 ⁵	2.2X10 ⁶

Mo-93	Molybdenum (42)	4.0X10 ¹	1.1X10 ³	2.0X10 ¹	5.4X10 ²	4.1X10 ⁻²	1.1
Mo-99 (a) (h)		1.0	2.7X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	1.8X10 ⁴	4.8X10 ¹
N-13	Nitrogen (7)	9.0X10 ⁻¹	2.4X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	5.4X10 ⁷	1.5X10 ¹
Na-22	Sodium (11)	5.0X10 ⁻¹	1.4X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	2.3X10 ²	6.3X10 ¹
Na-24		2.0X10 ⁻¹	5.4	2.0X10 ⁻¹	5.4	3.2X10 ⁵	8.7X10 ¹
Nb-93m	Niobium (41)	4.0X10 ¹	1.1X10 ³	3.0X10 ¹	8.1X10 ²	8.8	2.4X10 ¹
Nb-94		7.0X10 ⁻¹	1.9X10 ¹	7.0X10 ⁻¹	1.9X10 ¹	6.9X10 ⁻³	1.9X10 ¹
Nb-95		1.0	2.7X10 ¹	1.0	2.7X10 ¹	1.5X10 ³	3.9X10 ¹
Nb-97		9.0X10 ⁻¹	2.4X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	9.9X10 ⁵	2.7X10 ¹
Nd-147	Neodymium (60)	6.0	1.6X10 ²	6.0X10 ⁻¹	1.6X10 ¹	3.0X10 ³	8.1X10 ¹
Nd-149		6.0X10 ⁻¹	1.6X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	4.5X10 ⁵	1.2X10 ¹
Ni-59	Nickel (28)	Unlimited	Unlimited	Unlimited	Unlimited	3.0X10 ⁻³	8.0X10 ¹
Ni-63		4.0X10 ¹	1.1X10 ³	3.0X10 ¹	8.1X10 ²	2.1	5.7X10 ¹
Ni-65		4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	7.1X10 ⁵	1.9X10 ¹
Np-235	Neptunium (93)	4.0X10 ¹	1.1X10 ³	4.0X10 ¹	1.1X10 ³	5.2X10 ¹	1.4X10 ¹
Np-236 (short-lived)		2.0X10 ¹	5.4X10 ²	2.0	5.4X10 ¹	4.7X10 ⁻⁴	1.3X10 ¹
Np-236 (long-lived)		9.0X10 ⁰	2.4X10 ²	2.0X10 ⁻²	5.4X10 ⁻¹	4.7X10 ⁻⁴	1.3X10 ¹
Np-237		2.0X10 ¹	5.4X10 ²	2.0X10 ⁻³	5.4X10 ⁻²	2.6X10 ⁻⁵	7.1X10 ¹
Np-239		7.0	1.9X10 ²	4.0X10 ⁻¹	1.1X10 ¹	8.6X10 ³	2.3X10 ¹
Os-185	Osmium (76)	1.0	2.7X10 ¹	1.0	2.7X10 ¹	2.8X10 ²	7.5X10 ¹
Os-191		1.0X10 ¹	2.7X10 ²	2.0	5.4X10 ¹	1.6X10 ³	4.4X10 ¹
Os-191m		4.0X10 ¹	1.1X10 ³	3.0X10 ¹	8.1X10 ²	4.6X10 ⁴	1.3X10 ¹
Os-193		2.0	5.4X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	2.0X10 ⁴	5.3X10 ¹
Os-194 (a)		3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	1.1X10 ¹	3.1X10 ¹
P-32	Phosphorus (15)	5.0X10 ⁻¹	1.4X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	1.1X10 ⁴	2.9X10 ¹
P-33		4.0X10 ¹	1.1X10 ³	1.0	2.7X10 ¹	5.8X10 ³	1.6X10 ¹
Pa-230 (a)	Protactinium (91)	2.0	5.4X10 ¹	7.0X10 ⁻²	1.9	1.2X10 ³	3.3X10 ¹
Pa-231		4.0	1.1X10 ²	4.0X10 ⁻⁴	1.1X10 ⁻²	1.7X10 ⁻³	4.7X10 ¹

Pa-233		5.0	1.4×10^2	7.0×10^{-1}	1.9×10^1	7.7×10^2	2.1×10^3
Pb-201	Lead (82)	1.0	2.7×10^1	1.0	2.7×10^1	6.2×10^4	1.7×10^5
Pb-202		4.0×10^1	1.1×10^3	2.0×10^1	5.4×10^2	1.2×10^{-4}	3.4×10^3
Pb-203		4.0	1.1×10^2	3.0	8.1×10^1	1.1×10^4	3.0×10^5
Pb-205		Unlimited	Unlimited	Unlimited	Unlimited	4.5×10^{-6}	1.2×10^3
Pb-210 (a)		1.0	2.7×10^1	5.0×10^{-2}	1.4	2.8	7.6×10^3
Pb-212 (a)		7.0×10^{-1}	1.9×10^1	2.0×10^{-1}	5.4	5.1×10^4	1.4×10^5
Pd-103 (a)	Palladium (46)	4.0×10^1	1.1×10^3	4.0×10^1	1.1×10^3	2.8×10^3	7.5×10^4
Pd-107		Unlimited	Unlimited	Unlimited	Unlimited	1.9×10^{-5}	5.1×10^3
Pd-109		2.0	5.4×10^1	5.0×10^{-1}	1.4×10^1	7.9×10^4	2.1×10^5
Pm-143	Promethium (61)	3.0	8.1×10^1	3.0	8.1×10^1	1.3×10^2	3.4×10^3
Pm-144		7.0×10^{-1}	1.9×10^1	7.0×10^{-1}	1.9×10^1	9.2×10^1	2.5×10^2
Pm-145		3.0×10^1	8.1×10^2	1.0×10^1	2.7×10^2	5.2	1.4×10^3
Pm-147		4.0×10^1	1.1×10^3	2.0	5.4×10^1	3.4×10^1	9.3×10^2
Pm-148m (a)		8.0×10^{-1}	2.2×10^1	7.0×10^{-1}	1.9×10^1	7.9×10^2	2.1×10^3
Pm-149		2.0	5.4×10^1	6.0×10^{-1}	1.6×10^1	1.5×10^4	4.0×10^5
Pm-151		2.0	5.4×10^1	6.0×10^{-1}	1.6×10^1	2.7×10^4	7.3×10^5
Po-210	Polonium (84)	4.0×10^1	1.1×10^3	2.0×10^{-2}	5.4×10^{-1}	1.7×10^2	4.5×10^3
Pr-142	Praseodymium (59)	4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	4.3×10^4	1.2×10^5
Pr-143		3.0	8.1×10^1	6.0×10^{-1}	1.6×10^1	2.5×10^3	6.7×10^4
Pt-188 (a)	Platinum (78)	1.0	2.7×10^1	8.0×10^{-1}	2.2×10^1	2.5×10^3	6.8×10^4
Pt-191		4.0	1.1×10^2	3.0	8.1×10^1	8.7×10^3	2.4×10^4
Pt-193		4.0×10^1	1.1×10^3	4.0×10^1	1.1×10^3	1.4	3.7×10^3
Pt-193m		4.0×10^1	1.1×10^3	5.0×10^{-1}	1.4×10^1	5.8×10^3	1.6×10^4
Pt-195m		1.0×10^1	2.7×10^2	5.0×10^{-1}	1.4×10^1	6.2×10^3	1.7×10^4
Pt-197		2.0×10^1	5.4×10^2	6.0×10^{-1}	1.6×10^1	3.2×10^4	8.7×10^5
Pt-197m		1.0×10^1	2.7×10^2	6.0×10^{-1}	1.6×10^1	3.7×10^5	1.0×10^6
Pu-236	Plutonium (94)	3.0×10^1	8.1×10^2	3.0×10^{-3}	8.1×10^{-2}	2.0×10^1	5.3×10^2
Pu-237		2.0×10^1	5.4×10^2	2.0×10^1	5.4×10^2	4.5×10^2	1.2×10^3
Pu-238		1.0×10^1	2.7×10^2	1.0×10^{-3}	2.7×10^{-2}	6.3×10^{-1}	1.7×10^2
Pu-239		1.0×10^1	2.7×10^2	1.0×10^{-3}	2.7×10^{-2}	2.3×10^{-3}	6.2×10^3

Pu-240		1.0X10 ¹	2.7X10 ²	1.0X10 ⁻³	2.7X10 ⁻²	8.4X10 ⁻³	2.3X10 ¹
Pu-241 (a)		4.0X10 ¹	1.1X10 ³	6.0X10 ⁻²	1.6	3.8	1.0X10 ¹
Pu-242		1.0X10 ¹	2.7X10 ²	1.0X10 ⁻³	2.7X10 ⁻²	1.5X10 ⁻⁴	3.9X10 ¹
Pu-244 (a)		4.0X10 ⁻¹	1.1X10 ¹	1.0X10 ⁻³	2.7X10 ⁻²	6.7X10 ⁻⁷	1.8X10 ¹
Ra-223 (a)	Radium (88)	4.0X10 ⁻¹	1.1X10 ¹	7.0X10 ⁻³	1.9X10 ⁻¹	1.9X10 ³	5.1X10 ¹
Ra-224 (a)		4.0X10 ⁻¹	1.1X10 ¹	2.0X10 ⁻²	5.4X10 ⁻¹	5.9X10 ³	1.6X10 ¹
Ra-225 (a)		2.0X10 ⁻¹	5.4	4.0X10 ⁻³	1.1X10 ⁻¹	1.5X10 ³	3.9X10 ¹
Ra-226 (a)		2.0X10 ⁻¹	5.4	3.0X10 ⁻³	8.1X10 ⁻²	3.7X10 ⁻²	1.0
Ra-228 (a)		6.0X10 ⁻¹	1.6X10 ¹	2.0X10 ⁻²	5.4X10 ⁻¹	1.0X10 ¹	2.7X10 ¹
Rb-81	Rubidium (37)	2.0	5.4X10 ¹	8.0X10 ⁻¹	2.2X10 ¹	3.1X10 ⁵	8.4X10 ¹
Rb-83 (a)		2.0	5.4X10 ¹	2.0	5.4X10 ¹	6.8X10 ²	1.8X10 ¹
Rb-84		1.0	2.7X10 ¹	1.0	2.7X10 ¹	1.8X10 ³	4.7X10 ¹
Rb-86		5.0X10 ⁻¹	1.4X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	3.0X10 ³	8.1X10 ¹
Rb-87		Unlimited	Unlimited	Unlimited	Unlimited	3.2X10 ⁻⁹	8.6X10 ¹
Rb(nat)		Unlimited	Unlimited	Unlimited	Unlimited	6.7X10 ⁶	1.8X10 ¹
Re-184	Rhenium (75)	1.0	2.7X10 ¹	1.0	2.7X10 ¹	6.9X10 ²	1.9X10 ¹
Re-184m		3.0	8.1X10 ¹	1.0	2.7X10 ¹	1.6X10 ²	4.3X10 ¹
Re-186		2.0	5.4X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	6.9X10 ³	1.9X10 ¹
Re-187		Unlimited	Unlimited	Unlimited	Unlimited	1.4X10 ⁻⁹	3.8X10 ¹
Re-188		4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	3.6X10 ⁴	9.8X10 ¹
Re-189 (a)		3.0	8.1X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	2.5X10 ⁴	6.8X10 ¹
Re(nat)		Unlimited	Unlimited	Unlimited	Unlimited	0.0	2.4X10 ¹
Rh-99	Rhodium (45)	2.0	5.4X10 ¹	2.0	5.4X10 ¹	3.0X10 ³	8.2X10 ¹
Rh-101		4.0	1.1X10 ²	3.0	8.1X10 ¹	4.1X10 ¹	1.1X10 ¹
Rh-102		5.0X10 ⁻¹	1.4X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	4.5X10 ¹	1.2X10 ¹
Rh-102m		2.0	5.4X10 ¹	2.0	5.4X10 ¹	2.3X10 ²	6.2X10 ¹
Rh-103m		4.0X10 ¹	1.1X10 ³	4.0X10 ¹	1.1X10 ³	1.2X10 ⁶	3.3X10 ¹
Rh-105		1.0X10 ¹	2.7X10 ²	8.0X10 ⁻¹	2.2X10 ¹	3.1X10 ⁴	8.4X10 ¹
Rn-222 (a)	Radon (86)	3.0X10 ⁻¹	8.1	4.0X10 ⁻³	1.1X10 ⁻¹	5.7X10 ³	1.5X10 ¹
Ru-97	Ruthenium (44)	5.0	1.4X10 ²	5.0	1.4X10 ²	1.7X10 ⁴	4.6X10 ¹
Ru-103 (a)		2.0	5.4X10 ¹	2.0	5.4X10 ¹	1.2X10 ³	3.2X10 ¹
Ru-105		1.0	2.7X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	2.5X10 ⁵	6.7X10 ¹

Ru-106 (a)		2.0×10^{-1}	5.4	2.0×10^{-1}	5.4	1.2×10^2	3.3×10^1
S-35	Sulphur (16)	4.0×10^1	1.1×10^3	3.0	8.1×10^1	1.6×10^3	4.3×10^1
Sb-122	Antimony (51)	4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	1.5×10^4	4.0×10^1
Sb-124		6.0×10^{-1}	1.6×10^1	6.0×10^{-1}	1.6×10^1	6.5×10^2	1.7×10^1
Sb-125		2.0	5.4×10^1	1.0	2.7×10^1	3.9×10^1	1.0×10^1
Sb-126		4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	3.1×10^3	8.4×10^1
Sc-44	Scandium (21)	5.0×10^{-1}	1.4×10^1	5.0×10^{-1}	1.4×10^1	6.7×10^5	1.8×10^1
Sc-46		5.0×10^{-1}	1.4×10^1	5.0×10^{-1}	1.4×10^1	1.3×10^3	3.4×10^1
Sc-47		1.0×10^1	2.7×10^2	7.0×10^{-1}	1.9×10^1	3.1×10^4	8.3×10^1
Sc-48		3.0×10^{-1}	8.1	3.0×10^{-1}	8.1	5.5×10^4	1.5×10^1
Se-75	Selenium (34)	3.0	8.1×10^1	3.0	8.1×10^1	5.4×10^2	1.5×10^1
Se-79		4.0×10^1	1.1×10^3	2.0	5.4×10^1	2.6×10^{-3}	7.0×10^1
Si-31	Silicon (14)	6.0×10^{-1}	1.6×10^1	6.0×10^{-1}	1.6×10^1	1.4×10^6	3.9×10^1
Si-32		4.0×10^1	1.1×10^3	5.0×10^{-1}	1.4×10^1	3.9	1.1×10^1
Sm-145	Samarium (62)	1.0×10^1	2.7×10^2	1.0×10^1	2.7×10^2	9.8×10^1	2.6×10^1
Sm-147		Unlimited	Unlimited	Unlimited	Unlimited	8.5×10^{-10}	2.3×10^1
Sm-151		4.0×10^1	1.1×10^3	1.0×10^1	2.7×10^2	9.7×10^{-1}	2.6×10^1
Sm-153		9.0	2.4×10^2	6.0×10^{-1}	1.6×10^1	1.6×10^4	4.4×10^1
Sn-113 (a)	Tin (50)	4.0	1.1×10^2	2.0	5.4×10^1	3.7×10^2	1.0×10^1
Sn-117m		7.0	1.9×10^2	4.0×10^{-1}	1.1×10^1	3.0×10^3	8.2×10^1
Sn-119m		4.0×10^1	1.1×10^3	3.0×10^1	8.1×10^2	1.4×10^2	3.7×10^1
Sn-121m (a)		4.0×10^1	1.1×10^3	9.0×10^{-1}	2.4×10^1	2.0	5.4×10^1
Sn-123		8.0×10^{-1}	2.2×10^1	6.0×10^{-1}	1.6×10^1	3.0×10^2	8.2×10^1
Sn-125		4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	4.0×10^3	1.1×10^1
Sn-126 (a)		6.0×10^{-1}	1.6×10^1	4.0×10^{-1}	1.1×10^1	1.0×10^{-3}	2.8×10^1
Sr-82 (a)	Strontium (38)	2.0×10^{-1}	5.4	2.0×10^{-1}	5.4	2.3×10^3	6.2×10^1
Sr-85		2.0	5.4×10^1	2.0	5.4×10^1	8.8×10^2	2.4×10^1
Sr-85m		5.0	1.4×10^2	5.0	1.4×10^2	1.2×10^6	3.3×10^1
Sr-87m		3.0	8.1×10^1	3.0	8.1×10^1	4.8×10^5	1.3×10^1
Sr-89		6.0×10^{-1}	1.6×10^1	6.0×10^{-1}	1.6×10^1	1.1×10^3	2.9×10^1
Sr-90 (a)		3.0×10^{-1}	8.1	3.0×10^{-1}	8.1	5.1	1.4×10^1
Sr-91 (a)		3.0×10^{-1}	8.1	3.0×10^{-1}	8.1	1.3×10^5	3.6×10^1

Sr-92 (a)		1.0	2.7X10 ¹	3.0X10 ⁻¹	8.1	4.7X10 ⁵	1.3X10 ¹
T (H-3)	Tritium (1)	4.0X10 ¹	1.1X10 ³	4.0X10 ¹	1.1X10 ³	3.6X10 ²	9.7X10 ¹
Ta-178 (long-lived)	Tantalum (73)	1.0	2.7X10 ¹	8.0X10 ⁻¹	2.2X10 ¹	4.2X10 ⁶	1.1X10 ¹
Ta-179		3.0X10 ¹	8.1X10 ²	3.0X10 ¹	8.1X10 ²	4.1X10 ¹	1.1X10 ¹
Ta-182		9.0X10 ⁻¹	2.4X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	2.3X10 ²	6.2X10 ¹
Tb-157	Terbium (65)	4.0X10 ¹	1.1X10 ³	4.0X10 ¹	1.1X10 ³	5.6X10 ⁻¹	1.5X10 ¹
Tb-158		1.0	2.7X10 ¹	1.0	2.7X10 ¹	5.6X10 ⁻¹	1.5X10 ¹
Tb-160		1.0	2.7X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	4.2X10 ²	1.1X10 ¹
Tc-95m (a)	Technetium (43)	2.0	5.4X10 ¹	2.0	5.4X10 ¹	8.3X10 ²	2.2X10 ¹
Tc-96		4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	1.2X10 ⁴	3.2X10 ¹
Tc-96m (a)		4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	1.4X10 ⁶	3.8X10 ¹
Tc-97		Unlimited	Unlimited	Unlimited	Unlimited	5.2X10 ⁻⁵	1.4X10 ¹
Tc-97m		4.0X10 ¹	1.1X10 ³	1.0	2.7X10 ¹	5.6X10 ²	1.5X10 ¹
Tc-98		8.0X10 ⁻¹	2.2X10 ¹	7.0X10 ⁻¹	1.9X10 ¹	3.2X10 ⁻⁵	8.7X10 ¹
Tc-99		4.0X10 ¹	1.1X10 ³	9.0X10 ⁻¹	2.4X10 ¹	6.3X10 ⁻⁴	1.7X10 ¹
Tc-99m		1.0X10 ¹	2.7X10 ²	4.0	1.1X10 ²	1.9X10 ⁵	5.3X10 ¹
Te-121	Tellurium (52)	2.0	5.4X10 ¹	2.0	5.4X10 ¹	2.4X10 ³	6.4X10 ¹
Te-121m		5.0	1.4X10 ²	3.0	8.1X10 ¹	2.6X10 ²	7.0X10 ¹
Te-123m		8.0	2.2X10 ²	1.0	2.7X10 ¹	3.3X10 ²	8.9X10 ¹
Te-125m		2.0X10 ¹	5.4X10 ²	9.0X10 ⁻¹	2.4X10 ¹	6.7X10 ²	1.8X10 ¹
Te-127		2.0X10 ¹	5.4X10 ²	7.0X10 ⁻¹	1.9X10 ¹	9.8X10 ⁴	2.6X10 ¹
Te-127m (a)		2.0X10 ¹	5.4X10 ²	5.0X10 ⁻¹	1.4X10 ¹	3.5X10 ²	9.4X10 ¹
Te-129		7.0X10 ⁻¹	1.9X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	7.7X10 ⁵	2.1X10 ¹
Te-129m (a)		8.0X10 ⁻¹	2.2X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	1.1X10 ³	3.0X10 ¹
Te-131m (a)		7.0X10 ⁻¹	1.9X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	3.0X10 ⁴	8.0X10 ¹
Te-132 (a)		5.0X10 ⁻¹	1.4X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	1.1X10 ⁴	3.0X10 ¹
Th-227	Thorium (90)	1.0X10 ¹	2.7X10 ²	5.0X10 ⁻³	1.4X10 ⁻¹	1.1X10 ³	3.1X10 ¹
Th-228 (a)		5.0X10 ⁻¹	1.4X10 ¹	1.0X10 ⁻³	2.7X10 ⁻²	3.0X10 ¹	8.2X10 ¹
Th-229		5.0	1.4X10 ²	5.0X10 ⁻⁴	1.4X10 ⁻²	7.9X10 ⁻³	2.1X10 ¹
Th-230		1.0X10 ¹	2.7X10 ²	1.0X10 ⁻³	2.7X10 ⁻²	7.6X10 ⁻⁴	2.1X10 ¹
Th-231		4.0X10 ¹	1.1X10 ³	2.0X10 ⁻²	5.4X10 ⁻¹	2.0X10 ⁴	5.3X10 ¹

Th-232		Unlimited	Unlimited	Unlimited	Unlimited	4.0×10^{-9}	1.1×10^1
Th-234 (a)		3.0×10^{-1}	8.1	3.0×10^{-1}	8.1	8.6×10^2	2.3×10^1
Th (natural)		Unlimited	Unlimited	Unlimited	Unlimited	8.1×10^{-9}	2.2×10^1
Ti-44 (a)	Titanium (22)	5.0×10^{-1}	1.4×10^1	4.0×10^{-1}	1.1×10^1	6.4	1.7×10^1
Tl-200	Thallium (81)	9.0×10^{-1}	2.4×10^1	9.0×10^{-1}	2.4×10^1	2.2×10^4	6.0×10^1
Tl-201		1.0×10^1	2.7×10^2	4.0	1.1×10^2	7.9×10^3	2.1×10^1
Tl-202		2.0	5.4×10^1	2.0	5.4×10^1	2.0×10^3	5.3×10^1
Tl-204		1.0×10^1	2.7×10^2	7.0×10^{-1}	1.9×10^1	1.7×10^1	4.6×10^1
Tm-167	Thulium (69)	7.0	1.9×10^2	8.0×10^{-1}	2.2×10^1	3.1×10^3	8.5×10^1
Tm-170		3.0	8.1×10^1	6.0×10^{-1}	1.6×10^1	2.2×10^2	6.0×10^1
Tm-171		4.0×10^1	1.1×10^3	4.0×10^1	1.1×10^3	4.0×10^1	1.1×10^1
U-230 (fast lung absorption) (a)(d)	Uranium (92)	4.0×10^1	1.1×10^3	1.0×10^{-1}	2.7	1.0×10^3	2.7×10^1
U-230 (medium lung absorption) (a)(e)		4.0×10^1	1.1×10^3	4.0×10^{-3}	1.1×10^{-1}	1.0×10^3	2.7×10^1
U-230 (slow lung absorption) (a)(f)		3.0×10^1	8.1×10^2	3.0×10^{-3}	8.1×10^{-2}	1.0×10^3	2.7×10^1
U-232 (fast lung absorption) (d)		4.0×10^1	1.1×10^3	1.0×10^{-2}	2.7×10^{-1}	8.3×10^{-1}	2.2×10^1
U-232 (medium lung absorption) (e)		4.0×10^1	1.1×10^3	7.0×10^{-3}	1.9×10^{-1}	8.3×10^{-1}	2.2×10^1
U-232 (slow lung absorption) (f)		1.0×10^1	2.7×10^2	1.0×10^{-3}	2.7×10^{-2}	8.3×10^{-1}	2.2×10^1
U-233 (fast lung absorption) (d)		4.0×10^1	1.1×10^3	9.0×10^{-2}	2.4	3.6×10^{-4}	9.7×10^1

U-233 (medium lung absorption) (e)		4.0X10 ¹	1.1X10 ³	2.0X10 ⁻²	5.4X10 ⁻¹	3.6X10 ⁻⁴	9.7X10 ⁻⁴
U-233 (slow lung absorption) (f)		4.0X10 ¹	1.1X10 ³	6.0X10 ⁻³	1.6X10 ⁻¹	3.6X10 ⁻⁴	9.7X10 ⁻⁴
U-234 (fast lung absorption) (d)		4.0X10 ¹	1.1X10 ³	9.0X10 ⁻²	2.4	2.3X10 ⁻⁴	6.2X10 ⁻⁴
U-234 (medium lung absorption) (e)		4.0X10 ¹	1.1X10 ³	2.0X10 ⁻²	5.4X10 ⁻¹	2.3X10 ⁻⁴	6.2X10 ⁻⁴
U-234 (slow lung absorption) (f)		4.0X10 ¹	1.1X10 ³	6.0X10 ⁻³	1.6X10 ⁻¹	2.3X10 ⁻⁴	6.2X10 ⁻⁴
U-235 (all lung absorption types) (a), (d),(e),(f)		Unlimited	Unlimited	Unlimited	Unlimited	8.0X10 ⁻⁸	2.2X10 ⁻⁸
U-236 (fast lung absorption) (d)		Unlimited	Unlimited	Unlimited	Unlimited	2.4X10 ⁻⁶	6.5X10 ⁻⁶
U-236 (medium lung absorption) (e)		4.0X10 ¹	1.1X10 ³	2.0X10 ⁻²	5.4X10 ⁻¹	2.4X10 ⁻⁶	6.5X10 ⁻⁶
U-236 (slow lung absorption) (f)		4.0X10 ¹	1.1X10 ³	6.0X10 ⁻³	1.6X10 ⁻¹	2.4X10 ⁻⁶	6.5X10 ⁻⁶
U-238 (all lung absorption types) (d),(e),(f)		Unlimited	Unlimited	Unlimited	Unlimited	1.2X10 ⁻⁸	3.4X10 ⁻⁸
U (natural)		Unlimited	Unlimited	Unlimited	Unlimited	2.6X10 ⁻⁸	7.1X10 ⁻⁸
U (enriched to 20% or less) (g)		Unlimited	Unlimited	Unlimited	Unlimited	See Table 6	See Table 6

U (dep)		Unlimited	Unlimited	Unlimited	Unlimited	See Table	See Table
V-48	Vanadium (23)	4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	⁶ 6.3X10 ³	⁵ 1.7X10 ¹
V-49		4.0X10 ¹	1.1X10 ³	4.0X10 ¹	1.1X10 ³	3.0X10 ²	8.1X10 ¹
W-178 (a)	Tungsten (74)	9.0	2.4X10 ²	5.0	1.4X10 ²	1.3X10 ³	3.4X10 ¹
W-181		3.0X10 ¹	8.1X10 ²	3.0X10 ¹	8.1X10 ²	2.2X10 ²	6.0X10 ¹
W-185		4.0X10 ¹	1.1X10 ³	8.0X10 ⁻¹	2.2X10 ¹	3.5X10 ²	9.4X10 ¹
W-187		2.0	5.4X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	2.6X10 ⁴	7.0X10 ¹
W-188 (a)		4.0X10 ⁻¹	1.1X10 ¹	3.0X10 ⁻¹	8.1	3.7X10 ²	1.0X10 ¹
Xe-122 (a)	Xenon (54)	4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	4.8X10 ⁴	1.3X10 ¹
Xe-123		2.0	5.4X10 ¹	7.0X10 ⁻¹	1.9X10 ¹	4.4X10 ⁵	1.2X10 ¹
Xe-127		4.0	1.1X10 ²	2.0	5.4X10 ¹	1.0X10 ³	2.8X10 ¹
Xe-131m		4.0X10 ¹	1.1X10 ³	4.0X10 ¹	1.1X10 ³	3.1X10 ³	8.4X10 ¹
Xe-133		2.0X10 ¹	5.4X10 ²	1.0X10 ¹	2.7X10 ²	6.9X10 ³	1.9X10 ¹
Xe-135		3.0	8.1X10 ¹	2.0	5.4X10 ¹	9.5X10 ⁴	2.6X10 ¹
Y-87 (a)	Yttrium (39)	1.0	2.7X10 ¹	1.0	2.7X10 ¹	1.7X10 ⁴	4.5X10 ¹
Y-88		4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	5.2X10 ²	1.4X10 ¹
Y-90		3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	2.0X10 ⁴	5.4X10 ¹
Y-91		6.0X10 ⁻¹	1.6X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	9.1X10 ²	2.5X10 ¹
Y-91m		2.0	5.4X10 ¹	2.0	5.4X10 ¹	1.5X10 ⁶	4.2X10 ¹
Y-92		2.0X10 ⁻¹	5.4	2.0X10 ⁻¹	5.4	3.6X10 ⁵	9.6X10 ¹
Y-93		3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	1.2X10 ⁵	3.3X10 ¹
Yb-169	Ytterbium (70)	4.0	1.1X10 ²	1.0	2.7X10 ¹	8.9X10 ²	2.4X10 ¹
Yb-175		3.0X10 ¹	8.1X10 ²	9.0X10 ⁻¹	2.4X10 ¹	6.6X10 ³	1.8X10 ¹
Zn-65	Zinc (30)	2.0	5.4X10 ¹	2.0	5.4X10 ¹	3.0X10 ²	8.2X10 ¹
Zn-69		3.0	8.1X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	1.8X10 ⁶	4.9X10 ¹
Zn-69m (a)		3.0	8.1X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	1.2X10 ⁵	3.3X10 ¹
Zr-88	Zirconium (40)	3.0	8.1X10 ¹	3.0	8.1X10 ¹	6.6X10 ²	1.8X10 ¹
Zr-93		Unlimited	Unlimited	Unlimited	Unlimited	9.3X10 ⁻⁵	2.5X10 ¹
Zr-95 (a)		2.0	5.4X10 ¹	8.0X10 ⁻¹	2.2X10 ¹	7.9X10 ²	2.1X10 ¹
Zr-97 (a)		4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	7.1X10 ⁴	1.9X10 ¹

^a A₁ and/or A₂ values include contributions from daughter nuclides with half-lives less than 10 days as listed in Table 4-A.

^bThe values of A₁ and A₂ in Curies (Ci) are approximate and for information only; the regulatory standard units are Terabecquerels (TBq).

^c The activity of Ir-192 in special form may be determined from a measurement of the rate of decay or a measurement of the radiation level at a prescribed distance from the source.

^d These values apply only to compounds of uranium that take the chemical form of UF₆, UO₂F₂ and UO₂(NO₃)₂ in both normal and accident conditions of transport.

^e These values apply only to compounds of uranium that take the chemical form of UO₃, UF₄, UCl₄ and hexavalent compounds in both normal and accident conditions of transport.

^f These values apply to all compounds of uranium other than those specified in notes (d) and (e) of this table.

^g These values apply to unirradiated uranium only.

^h A₂ = 0.74 TBq (20 Ci) for Mo-99 for domestic use.

TABLE 4-A- DAUGHTER NUCLIDES WITH HALF-LIVES LESS THAN 10 DAYS

Parent Nuclide	Daughter Nuclide(s)						
Mg-28	Al-28						
Ca-47	Sc-47						
Ti-44	Sc-44						
Fe-52	Mn-52m						
Fe-60	Co-60m						
Zn-69m	Zn-69						
Ge-68	Ga-68						
Rb-83	Kr-83m						
Sr-82	Rb-82						
Sr-90	Y-90						
Sr-91	Y-91m						
Sr-92	Y-92						
Y-87	Sr-87m						

Zr-95	Nb-95m						
Zr-97	Nb-97m,	Nb-97					
Mo-99	Tc-99m						
Tc-95m	Tc-95						
Tc-96m	Tc-96						
Ru-103	Rh-103m						
Ru-106	Rh-106						
Pd-103	Rh-103m						
Ag-108m	Ag-108						
Ag-110m	Ag-110						
Cd-115	In-115m						
In-114m	In-114						
Sn-113	In-113m						
Sn-121m	Sn-121						
Sn-126	Sb-126m						
Te-127m	Te-127						
Te-129m	Te-129						
Te-131m	Te-131						
Te-132	I-132						
I-135	Xe-135m						
Xe-122	I-122						
Cs-137	Ba-137m						
Ba-131	Cs-131						
Ba-140	La-140						
Ce-144	Pr-144m,	Pr-144					
Pm-148m	Pm-148						
Gd-146	Eu-146						
Dy-166	Ho-166						
Hf-172	Lu-172						
W-178	Ta-178						
W-188	Re-188						
Re-189	Os-189m						
Os-194	Ir-194						

Ir-189	Os-189m						
Pt-188	Ir-188						
Hg-194	Au-194						
Hg-195m	Hg-195						
Pb-210	Bi-210						
Pb-212	Bi-212,	Tl-208,	Po-212				
Bi-210m	Tl-206						
Bi-212	Tl-208,	Po-212					
At-211	Po-211						
Rn-222	Po-218,	Pb-214,	At-218,	Bi-214,	Po-214		
Ra-223	Rn-219,	Po-215,	Pb-211,	Bi-211,	Po-211,	Tl-207	
Ra-224	Rn-220,	Po-216,	Pb-212,	Bi-212,	Tl-208,	Po-212	
Ra-225	Ac-225,	Fr-221,	At-217,	Bi-213,	Tl-209,	Po-213,	Pb-209
Ra-226	Rn-222,	Po-218,	Pb-214,	At-218,	Bi-214,	Po-214	
Ra-228	Ac-228						
Ac-225	Fr-221,	At-217,	Bi-213,	Tl-209,	Po-213,	Pb-209	
Ac-227	Fr-223						
Th-228	Ra-224,	Rn-220,	Po-216,	Pb-212,	Bi-212,	Tl-208,	Po-212
Th-234	Pa-234m,	Pa-234					
Pa-230	Ac-226,	Th-226,	Fr-222,	Ra-222,	Rn-218,	Po-214	
U-230	Th-226,	Ra-222,	Rn-218,	Po-214			
U-235	Th-231						
Pu-241	U-237						
Pu-244	U-240,	Np-240m					
Am-242m	Am-242,	Np-238					
Am-243	Np-239						
Cm-247	Pu-243						
Bk-249	Am-245						

TABLE 5 - GENERAL VALUES FOR A₁ AND A₂

Contents	A ₁		A ₂		Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limits for exempt consignments (Bq)	Activity limits for exempt consignments (Ci)
	(TBq)	(Ci)	(TBq)	(Ci)				

Only beta or gamma emitting radionuclides are known to be present	1×10^{-1}	2.7×10^0	2×10^{-2}	5.4×10^{-1}	1×10^1	2.7×10^{-10}	1×10^4	2.7×10^{-7}
Alpha emitting nuclides, but no neutron emitters, are known to be present ^a	2×10^{-1}	5.4×10^0	9×10^{-5}	2.4×10^{-3}	1×10^{-1}	2.7×10^{-12}	1×10^3	2.7×10^{-8}
Neutron emitting nuclides are known to be present or no relevant data are available	1×10^{-3}	2.7×10^{-2}	9×10^{-5}	2.4×10^{-3}	1×10^{-1}	2.7×10^{-12}	1×10^3	2.7×10^{-8}

^a If beta or gamma emitting nuclides are known to be present, the A₁ value of 0.1 TBq (2.7 Ci) should be used.

TABLE 6 - ACTIVITY-MASS RELATIONSHIPS FOR URANIUM

Uranium Enrichment ¹ wt % U-235 present	Specific Activity	
	TBq/g	Ci/g
0.45	1.8×10^{-8}	5.0×10^{-7}
0.72	2.6×10^{-8}	7.1×10^{-7}
1	2.8×10^{-8}	7.6×10^{-7}
1.5	3.7×10^{-8}	1.0×10^{-6}
5	1.0×10^{-7}	2.7×10^{-6}
10	1.8×10^{-7}	4.8×10^{-6}
20	3.7×10^{-7}	1.0×10^{-5}
35	7.4×10^{-7}	2.0×10^{-5}
50	9.3×10^{-7}	2.5×10^{-5}
90	2.2×10^{-6}	5.8×10^{-5}

93	2.6×10^{-6}	7.0×10^{-5}
95	3.4×10^{-6}	9.1×10^{-5}

¹ The figures for uranium include representative values for the activity of the uranium-234 that is concentrated during the enrichment process.

Table 7 - EXEMPT MATERIAL ACTIVITY CONCENTRATIONS AND EXEMPT CONSIGNMENT ACTIVITY LIMITS FOR RADIONUCLIDES

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
Ac-225	Actinium (89)	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Ac-227		1.0×10^{-1}	2.7×10^{-12}	1.0×10^3	2.7×10^{-8}
Ac-228		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Ag-105	Silver (47)	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Ag-108m (b)		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Ag-110m		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Ag-111		1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Al-26	Aluminum (13)	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Am-241	Americium (95)	1.0	2.7×10^{-11}	1.0×10^4	2.7×10^{-7}
Am-242m (b)		1.0	2.7×10^{-11}	1.0×10^4	2.7×10^{-7}
Am-243 (b)		1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Ar-37	Argon (18)	1.0×10^6	2.7×10^{-5}	1.0×10^8	2.7×10^{-3}
Ar-39		1.0×10^7	2.7×10^{-4}	1.0×10^4	2.7×10^{-7}
Ar-41		1.0×10^2	2.7×10^{-9}	1.0×10^9	2.7×10^{-2}
As-72	Arsenic (33)	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
As-73		1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
As-74		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
As-76		1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
As-77		1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
At-211	Astatine (85)	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}

Au-193	Gold (79)	1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁷	2.7X10 ⁻⁴
Au-194		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Au-195		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁷	2.7X10 ⁻⁴
Au-198		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Au-199		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Ba-131	Barium (56)	1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Ba-133		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Ba-133m		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Ba-140 (b)		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Be-7	Beryllium (4)	1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁷	2.7X10 ⁻⁴
Be-10		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁶	2.7X10 ⁻⁵
Bi-205	Bismuth (83)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Bi-206		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Bi-207		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Bi-210		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁶	2.7X10 ⁻⁵
Bi-210m		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Bi-212 (b)		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Bk-247	Berkelium (97)	1.0	2.7X10 ⁻¹¹	1.0X10 ⁴	2.7X10 ⁻⁷
Bk-249		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁶	2.7X10 ⁻⁵
Br-76	Bromine (35)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Br-77		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Br-82		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
C-11	Carbon (6)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
C-14		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁷	2.7X10 ⁻⁴
Ca-41	Calcium (20)	1.0X10 ⁵	2.7X10 ⁻⁶	1.0X10 ⁷	2.7X10 ⁻⁴
Ca-45		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁷	2.7X10 ⁻⁴
Ca-47		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Cd-109	Cadmium (48)	1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁶	2.7X10 ⁻⁵
Cd-113m		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁶	2.7X10 ⁻⁵
Cd-115		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Cd-115m		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁶	2.7X10 ⁻⁵
Ce-139	Cerium (58)	1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Ce-141		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁷	2.7X10 ⁻⁴

Ce-143		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Ce-144 (b)		1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Cf-248	Californium (98)	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Cf-249		1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Cf-250		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Cf-251		1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Cf-252		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Cf-253		1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Cf-254		1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Cl-36	Chlorine (17)	1.0×10^4	2.7×10^{-7}	1.0×10^6	2.7×10^{-5}
Cl-38		1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Cm-240	Curium (96)	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Cm-241		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Cm-242		1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Cm-243		1.0	2.7×10^{-11}	1.0×10^4	2.7×10^{-7}
Cm-244		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Cm-245		1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Cm-246		1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Cm-247		1.0	2.7×10^{-11}	1.0×10^4	2.7×10^{-7}
Cm-248		1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Co-55	Cobalt (27)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Co-56		1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Co-57		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Co-58		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Co-58m		1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Co-60		1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Cr-51	Chromium (24)	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Cs-129	Cesium (55)	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Cs-131		1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Cs-132		1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Cs-134		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}

Cs-134m		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁵	2.7X10 ⁻⁶
Cs-135		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁷	2.7X10 ⁻⁴
Cs-136		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Cs-137 (b)		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁴	2.7X10 ⁻⁷
Cu-64	Copper (29)	1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Cu-67		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Dy-159	Dysprosium (66)	1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁷	2.7X10 ⁻⁴
Dy-165		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁶	2.7X10 ⁻⁵
Dy-166		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁶	2.7X10 ⁻⁵
Er-169	Erbium (68)	1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁷	2.7X10 ⁻⁴
Er-171		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Eu-147	Europium (63)	1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Eu-148		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Eu-149		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁷	2.7X10 ⁻⁴
Eu-150 (short lived)		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁶	2.7X10 ⁻⁵
Eu-150 (long lived)		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Eu-152		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Eu-152m		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Eu-154		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Eu-155		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁷	2.7X10 ⁻⁴
Eu-156		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
F-18	Fluorine (9)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Fe-52	Iron (26)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Fe-55		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁶	2.7X10 ⁻⁵
Fe-59		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Fe-60		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁵	2.7X10 ⁻⁶
Ga-67	Gallium (31)	1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Ga-68		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Ga-72		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Gd-146	Gadolinium (64)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵

Gd-148		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Gd-153		1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Gd-159		1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Ge-68	Germanium (32)	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Ge-71		1.0×10^4	2.7×10^{-7}	1.0×10^8	2.7×10^{-3}
Ge-77		1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Hf-172	Hafnium (72)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Hf-175		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Hf-181		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Hf-182		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Hg-194	Mercury (80)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Hg-195m		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Hg-197		1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Hg-197m		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Hg-203		1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Ho-166	Holmium (67)	1.0×10^3	2.7×10^{-8}	1.0×10^5	2.7×10^{-6}
Ho-166m		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
I-123	Iodine (53)	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
I-124		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
I-125		1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
I-126		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
I-129		1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
I-131		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
I-132		1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
I-133		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
I-134		1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
I-135		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
In-111	Indium (49)	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
In-113m		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
In-114m		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
In-115m		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Ir-189	Iridium (77)	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}

Ir-190		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Ir-192		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁴	2.7X10 ⁻⁷
Ir-194		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁵	2.7X10 ⁻⁶
K-40	Potassium (19)	1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
K-42		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
K-43		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Kr-79	Krypton (36)	1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁵	2.7X10 ⁻⁶
Kr-81		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁷	2.7X10 ⁻⁴
Kr-85		1.0X10 ⁵	2.7X10 ⁻⁶	1.0X10 ⁴	2.7X10 ⁻⁷
Kr-85m		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ¹⁰	2.7X10 ⁻¹
Kr-87		1.0X10 ¹	2.7X10 ⁻⁹	1.0X10 ⁹	2.7X10 ⁻²
La-137	Lanthanum (57)	1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁷	2.7X10 ⁻⁴
La-140		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Lu-172	Lutetium (71)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Lu-173		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁷	2.7X10 ⁻⁴
Lu-174		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁷	2.7X10 ⁻⁴
Lu-174m		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁷	2.7X10 ⁻⁴
Lu-177		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁷	2.7X10 ⁻⁴
Mg-28	Magnesium (12)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Mn-52	Manganese (25)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Mn-53		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁹	2.7X10 ⁻²
Mn-54		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Mn-56		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Mo-93	Molybdenum (42)	1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁸	2.7X10 ⁻³
Mo-99		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
N-13	Nitrogen (7)	1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁹	2.7X10 ⁻²
Na-22	Sodium (11)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Na-24		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Nb-93m	Niobium (41)	1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁷	2.7X10 ⁻⁴
Nb-94		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵

Nb-95		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Nb-97		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Nd-147	Neodymium (60)	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Nd-149		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Ni-59	Nickel (28)	1.0×10^4	2.7×10^{-7}	1.0×10^8	2.7×10^{-3}
Ni-63		1.0×10^5	2.7×10^{-6}	1.0×10^8	2.7×10^{-3}
Ni-65		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Np-235	Neptunium (93)	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Np-236 (short-lived)		1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Np-236 (long-lived)		1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Np-237 (b)		1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Np-239		1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Os-185	Osmium (76)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Os-191		1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Os-191m		1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Os-193		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Os-194		1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
P-32	Phosphorus (15)	1.0×10^3	2.7×10^{-8}	1.0×10^5	2.7×10^{-6}
P-33		1.0×10^5	2.7×10^{-6}	1.0×10^8	2.7×10^{-3}
Pa-230	Protactinium (91)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Pa-231		1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Pa-233		1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Pb-201	Lead (82)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Pb-202		1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Pb-203		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Pb-205		1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Pb-210 (b)		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Pb-212 (b)		1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}

Pd-103	Palladium (46)	1.0×10^3	2.7×10^{-8}	1.0×10^8	2.7×10^{-3}
Pd-107		1.0×10^5	2.7×10^{-6}	1.0×10^8	2.7×10^{-3}
Pd-109		1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Pm-143	Promethium (61)	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Pm-144		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Pm-145		1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Pm-147		1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Pm-148m		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Pm-149		1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Pm-151		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Po-210	Polonium (84)	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Pr-142	Praseodymium (59)	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Pr-143		1.0×10^4	2.7×10^{-7}	1.0×10^6	2.7×10^{-5}
Pt-188	Platinum (78)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Pt-191		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Pt-193		1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Pt-193m		1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Pt-195m		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Pt-197		1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Pt-197m		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Pu-236	Plutonium (94)	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Pu-237		1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Pu-238		1.0	2.7×10^{-11}	1.0×10^4	2.7×10^{-7}
Pu-239		1.0	2.7×10^{-11}	1.0×10^4	2.7×10^{-7}
Pu-240		1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Pu-241		1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Pu-242		1.0	2.7×10^{-11}	1.0×10^4	2.7×10^{-7}
Pu-244		1.0	2.7×10^{-11}	1.0×10^4	2.7×10^{-7}
Ra-223 (b)	Radium (88)	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Ra-224 (b)		1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Ra-225		1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}

Ra-226 (b)		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁴	2.7X10 ⁻⁷
Ra-228 (b)		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Rb-81	Rubidium (37)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Rb-83		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Rb-84		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Rb-86		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁵	2.7X10 ⁻⁶
Rb-87		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁷	2.7X10 ⁻⁴
Rb(nat)		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁷	2.7X10 ⁻⁴
Re-184	Rhenium (75)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Re-184m		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Re-186		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁶	2.7X10 ⁻⁵
Re-187		1.0X10 ⁶	2.7X10 ⁻⁵	1.0X10 ⁹	2.7X10 ⁻²
Re-188		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁵	2.7X10 ⁻⁶
Re-189		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Re(nat)		1.0X10 ⁶	2.7X10 ⁻⁵	1.0X10 ⁹	2.7X10 ⁻²
Rh-99	Rhodium (45)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Rh-101		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁷	2.7X10 ⁻⁴
Rh-102		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Rh-102m		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Rh-103m		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁸	2.7X10 ⁻³
Rh-105		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁷	2.7X10 ⁻⁴
Rn-222 (b)	Radon (86)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁸	2.7X10 ⁻³
Ru-97	Ruthenium (44)	1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁷	2.7X10 ⁻⁴
Ru-103		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Ru-105		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Ru-106 (b)		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁵	2.7X10 ⁻⁶
S-35	Sulphur (16)	1.0X10 ⁵	2.7X10 ⁻⁶	1.0X10 ⁸	2.7X10 ⁻³
Sb-122	Antimony (51)	1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁴	2.7X10 ⁻⁷
Sb-124		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Sb-125		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Sb-126		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Sc-44	Scandium (21)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶

Sc-46		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Sc-47		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Sc-48		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Se-75	Selenium (34)	1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Se-79		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁷	2.7X10 ⁻⁴
Si-31	Silicon (14)	1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁶	2.7X10 ⁻⁵
Si-32		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁶	2.7X10 ⁻⁵
Sm-145	Samarium (62)	1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁷	2.7X10 ⁻⁴
Sm-147		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁴	2.7X10 ⁻⁷
Sm-151		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁸	2.7X10 ⁻³
Sm-153		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Sn-113	Tin (50)	1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁷	2.7X10 ⁻⁴
Sn-117m		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Sn-119m		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁷	2.7X10 ⁻⁴
Sn-121m		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁷	2.7X10 ⁻⁴
Sn-123		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁶	2.7X10 ⁻⁵
Sn-125		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁵	2.7X10 ⁻⁶
Sn-126		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Sr-82	Strontium (38)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Sr-85		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Sr-85m		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁷	2.7X10 ⁻⁴
Sr-87m		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Sr-89		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁶	2.7X10 ⁻⁵
Sr-90 (b)		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁴	2.7X10 ⁻⁷
Sr-91		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Sr-92		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
T (H-3)	Tritium (1)	1.0X10 ⁶	2.7X10 ⁻⁵	1.0X10 ⁹	2.7X10 ⁻²
Ta-178 (long-lived)	Tantalum (73)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Ta-179		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁷	2.7X10 ⁻⁴
Ta-182		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁴	2.7X10 ⁻⁷
Tb-157	Terbium (65)	1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁷	2.7X10 ⁻⁴
Tb-158		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵

Tb-160		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Tc-95m	Technetium (43)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Tc-96		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Tc-96m		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁷	2.7X10 ⁻⁴
Tc-97		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁸	2.7X10 ⁻³
Tc-97m		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁷	2.7X10 ⁻⁴
Tc-98		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Tc-99		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁷	2.7X10 ⁻⁴
Tc-99m		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁷	2.7X10 ⁻⁴
Te-121	Tellurium (52)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Te-121m		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Te-123m		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁷	2.7X10 ⁻⁴
Te-125m		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁷	2.7X10 ⁻⁴
Te-127		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁶	2.7X10 ⁻⁵
Te-127m		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁷	2.7X10 ⁻⁴
Te-129		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Te-129m		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁶	2.7X10 ⁻⁵
Te-131m		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Te-132		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁷	2.7X10 ⁻⁴
Th-227	Thorium (90)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁴	2.7X10 ⁻⁷
Th-228 (b)		1.0	2.7X10 ⁻¹¹	1.0X10 ⁴	2.7X10 ⁻⁷
Th-229 (b)		1.0	2.7X10 ⁻¹¹	1.0X10 ³	2.7X10 ⁻⁸
Th-230		1.0	2.7X10 ⁻¹¹	1.0X10 ⁴	2.7X10 ⁻⁷
Th-231		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁷	2.7X10 ⁻⁴
Th-232		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁴	2.7X10 ⁻⁷
Th-234 (b)		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁵	2.7X10 ⁻⁶
Th (nat) (b)		1.0	2.7X10 ⁻¹¹	1.0X10 ³	2.7X10 ⁻⁸
Ti-44	Titanium (22)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
Tl-200	Thallium (81)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Tl-201		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Tl-202		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Tl-204		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁴	2.7X10 ⁻⁷

Tm-167	Thulium (69)	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Tm-170		1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Tm-171		1.0×10^4	2.7×10^{-7}	1.0×10^8	2.7×10^{-3}
U-230 (fast lung absorption) (b),(d)	Uranium (92)	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
U-230 (medium lung absorption) (e)		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
U-230 (slow lung absorption) (f)		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
U-232 (fast lung absorption) (b),(d)		1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
U-232 (medium lung absorption) (e)		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
U-232 (slow lung absorption) (f)		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
U-233 (fast lung absorption) (d)		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
U-233 (medium lung absorption) (e)		1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
U-233 (slow lung absorption) (f)		1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
U-234 (fast lung absorption) (d)		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}

U-234 (medium lung absorption) (e)		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁵	2.7X10 ⁻⁶
U-234 (slow lung absorption) (f)		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
U-235 (all lung absorption types) (b),(d),(e),(f)		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁴	2.7X10 ⁻⁷
U-236 (fast lung absorption) (d)		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁴	2.7X10 ⁻⁷
U-236 (medium lung absorption) (e)		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁵	2.7X10 ⁻⁶
U-236 (slow lung absorption) (f)		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁴	2.7X10 ⁻⁷
U-238 (all lung absorption types) (b),(d),(e),(f)		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁴	2.7X10 ⁻⁷
U (natural) (b)		1.0	2.7X10 ⁻¹¹	1.0X10 ³	2.7X10 ⁻⁸
U (enriched to 20% or less) (g)		1.0	2.7X10 ⁻¹¹	1.0X10 ³	2.7X10 ⁻⁸
U (dep)		1.0	2.7X10 ⁻¹¹	1.0X10 ³	2.7X10 ⁻⁸
V-48	Vanadium (23)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶
V-49		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁷	2.7X10 ⁻⁴
W-178	Tungsten (74)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
W-181		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁷	2.7X10 ⁻⁴
W-185		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁷	2.7X10 ⁻⁴
W-187		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵

W-188		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁵	2.7X10 ⁻⁶
Xe-122	Xenon (54)	1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁹	2.7X10 ⁻²
Xe-123		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁹	2.7X10 ⁻²
Xe-127		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁵	2.7X10 ⁻⁶
Xe-131m		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁴	2.7X10 ⁻⁷
Xe-133		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁴	2.7X10 ⁻⁷
Xe-135		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ¹⁰	2.7X10 ⁻¹
Y-87	Yttrium (39)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Y-88		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Y-90		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁵	2.7X10 ⁻⁶
Y-91		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁶	2.7X10 ⁻⁵
Y-91m		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Y-92		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁵	2.7X10 ⁻⁶
Y-93		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁵	2.7X10 ⁻⁶
Yb-169	Ytterbium (70)	1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁷	2.7X10 ⁻⁴
Yb-175		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁷	2.7X10 ⁻⁴
Zn-65	Zinc (30)	1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Zn-69		1.0X10 ⁴	2.7X10 ⁻⁷	1.0X10 ⁶	2.7X10 ⁻⁵
Zn-69m		1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Zr-88	Zirconium (40)	1.0X10 ²	2.7X10 ⁻⁹	1.0X10 ⁶	2.7X10 ⁻⁵
Zr-93 (b)		1.0X10 ³	2.7X10 ⁻⁸	1.0X10 ⁷	2.7X10 ⁻⁴
Zr-95		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁶	2.7X10 ⁻⁵
Zr-97 (b)		1.0X10 ¹	2.7X10 ⁻¹⁰	1.0X10 ⁵	2.7X10 ⁻⁶

^a [Reserved]

^b Parent nuclides and their progeny included in secular equilibrium are listed in the following:

Sr-90 Y-90
 Zr-93 Nb-93m
 Zr-97 Nb-97
 Ru-106 Rh-106
 Cs-137 Ba-137m
 Ce-144 Pr-144
 Ba-140 La-140

Bi-212	Tl-208 (0.36), Po-212 (0.64)
Pb-210	Bi-210, Po-210
Pb-212	Bi-212, Tl-208 (0.36), Po-212 (0.64)
Rn-222	Po-218, Pb-214, Bi-214, Po-214
Ra-223	Rn-219, Po-215, Pb-211, Bi-211, Tl-207
Ra-224	Rn-220, Po-216, Pb-212, Bi-212, Tl-208(0.36), Po-212 (0.64)
Ra-226	Rn-222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210
Ra-228	Ac-228
Th-228	Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
Th-229	Ra-225, Ac-225, Fr-221, At-217, Bi-213, Po-213, Pb-209
Th-nat	Ra-228, Ac-228, Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
Th-234	Pa-234m
U-230	Th-226, Ra-222, Rn-218, Po-214
U-232	Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
U-235	Th-231
U-238	Th-234, Pa-234m
U-nat	Th-234, Pa-234m, U-234, Th-230, Ra-226, Rn-222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210
Np-237	Pa-233
Am-242m	Am-242
Am-243	Np-239

^c [Reserved]

^d These values apply only to compounds of uranium that take the chemical form of UF₆, UO₂ and UO₂(NO₃)₂ in both normal and accident conditions of transport.

^e These values apply only to compounds of uranium that take the chemical form of UO₃, UF₄, UCl₄ and hexavalent compounds in both normal and accident conditions of transport.

^f These values apply to all compounds of uranium other than those specified in notes (d) and (e) of this table.

^g These values apply to unirradiated uranium only.

Cite as Ga. Comp. R. & Regs. R. 391-3-17-.06

Authority: O.C.G.A. § [31-13-1](#) *et seq.*

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1991.

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Amended: F. Mar. 29, 2002; eff. Apr. 18, 2002.

Amended: F. Oct. 17, 2008; eff. Nov. 6, 2008.

Amended: F. Apr. 11, 2016; eff. May 1, 2016.

Amended: F. May 11, 2016; eff. May 31, 2016.

Amended: F. June 1, 2017; eff. June 21, 2017.

Amended: F. Dec. 14, 2017; eff. Jan. 3, 2018

Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.

Amended: F. Mar. 24, 2021; eff. Apr. 13, 2021.

Amended: F. Mar. 30, 2022; eff. Apr. 19, 2022.

Rule 391-3-17-.07. Notices, Instructions, and Reports To Workers: Inspection and Investigations.

- (1) **Purpose and Scope.** This Rule, 391-3-17-.07, establishes requirements for notices, instructions, and reports by licensees to individuals engaged in activities under a license and options available to such individuals in connection with Division inspections of licensees to ascertain compliance with the provisions of the Act and Regulations, Orders, and licenses issued thereunder regarding radiological working conditions. The Regulations in this Rule apply to all persons who receive, possess, use, own, or transfer sources of radiation licensed by the Director pursuant to Rules [391-3-17-.02](#), .04, .05, .08, and .09.
- (2) **Posting of Notices to Workers.**
 - (a) Each licensee shall post current copies of the following documents:
 1. This Rule and Rule [391-3-17-.03](#) of this Chapter;
 2. The license, license conditions and documents incorporated into the license by reference and amendments thereto;
 3. The operating procedures applicable to activities under the license; and
 4. Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or Order issued pursuant to this Chapter, and any response from the licensee.
 - (b) If posting of a document specified in (2)(a)1., 2., or 3. of this Rule is not practicable, the licensee may post a notice which describes the document and states where it may be examined.
 - (c) Division's form "Notice to Employees" shall be posted by each licensee.

- (d) Division documents posted pursuant to (2)(a)4. of this Rule shall be posted within 5 working days after receipt of the documents from the Division; the licensee's response, if any, shall be posted within five working days after dispatch from the licensee. Such documents shall remain posted for a minimum of five working days or until action correcting the violation has been completed, whichever is later.
- (e) Documents, notices, or forms posted pursuant to (2) of this Rule shall appear in a sufficient number of places to permit individuals engaged in work under the license to observe them on the way to or from any particular work location to which the document applies, shall be conspicuous and shall be replaced if defaced or altered.

(3) Instructions to Workers.

- (a) All individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 100 mrem (1 mSv) shall be:
 - 1. Kept informed of the storage, transfer, or use of sources of radiation in the licensee's facility;
 - 2. Instructed in the health protection problems associated with exposure to radiation or radioactive material to the individual and potential offspring, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed;
 - 3. Instructed in, and instructed and required to observe, to the extent within the workers' control, the applicable provisions of this Chapter and the license for the protection of personnel from exposures to radiation or radioactive material;
 - 4. Instructed of their responsibility to report promptly to the licensee any condition which may constitute, lead to, or cause a violation of the Act, this Chapter, and the license or unnecessary exposure to radiation or radioactive material;
 - 5. Instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and
 - 6. Advised as to the radiation exposure reports which workers shall be furnished pursuant to (4) of this Rule.
- (b) In determining those individuals subject to the requirements of (3)(a) above, licensees must take into consideration assigned activities during normal and abnormal situations involving exposure to radiation or radioactive material which can reasonably be expected to occur during the life of the facility. The extent of

these instructions shall be commensurate with potential radiological health protection problems present in the workplace.

(4) Notifications and Reports to Individuals.

- (a) Radiation exposure data for an individual and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual, when required by Rule [391-3-17-.03\(8\)\(b\)](#) of this Chapter, shall be reported to the individual as specified in (4) of this Rule. The information reported shall include data and results obtained pursuant to this Chapter, Orders, or license conditions, as shown in records maintained by the licensee pursuant to this Chapter. Each notification and report shall:
 - 1. Be in writing;
 - 2. Include appropriate identifying data such as the name of the licensee, the name of the individual, and the individual's identification number, preferably social security number;
 - 3. Include the individual's exposure information; and
 - 4. Contain the following statement: "This report is furnished to you under the provisions of Rule 391-3-17-.07. You should preserve this report for further reference."
- (b) Each licensee shall furnish to each worker annually a written report of the worker's dose as shown in records maintained by the licensee pursuant to Rule [391-3-17-.03\(14\)\(g\)](#) of this Chapter. The licensee shall provide an annual report to each individual monitored under .03(8)(b) of the dose received in that monitoring year if:
 - 1. The individual's occupational dose exceeds 1 mSv (100 mrem) TEDE or 1 mSv (100 mrem) to any individual organ or tissue; or
 - 2. The individual requests his or her annual dose report.
- (c) Each licensee shall furnish a written report of a worker's exposure to sources of radiation at the request of the worker formerly engaged in activities controlled by the licensee. The report shall include the dose record for each year the worker was required to be monitored pursuant to Rule [391-3-17-.03\(8\)\(b\)](#). Such report shall be furnished within 30 days from the date of the request, or within 30 days after the dose of the individual has been determined by the licensee, whichever is later. The report shall cover the period of time that the worker's activities involved exposure to sources of radiation and shall include the dates and locations of work under the license in which the worker participated during this period.

- (d) When a licensee is required pursuant to Rule [391-3-17-.03\(15\)\(b\), \(c\), and \(d\)](#) of this Chapter to report to the Division any exposure of an individual to radiation or radioactive material, the licensee shall also provide the individual a report on his or her exposure data included in the report to the Division. Such reports shall be transmitted at a time not later than the transmittal to the Division.
- (e) At the request of a worker who is terminating employment with the licensee in work involving exposure to radiation or radioactive material, during the current year, each licensee shall provide at termination to each such worker, or to the worker's designee, a written report regarding the radiation dose received by that worker from operations of the licensee during the current year or fraction thereof. If the most recent individual monitoring results are not available at that time, a written estimate of the dose shall be provided together with a clear indication that this is an estimate.

(5) Presence of Representatives of Licensees and Workers During Inspection.

- (a) Each licensee shall afford to the Division at all reasonable times opportunity to inspect materials, activities, facilities, premises, and records pursuant to this Chapter.
- (b) During an inspection, Division inspectors may consult privately with workers as specified in (6) of this Rule. The licensee may accompany Division inspectors during other phases of an inspection.
- (c) If, at the time of inspection, an individual has been authorized by the workers to represent them during Division inspections, the licensee shall notify the inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.
- (d) Each workers' representative shall be routinely engaged in work under control of the licensee and shall have received instructions as specified in (3) of this Rule.
- (e) Different representatives of the licensee and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.
- (f) With the approval of the licensee and the workers' representative, an individual who is not routinely engaged in work under control of the licensee, for example, a consultant to the licensee or to the workers' representative, shall be afforded the opportunity to accompany Division inspectors during the inspection of physical working conditions.
- (g) Notwithstanding the other provisions of (5) of this Rule, Division inspectors are authorized to refuse to permit accompaniment by any individual who deliberately

interferes with a fair and orderly inspection. With regard to areas containing information classified by an agency of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee to enter that area.

(6) Consultation with Workers During Inspections.

- (a) Division inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of this Chapter and the license to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.
- (b) During the course of an inspection, any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition which the worker has reason to believe may have contributed to or caused any violation of the Act, this Chapter, or license conditions, or any unnecessary exposure of an individual to sources of radiation under the licensee's control. Any such notice in writing shall comply with the requirements of (7)(a) of this Rule.
- (c) The provisions of (6)(b) of this Rule shall not be interpreted as authorization to disregard instructions pursuant to (3) of this Rule.

(7) Requests by Workers for Inspections

- (a) Any worker or representative of workers believing that a violation of the Act, this Chapter, or license conditions exists or has occurred in work under a license with regard to radiological working conditions in which the worker is engaged may request an inspection by giving notice of the alleged violation to the Division's Radioactive Materials Program. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of the workers. A copy shall be provided to the licensee by the Division no later than at the time of inspection except that, upon the request of the worker giving such notice, such worker's name and the name of individuals referred to therein shall not appear in such copy or on any record published, released, or made available by the Division, except for good cause shown.
- (b) If, upon receipt of such notice, the Division determines that the complaint meets the requirements set forth in (7)(a) of this Rule, and that there are reasonable grounds to believe that the alleged violation exists or has occurred, an inspection shall be made as soon as practicable to determine if such alleged violation exists or has occurred. Inspections pursuant to (7) of this Rule need not be limited to matters referred to in the complaint.

- (c) No licensee or contractor or subcontractor of a licensee shall discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under this Chapter or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of such worker or others of any option afforded by this Rule.

(8) Inspections Not Warranted; Informal Review

- (a) If the Division's Radioactive Materials Program determines, with respect to a complaint under (7) of this Rule, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the Radioactive Materials Program shall notify the complainant in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of (7)(a) of this Rule. The complainant may obtain review of such determination by submitting a written statement of position with the Director of the Environmental Protection Division. The Division will provide the licensee with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee may submit an opposing written statement of position to the Director of the Environmental Protection Division who will provide the complainant with a copy of such statement by certified mail.
- (b) Upon the request of the complainant, the Director of the Environmental Protection Division may hold an informal conference in which the complainant and the licensee may orally present their views. An informal conference may also be held at the request of the licensee, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written and oral views presented, the Director of the Environmental Protection Division shall affirm, modify, or reverse the determination of the Manager of Radioactive Materials Program, and furnish the complainant and the licensee a written notification of the decision and the reason for it.

Cite as Ga. Comp. R. & Regs. R. 391-3-17-.07

Authority: O.C.G.A. § [31-13-1](#) et seq., as amended.

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Amended: F. Apr. 16, 1997; eff. May 6, 1997.

Amended: F. Mar. 29, 2002; eff. Apr. 18, 2002.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.

Amended: New title "Notices, Instructions, and Reports To Workers: Inspection and Investigations." (Rule amended only to change the title, as specified by Agency.) F. Feb. 26, 2020; eff. Mar. 17, 2020.

Rule 391-3-17-.08. Regulation and Licensing of Naturally-Occurring Radioactive Materials (NORM).

- (1) **Purpose.** This Rule, 391-3-17-.08, establishes radiation protection standards for the possession, use, transfer, and disposal of naturally-occurring radioactive materials (NORM) not subject to regulation under the Atomic Energy Act of 1954, as amended. All numbered and lettered references within this Rule refer to parts of this Rule, unless stated otherwise.
- (2) **Scope.**
 - (a) This Rule applies to any person who engages in the extraction, mining, storage, beneficiating, processing, use, transfer, or disposal of NORM in such a manner as to alter the chemical properties or physical state of the NORM or its potential exposure pathways to humans.
 - (b) This Rule addresses the introduction of NORM into products in which neither the NORM nor the radiation emitted from the NORM is considered to be beneficial to the products. The manufacture and distribution of products containing NORM in which the NORM and/or its associated radiation(s) is considered to be a beneficial attribute are licensed under the provisions of Rule .02 of this Chapter.
 - (c) This Rule also addresses waste management and disposal standards.
- (3) **Definitions.** As used in this Rule, the following definitions apply:
 - (a) "Beneficial attribute" or "Beneficial to the product" means that the radioactivity of the product is necessary to the use of the product.
 - (b) "Beneficiating" means the processing of materials for the purpose of altering the chemical or physical properties to improve the quality, purity, or assay grade.
 - (c) "General environment" means the total terrestrial, atmospheric, and aquatic environments outside sites within which any activity, operation, or process authorized by a general or specific license issued under this Rule is performed.
 - (d) "Naturally-occurring radioactive material" (NORM) means any nuclide which is radioactive in its natural physical state (i.e., not man-made), but does not include byproduct, source, or special nuclear material.
 - (e) "Product" means something produced, made, manufactured, refined, or beneficiated.
 - (f) "Recycling" means a process by which materials that have served their intended use are collected, separated, or processed and returned to use in the form of raw materials in the production of new products. Recycling shall not include the use of a material in a manner that constitutes disposal in accordance with Rule .03(12).

- (g) "Technologically-enhanced" means the chemical properties or physical state of natural sources of radiation have been altered or the potential exposure pathways of natural sources of radiation to humans have been altered.
- (h) "Working Level" (WL) means any combination of short-lived radon decay products in one liter of air that will result in the ultimate emission of alpha particles with a total energy of 130 billion electron volts ($2.1 \times 10^{-8}\text{J}$).

(4) Exemptions.

- (a) Persons who receive, possess, use, process, store, transfer, commercially distribute, or dispose of NORM are exempt from the requirements of this Chapter if the materials contain or are contaminated by concentrations of:
 - 1. Either:
 - (i) 30 picocuries (1.11 Bq) per gram or less of technologically-enhanced radium-226 or radium-228 in soil, averaged over any 100 square meters and averaged over the first 15 centimeters of soil below the surface, provided that the radon emanation rate is less than 20 pCi (.74 Bq) per square meter per second, or
 - (ii) 30 pCi (1.11 Bq) per gram or less of technologically-enhanced radium-226 or radium-228 in media other than soil, provided that the radon emanation rate is less than 20 pCi (.74 Bq) per square meter per second;
 - 2. Either:
 - (i) 5 pCi (.185 Bq) per gram or less of technologically-enhanced radium-226 or radium-228 in soil, averaged over any 100 square meters and averaged over the first 15 centimeters of soil below the surface, in which the radon emanation rate is equal to or greater than 20 pCi (.74 Bq) per square meter per second, or
 - (ii) 5 pCi (.185 Bq) per gram or less of technologically-enhanced radium-226 or radium-228 in media other than soil, in which the radon emanation rate is equal to or greater than 20 pCi (.74 Bq) per square meter per second; or
 - 3. Either:
 - (i) 150 pCi (5.55 Bq) or less per gram of any other NORM radionuclide in soil, averaged over any 100 square meters and averaged over the first 15 centimeters of soil below the surface, provided that these concentrations are not exceeded at any time, or

- (ii) 150 pCi (5.55 Bq) or less per gram of any other NORM radionuclide in media other than soil, provided that these concentrations are not exceeded at any time.
- (b) Persons who receive products or materials containing NORM distributed in accordance with a specific license issued by the Director pursuant to (12)(c) are exempt from this Chapter.
- (c) The manufacturing, commercial distribution, use, and disposal of the following products/materials are exempt from the requirements of this Chapter:
 - 1. Potassium and potassium compounds which have not been isotopically enriched in the radionuclide K-40;
 - 2. Brazil nuts; and
 - 3. Byproducts from fossil fuel combustion (bottom ash, fly ash, and flue-gas emission control byproducts);
 - 4. Materials used for building and highway construction, industrial processes, sand blasting, metal casings, or other material containing NORM, in which the radionuclide content has not been concentrated to levels higher than found in its natural state.
- (d) The wholesale and retail distribution (including custom blending), possession, and use of the following products/materials are exempt from the requirements of this Chapter:
 - 1. Phosphate and potash fertilizer;
 - 2. Phosphogypsum for agricultural uses; and
 - 3. Materials used for building and highway construction, industrial processes, sand blasting, metal casings, or other material containing NORM, in which the radionuclide content has not been concentrated to levels higher than found in its natural state.
- (e) The possession, storage, transportation, commercial distribution, and use of natural gas and natural gas products and crude oil and crude oil products as a fuel are exempt from the requirements of this Chapter. The distribution of natural gas and crude oil and the manufacturing and distribution of natural gas and crude oil products are exempt from the specific license requirements of this Rule but are subject to the general license requirements in (7), (8), and (9).

- (f) Materials in the recycling process, including scale or residue not otherwise exempted, and other equipment containing NORM are exempt from the requirements of this Rule if the maximum radiation exposure level does not exceed 50 microroentgens per hour including the background radiation level at any accessible point.
- (g) Possession of produced waters from crude oil and natural gas production is exempt from the requirements of this Rule if the produced waters are reinjected in a well approved by the Division or if the produced waters are discharged under the authority of the Division.

(5) Radiation Survey Instruments.

- (a) Radiation survey instruments used to determine exemptions pursuant to (4)(f) and radiation survey instruments used to make surveys in accordance with (7) shall be able to measure from 1 microroentgen per hour through at least 500 microroentgens per hour.
- (b) Radiation survey instruments used to make surveys required by this Rule shall be calibrated, appropriate, and operable.
- (c) Each radiation survey instrument shall be calibrated:
 - 1. By a person licensed by the Director, another Agreement State or by the U.S. Nuclear Regulatory Commission to perform such service;
 - 2. At energies appropriate for the licensee's use;
 - 3. At intervals not to exceed 12 months, and after each instrument servicing other than battery replacement; and
 - 4. To demonstrate an accuracy within plus or minus 20 percent using a reference source provided by a person authorized pursuant to (5)(c)1.
- (d) Records of these calibrations shall be maintained for Division inspection for 5 years after the calibration date.

- (6) Effective Date.** The provisions and requirements of this Rule shall take effect upon March 26, 1994, and shall apply to all facilities or sites owned or controlled by a person on that date. Products distributed and disposals made prior to that date are not subject to the provisions of this Rule.

(7) General License.

- (a) A general license is hereby issued to mine, extract, receive, possess, own, use, store, transfer, process, and dispose of NORM not exempted in (4) without regard

to quantity. This general license does not authorize the manufacturing or commercial distribution of products containing NORM in concentrations greater than those specified in (4) nor the disposal of wastes from other persons.

- (b) Facilities and equipment contaminated with NORM in excess of the levels set forth in the Appendix of this Rule shall not be released for unrestricted use. The decontamination of equipment and facilities shall be performed only by persons specifically licensed by the Director to conduct such work. Each general licensee shall establish written procedures for the evaluation (or screening) of equipment, components, and facilities prior to release for unrestricted use to ensure that the levels in this Appendix are not exceeded.
- (c) No person shall transfer land for unrestricted use where the concentration of radium-226 or radium-228 in soil averaged over any 100 square meters exceeds the background level by more than:
 - 1. 5 pCi/g (185 Bq/kg), averaged over the first 15 cm of soil below the surface; and
 - 2. 15 pCi/g (555 Bq/kg), averaged over 15 cm thick layers of soil more than 15 cm below the surface.
- (d) The handling or processing by a general licensee of NORM-contaminated materials not otherwise exempted from these Rules for the purpose of recycling is authorized by the Division if the radiation level 18 inches from the NORM-contaminated material does not exceed 2 millirem per hour.
- (e) Equipment contaminated with NORM in excess of the levels set forth in the Appendix of this Rule may be released for maintenance and/or overhaul provided the recipient is specifically licensed to perform the activity on contaminated equipment.
- (f) The decontamination of equipment, facilities, and land, as described in (10)(b), shall only be performed by persons specifically licensed by the Director to conduct such work.
- (g) Transfer of NORM
 - 1. The transfer of NORM not exempt from this Chapter from one general licensee to another general licensee may be authorized by the Division if:
 - (i) The equipment and facilities contaminated with NORM are to be used by the recipient for the same purpose or at the same time,

- (ii) The transfer of control or ownership of land contaminated with NORM includes an annotation in the deed records to indicate the presence of NORM,
 - (iii) The materials being transferred are ores or raw materials for processing or refinement, or
 - (iv) The material being transferred is in the recycling process.
- 2. Transfers made under (7)(g)1. do not relieve the general licensee who makes the transfer from the responsibilities of assessing the extent of NORM contamination or material present, evaluating the hazards of the NORM, informing the general licensee receiving the NORM of these assessments and evaluations, and maintaining records required by this Chapter.

(8) **Protection of Workers and the General Population During Operations.** Each person subject to a general license in (7) or to a specific license shall conduct operations in compliance with the standards for radiation protection set forth in Rules .03 and .07 of this Chapter, except for disposal, which shall be governed by (9).

(9) **Disposal and Transfer of Waste for Disposal.**

- (a) Each person subject to the general license in (7) or a specific license shall manage and dispose of wastes containing NORM:
 - 1. In accordance with the applicable requirements of the U.S. Environmental Protection Agency for disposal of such wastes;
 - 2. In a manner equivalent to the requirements for uranium and thorium byproduct materials in 40 CFR 192;
 - 3. By transfer of the wastes for disposal to a land disposal facility licensed by the U.S. Nuclear Regulatory Commission or an Agreement State; or
 - 4. In accordance with alternate methods authorized by the Division upon application or upon the Division's initiative.
- (b) Records of disposal, including manifests, shall be maintained pursuant to the provisions of Rule .03 of this Chapter.
- (c) Transfers of waste containing NORM for disposal shall be made only to a person specifically authorized to receive such waste.

(10) **Specific Licenses.**

- (a) Unless otherwise exempted under the provisions of (4) or licensed under the provisions of Rule .02 of this Chapter, the manufacturing and commercial distribution of any material or product containing NORM shall be specifically licensed pursuant to the requirements of this Rule or pursuant to equivalent regulations of the U.S. Nuclear Regulatory Commission or another Agreement State.
- (b) Persons conducting the following activities involving equipment or facilities contaminated with NORM in excess of the levels set forth in the Appendix of this Rule or land contaminated in excess of the limits set forth in (7)(c) shall be specifically licensed pursuant to the requirements of this Rule:
 - 1. Decontamination of equipment, facilities, and land; or
 - 2. Disposal or storage of the resulting waste.

(11) Filing Application for Specific Licenses.

- (a) Applications for specific licenses shall be filed in a manner and on a form prescribed by the Division.
- (b) The Division may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Division to determine whether the application should be granted or denied or whether a license should be modified or revoked.
- (c) Each application shall be signed by the applicant or licensee or a person duly authorized to act for and on behalf of the licensee.
- (d) An application for a specific license may include a request for a license authorizing one or more activities.
- (e) In an application, the applicant may incorporate by reference information contained in previous applications, statements, or reports filed with the Division provided such references are clear and specific by page and paragraph.
- (f) Applications and documents submitted to the Division may be made available for public inspection pursuant to the open records act, O.C.G.A. Section [50-18-70](#), et seq., except that the Division may withhold any document or part thereof from public inspection if disclosure of its contents is not required by law.

(12) Requirements for the Issuance of Specific Licenses.

- (a) An application for a specific license will be approved if the Division determines that:

1. The applicant is qualified by reason of training and experience to use the NORM in question for the purpose requested in accordance with these Rules in such a manner as to minimize danger to public health and safety, the environment, or property;
2. The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety, the environment, and property;
3. The issuance of the license will not be inimical to the health and safety of the public;
4. The applicant satisfied any applicable special requirement in this Rule;
5. The applicant has met the financial surety requirements of (21); and
6. The applicant has appointed a qualified Radiation Safety Officer (RSO). The applicant, through the RSO, shall ensure that Radiation Safety activities are being performed in accordance with approved procedures and regulatory requirements in the daily operation of the applicant's program.
 - (i) The Radiation Safety Officer shall:
 - (I) Investigate overexposures, accidents, spills, losses, thefts, unauthorized receipts, uses, transfers, and disposals, and other deviations from approved radiation safety practices. The RSO shall have the authority to assume control and implement corrective actions, including shut down of operations when emergency or unsafe conditions exist.
 - (II) Have a thorough knowledge of the licensee's management policies and administrative procedures.
 - (III) Implement policies and procedures for:
 - I. Keeping an inventory record of radioactive material;
 - II. Using radioactive material safely and in accordance with the ALARA philosophy;
 - III. Taking emergency action if control of radioactive material is lost;
 - IV. Performing periodic radiation surveys;

- V. Performing checks and calibrations of survey instruments and other safety equipment;
- VI. Disposing of radioactive material;
- VII. Training personnel who work in or frequent areas where radioactive material is used or stored; and
- VIII. Keeping a copy of all records and reports required by the Regulations, a copy of this Chapter, a copy of each licensing request, the license and its amendments, and the written policy and procedures required by the Regulations.

- (ii) The RSO's qualifications shall be submitted to the Division and shall include:
 - (I) Possession of a high school diploma or a certificate of high school equivalency based on the GED test;
 - (II) Completion of the training and testing requirements of the activities for which the license application is submitted; and
 - (III) Training and experience necessary to supervise the Radiation Safety aspects of the licensed activity.

- (b) An application for a specific license to decontaminate equipment, land, or facilities contaminated with NORM in excess of the levels set forth in (4), (7)(c), or the Appendix of this Rule, as applicable, and to dispose of the resulting waste will be approved if:
 - 1. The applicant satisfies the general requirements specified in (12)(a); and
 - 2. The applicant has adequately addressed the following items in the application:
 - (i) Procedures and equipment for monitoring and protection of workers;
 - (ii) An evaluation of the radiation levels and concentrations of contamination expected during normal operations;

- (iii) Operating and emergency procedures, including procedures for waste reduction and quality assurance of items released for unrestricted use; and
 - (iv) Method of disposing of the NORM removed from contaminated equipment, facilities, and/or land.
- (c) An application for a specific license to manufacture and/or distribute products or materials containing NORM to persons exempted from this Chapter pursuant to (4)(b) will be approved if:
 - 1. The applicant satisfied the general requirements specified in (12)(a);
 - 2. The NORM is not contained in any food, beverage, cosmetic, drug, or other commodity designed for ingestion or inhalation by, or application to, a human being without approval by the U.S. Food and Drug Administration; and
 - 3. The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, and conditions of handling, storage, use, and disposal of the NORM material or product to demonstrate that the material or product will meet the safety criteria set forth in (13). The information shall include:
 - (i) A description of the material or product and its intended use or uses;
 - (ii) The type, quantity, and concentration of NORM in each material or product;
 - (iii) The chemical and physical form of the NORM in the material or product, and changes in chemical and physical form that may occur during the useful life of the material or product;
 - (iv) An analysis of the solubility in water and body fluids of the NORM in the material or product;
 - (v) The details of manufacture and design of the material or Rule product relating to containment and shielding of the NORM and other safety features under normal and severe conditions of handling, storage, use, reuse, and disposal of the material or product;
 - (vi) The type and degree of access of human beings to the material or product during normal handling, use, and disposal;

- (vii) The total quantity of NORM expected to be distributed annually in the material or product;
 - (viii) The expected useful life of the material or product;
 - (ix) The proposed method of labeling or marking each unit of the material or product with identification of the manufacturer and/or initial transferor of the product and the radionuclide(s) and quantity of NORM in the material or product;
 - (x) The procedures for prototype testing of the material or product to demonstrate the effectiveness of the containment, shielding, and other safety features under both normal and severe conditions of handling, storage, use, reuse, and disposal;
 - (xi) The results of the prototype testing of the material or product, including any change in the form of the NORM contained in it, the extent to which the NORM may be released to the environment, any change in radiation levels, and any other changes in safety features;
 - (xii) The estimated external radiation doses and dose commitments relevant to the safety criteria in (13) and the basis for such estimates;
 - (xiii) A determination that the probabilities with respect to doses referred to in (13) meet the safety criteria;
 - (xiv) The quality control procedures to be followed in the production of production lots of the material or product, and the quality control standards the material or product will be required to meet; and
 - (xv) Any additional information, including experimental studies and tests, required by the Division to facilitate a determination of the radiation safety of the material or product.
- (d) Notwithstanding the provisions of (13)(b), the Director may deny an application for a specific license if the end uses of the product are frivolous or cannot be reasonably foreseen.

(13) Safety Criteria for Specific Licenses.

An applicant for a specific license under (12)(c) shall demonstrate that the product is designed and will be manufactured so that:

- (a) In normal use, handling, storage, and disposal, the dose to any individual likely to be exposed to radiation from the material or product will not exceed the limits set forth in Rule .03 of this Chapter.
- (b) In normal use, disposal, handling, and storage, it is unlikely that the radon released from the material or product will result in an increase in the average radon concentration in air of more than 0.4 picocurie (.0148 Bq) per liter.
- (c) It is unlikely that there will be a significant reduction in the effectiveness of the containment, shielding, or other safety features of the material or product from wear and abuse likely to occur in normal handling and use of the material or product during its useful life.

(14) Issuance of Specific Licenses.

- (a) Upon a determination that an application meets the requirements of the Act and Rules of the Division, the Director will issue a specific license authorizing the proposed activity in such form and containing such conditions and limitations as it deems appropriate or necessary.
- (b) The Director may incorporate in any license at the time of issuance, or thereafter by amendment, such additional requirements and conditions with respect to the licensee's receipt, possession, use, and transfer of NORM subject to this Rule as it deems appropriate or necessary in order to:
 - 1. Minimize danger to public health and safety, to property, and to the environment;
 - 2. Require such reports, require the keeping of such records, and to provide for such inspections of activities under the license as may be appropriate or necessary; and
 - 3. Prevent loss or theft of NORM subject to this Rule.

(15) Conditions of Specific Licenses Issued Under (12).

- (a) General Terms and Conditions
 - 1. Each license issued pursuant to this Rule shall be subject to all the provisions of the Act, now or hereafter in effect, and to all Rules, Regulations, and Orders of the Director.

2. No license issued or granted under this Rule and no right to possess or utilize NORM granted by any license issued pursuant to this Rule shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person unless the Division shall, after securing full information, find that the transfer is in accordance with the provisions of the Act, and shall give its consent in writing.
3. Each person licensed by the Director pursuant to this Rule shall confine use and possession of the NORM licensed to the locations and purposes authorized in the license.
4. Each person licensed by the Director pursuant to this Rule is subject to the license provisions of (8) and (9).
5. Notification
 - (i) Each licensee shall notify the Division in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under the Chapters of Title 11 (Bankruptcy) of the United States Code (11 U.S.C.) by or against:
 - (I) A licensee;
 - (II) An entity [as that term is defined in [11 U.S.C. 101\(14\)](#)] controlling a licensee or listing the license or licensee as property of the estate; or
 - (III) An affiliate [as that term is defined in [11 U.S.C. 101\(2\)](#)] of the licensee.
 - (ii) This notification must indicate:
 - (I) The bankruptcy court in which the petition for bankruptcy was filed; and
 - (II) The date of the filing of the petition.
- (b) Quality Control, Labeling, and Reports of Transfer. Each person listed under (12)(c) shall:
 1. Carry out adequate control procedures in the manufacture of the material or product to assure that each production lot meets the quality control standards approved by the Division;

2. Label or mark each unit so that the manufacturer, processor, producer, or initial transferor of the material or product and the NORM in the material or product can be identified; and
3. Maintain records identifying, by name and address, each person to whom NORM is transferred for use under (4)(b) or the equivalent regulations of the U.S. Nuclear Regulatory Commission or another Agreement State and stating the kinds, quantities, and uses of the NORM transferred. An annual summary report stating the total quantity of each radionuclide transferred under the specific license shall be filed with the Division. Each report shall cover the year ending December 31, and shall be filed within 30 days thereafter. If no transfers of NORM have been made pursuant to (13)(c) during the reporting period, the report shall so indicate.

(16) Expiration and Termination of Specific Licenses.

- (a) Except as provided in (17)(b) and (16)(d)6., each specific license shall expire at the end of the specified day in the month and year stated therein.
- (b) Each licensee shall notify the Division immediately, in writing, and request termination of the license when the licensee decides to terminate all activities involving NORM authorized under the specific license or when the licensee decides to terminate a licensed location. This notification and request for termination of the license must include the reports and information specified in (16)(d)4. The licensee is subject to the provisions of (16)(d) and (16)(e), as applicable.
- (c) No less than 30 days before the expiration date specified in a specific license, the licensee shall either:
 1. Submit an application for license renewal under (17), or
 2. Notify the Division in writing, under (16)(b), if the licensee decides to discontinue all activities involving NORM.
- (d) If the licensee terminates a licensed location, or if a licensee does not submit an application for license renewal under (17), the licensee shall on or before the expiration date specified in the specific license:
 1. Terminate use of NORM;
 2. Remove NORM contamination to the extent practicable;
 3. Properly dispose of the NORM; and

4. Submit a report of the disposal of NORM and radiation survey(s) to confirm the absence of NORM or to establish the levels of residual NORM contamination. The licensee shall, as appropriate:
 - (i) Report levels of radiation in units of microrads (μGy) per hour of beta and gamma radiation at one centimeter and gamma radiation at one meter from surfaces and report levels of radioactivity in units of disintegrations per minute (or microcuries or becquerels) per 100 square centimeters removable and fixed on surfaces, microcuries (becquerels) per milliliter in water, and picocuries per gram (Bq/kg) in contaminated solids such as soils or concrete; and
 - (ii) Specify the instrument(s) used and certify that each instrument is properly calibrated and tested.
 5. If no radioactivity attributable to activities conducted under the license is detected, the licensee shall submit a certification that no detectable NORM contamination was found. If the Division determines that the information submitted under (16)(d)2. and (16)(d)4. is adequate and surveys confirm the findings, the Director will notify the licensee in writing that the license is terminated.
 6. If detectable levels of residual NORM attributable to activities conducted under the license are found, the specific license continues in effect beyond the expiration date, if necessary, with respect to possession of residual NORM until the Director notifies the licensee in writing that the license is terminated. During this time, the licensee is subject to the provisions of (16)(e). In addition to the information submitted under (16)(d)4., the licensee shall submit a plan, if appropriate, for decontaminating the location(s) and disposing of the residual NORM.
- (e) Each licensee who possesses residual NORM under (16)(d)6., following the expiration date specified in the specific license, shall:
1. Be limited to actions involving NORM related to preparing the location(s) for release for unrestricted use; and
 2. Continue to control entry to restricted areas until the location(s) is (are) suitable for release for unrestricted use and the Director notifies the licensee in writing that the license is terminated.

(17) Renewal of Specific Licenses.

- (a) Applications for renewal of specific licenses shall be filed in accordance with (11).

- (b) In any case in which a licensee, not less than 30 days prior to the expiration of an existing specific license, has filed an application in proper form for renewal or for a new specific license authorizing the same activities, such existing license shall not expire until final action by the Director.
- (18) **Amendment of Specific Licenses at Request of Licensee.** Applications for amendment of a license shall be filed in accordance with (11) and shall specify the respects in which the licensee desires the license to be amended and the grounds for such amendment.
- (19) **Action on Applications to Renew and Amend Specific Licenses.** In considering an application by a licensee to renew or amend the specific license, the Division will apply the criteria set forth in (12).
- (20) **Reciprocal Recognition of Licenses.**

Subject to this Chapter, any person who holds a specific license from the U.S. Nuclear Regulatory Commission or another Agreement State, and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document within this State for a period not in excess of 180 days in any calendar year provided that:

- (a) The licensing document does not limit the activity authorized by such document to specified installations or locations;
- (b) The out-of-state licensee notifies the Division in writing at least 3 days prior to engaging in such activity. Such notification shall indicate the location, period, and type of proposed possession and use within the State, and shall be accompanied by a copy of the pertinent licensing document. If, for a specific case, the 3-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon application to the Division, obtain permission to proceed sooner. The Division may waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities under the general license provided in (20)(a);
- (c) The out-of-state licensee complies with all applicable Rules of the Division and with all the terms and conditions of the licensing document, except any such terms and conditions which may be inconsistent with applicable Rules of the Division;
- (d) The out-of-state licensee supplies such other information as the Division may request; and

- (e) The out-of-state licensee shall not transfer or dispose of NORM possessed or used under the general license provided in (20)(a) except by transfer to a person:
 - 1. Specifically licensed by the Director to receive such NORM; or
 - 2. Exempt from the requirements for a license for such NORM under (4).

(21) Financial Surety Arrangements for Specific Licenses.

- (a) Each licensee or applicant for a specific license under (12) shall post with the Director financial surety, or security, according to the requirements of Rule .02(8)(g), of this Chapter to ensure the protection of the public health and safety, property, and the environment in the event of abandonment, default, or other inability or unwillingness of the licensee to meet the requirements of the Act and this Chapter. Financial surety arrangements shall:
 - 1. Consist of surety bonds, cash deposits, certificates of deposit, government securities, irrevocable letters or lines of credit, or any combination of these.
 - 2. Be in an amount sufficient to meet the applicant's or licensee's obligations under the Act and this Chapter and shall be based upon Division-approved cost estimates.
 - 3. Be established prior to issuance of the specific license or the commencement of operations to assure that sufficient funds will be available to carry out the decontamination and decommissioning of the facility.
 - 4. Be continuous for the duration of the license and for a period coincident with the applicant/licensee's responsibility under the Act and this Chapter.
 - 5. Be available in Georgia subject to judicial process and execution in the event required for the purposes set forth.
 - 6. Be established within 90 days of April 1, 1994, for licenses in effect on that date.
- (b) No later than 90 days after the licensee notifies the Division that decontamination and decommissioning have been completed, the Division shall determine if these have been conducted in accordance with this Chapter and the conditions of the specific license. If the Division finds that the requirements have been met, the Director shall direct the return or release of the licensee's security in full plus any accumulated interest. If the Division finds that the requirements have not been met, the Division will notify the licensee in writing of the steps necessary for compliance.

(22) **Modification and Revocation of Licenses.**

- (a) The terms and conditions of all licenses shall be subject to amendment, revision, or modification or the license may be suspended or revoked by reason of amendments to the Act, by reason of rules or Regulations promulgated by the Board, and Orders issued by the Director.
- (b) Any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any material false statement of fact required under provisions of the Act or this Chapter, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Director to refuse to grant a license on an original application, or for violation of, or failure to observe, any of the terms and conditions of the Act, of the license, or of any Rule, Regulation, or Order of the Director.
- (c) Except in cases of willfulness or those in which the public health, interest, or safety requires otherwise, no license shall be modified, suspended, or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.

APPENDIX

ACCEPTABLE SURFACE CONTAMINATION LEVELS FOR NORM

NUCLIDE ^a	AVERAGE ^{bcf}	MAXIMUM ^{bdf}	REMOVABLE ^{bcef}
U-nat, U-235, and associated products (including Po-210), except Ra-226, Th-230, Ac-227, and Pa-231	5,000 dpm	15,000 dpm	11,000 dpm
Transuranics, Ra-226, Ra-228, Th-230, Th-228 Pa-231, Ac-227	alpha/100 cm ²	alpha/100 cm ²	alpha/100 cm ²
Beta-/gamma-emitters (nuclides with decay modes other than alpha emission or spontaneous fission, including Pb-210), except others noted above.	100 dpm/100 cm ²	300 dpm/100 cm ²	20 dpm/100 cm ²
	5,000 dpm beta, gamma/100 cm ²	15,000 dpm beta, gamma/100 cm ²	1,000 dpm beta, gamma/100 cm ²

^a Surfaces contaminated with alpha- and beta-emitting naturally-occurring radionuclides may be surveyed with a detector that responds to both types of radiation. The same method may be employed when evaluating wipe samples for removable contamination.

^b As used in this table, dpm (disintegrations per minute) means the rate of emission by naturally-occurring radioactive material as determined by correcting the counts per minute observed by an appropriate detector for background, efficiency, and geometric factors associated with the instrumentation using a ratemeter or scaler and detector appropriate for the type and energy of emissions being monitored. The detector shall be capable of responding to alpha, beta, and/or gamma radiation.

^c Measurements of average contamination level should not be averaged over more than one square meter. For objects of less surface area, the average should be derived for each object.

^d The maximum contamination level applies to an area of not more than 100 cm².

^e The amount of removable radioactive material per 100 cm² of surface area should be determined by wiping that area with dry filter or soft absorbent paper, applying moderate pressure, and assessing the amount of radioactive material on the wipe with an appropriate instrument of known efficiency. When removable contamination on objects of less surface area is determined, the pertinent levels should be reduced proportionally and the entire surface should be wiped.

^f All surveys and efficiency determinations shall be made with the detector's active surface no greater than 1 centimeter from the surface being surveyed, wipe being analyzed, or source being used. A scaler must be used when evaluating wipe samples and count times must be sufficient to detect 10 percent of the applicable limit with 95 percent confidence that the activity would be detected.

^g Notwithstanding the levels in the table above, equipment containing NORM shall not exceed a maximum radiation exposure level of 50 microroentgens per hour, including the background radiation level at any accessible point.

Cite as Ga. Comp. R. & Regs. R. 391-3-17-.08

Authority: O.C.G.A. § [31-13-1](#) et seq., as amended.

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Repealed: New Rule entitled "Regulation and Licensing of Naturally-Occurring Radioactive Materials (NORM)" adopted. F. Feb. 24, 1994; eff. Mar. 16, 1994.

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Amended: New title, "Regulation and Licensing of Naturally-Occurring Radioactive Materials (Norm)," as cited on SOS Rules and Regulations Website, corrected to "Regulation and Licensing of Naturally-Occurring Radioactive

Materials (NORM)." F. Jan. 28, 2019; eff. Feb. 17, 2019.

Amended: F. Mar. 24, 2021; eff. Apr. 13, 2021.

Rule 391-3-17-.09. Licensing and Radiation Safety Requirements for Irradiators.

(1) Purpose and scope.

- (a) This Rule, 391-3-17-.09, contains requirements for the issuance of a license authorizing the use of sealed sources containing radioactive materials in irradiators used to irradiate objects or materials using gamma radiation. This Rule also contains radiation safety requirements for operating irradiators. The requirements of this Rule are in addition to other requirements of this Chapter. In particular, the provisions of Rules [391-3-17-.02](#), .03, and .07 apply to applications and licenses subject to this Rule. Nothing in this Rule relieves the licensee from complying with other applicable Federal, State, and local regulations governing the siting, zoning, land use, and building code requirements for industrial facilities.
- (b) The Regulations in this Rule apply to panoramic irradiators that have either dry or wet storage of the radioactive sealed sources and to underwater irradiators in which both the source and the product being irradiated are under water. Irradiators whose dose rates exceed 500 rads (5 Grays) per hour at one meter from the radioactive sealed sources in air or in water, as applicable for the irradiator type, are covered by this Rule.
- (c) This Rule does not apply to self-contained dry-source-storage irradiators (those in which both the source and the areas subject to irradiation are contained within a device and are not accessible by personnel), medical radiology or teletherapy, radiography (the irradiation of materials for nondestructive testing purposes), gauging, or open-field (agricultural) irradiations.
- (d) Any sealed source licensed pursuant to this Rule shall have a solubility equal to or less than the solubility of cobalt-60 metal in water.

(2) Definitions.

- (a) "Annually" means once every 12 calendar months or no later than the last day of the same calendar month of the following year.
- (b) "Doubly encapsulated sealed source" means a sealed source in which the radioactive material is sealed within a capsule and that capsule is sealed within another capsule.
- (c) "Irradiator" means a facility that uses radioactive sealed sources for the irradiation of objects or materials.

- (d) "Irradiator operator" means an individual who has successfully completed the training and testing described in (5)(a) of this Rule and is authorized by the terms of the license to operate the irradiator without a supervisor present.
- (e) "Large irradiator" means an irradiator where radiation dose rates exceeding 500 rads (5 Grays) per hour exist at one meter from the sealed radioactive sources in air or in water, as applicable for the irradiator type, but does not include irradiators in which both the sealed source and the area subject to irradiation are contained within a device and are not accessible to personnel.
- (f) "Panoramic dry-source-storage irradiator" means an irradiator in which the irradiations occur in air in areas potentially accessible to personnel and in which the sources are stored in shields made of solid materials. The term includes beam-type dry-source-storage irradiators in which only a narrow beam of radiation is produced for performing irradiations.
- (g) "Panoramic irradiator" means an irradiator in which the irradiations are done in air in areas potentially accessible to personnel. The term includes beam-type irradiators.
- (h) "Panoramic wet-source-storage irradiator" means an irradiator in which the irradiations occur in air in areas potentially accessible to personnel and in which the sources are stored under water in a storage pool.
- (i) "Pool irradiator" means any irradiator at which the sources are stored or used in a pool of water including panoramic wet-source-storage irradiators and underwater irradiators.
- (j) "Product conveyor system" means a system for moving the product to be irradiated to, from, and within the area where irradiation takes place.
- (k) "Radiation room" means a shielded room in which irradiations take place. Underwater irradiators do not have radiation rooms.
- (l) "Radiation Safety Officer" means an individual with responsibility for the overall Radiation Safety Program at the facility.
- (m) "Sealed source" means any byproduct material that is used as a source of radiation and is encased in a capsule designed to prevent leakage or escape of the byproduct material.
- (n) "Seismic area" means any area where the probability of a horizontal acceleration in rock of more than 0.3 times the acceleration of gravity in 250 years is greater than ten percent, as designated by the U.S. Geological Survey.

- (o) "Solubility of one liquid or solid in another" means the mass of a substance contained in the solution which is in equilibrium with an excess of the substance.
- (p) "Underwater irradiator" means an irradiator in which the sources always remain shielded under water and humans do not have access to the sealed sources or the space subject to irradiation without entering the pool.

(3) Specific Licensing Requirements.

- (a) Application for a specific license.
 - 1. A person, as defined in Rule [391-3-17-.01](#) may file an application for a specific license authorizing the use of sealed sources in large irradiators in accordance with Rule [.02](#) of this Chapter.
 - 2. A separate license is required for each large irradiator, radiation room, or underwater irradiator.
- (b) Specific licenses for large irradiators. The Director will approve an application for a specific license for the use of licensed material in an irradiator if the applicant meets the requirements contained in this section.
 - 1. The applicant shall satisfy the general requirements specified in Rule [391-3-17-.02](#) and the requirements contained in this Rule.
 - 2. The applicant shall describe its training for irradiator operators that shall include, at a minimum, the following:
 - (i) A minimum of 40 hours of classroom training;
 - (ii) A minimum of 160 hours of on-the-job training;
 - (iii) Safety reviews;
 - (iv) The means the applicant will use to test each operator's understanding of and ability to comply with the Division's Rules and licensing requirements and the irradiator operating and emergency procedures; and
 - (v) Minimum training and experience of personnel who may provide training.
 - 3. The applicant shall submit an outline or summary of the written operating and emergency procedures listed in this Rule that describes the radiation safety aspects of the procedures.

4. The application shall describe the organizational structure for managing the irradiator, specifically the radiation safety responsibilities or authorities. In particular, the application must specify who, within the management structure, has the authority to stop unsafe operations. The applicant shall also describe the training and experience required for the position of Radiation Safety Officer.
5. The application must include a description of the access control system required by (4)(b) of this Rule, the radiation monitors required by (4)(e) of this Rule, the method of detecting leaking sources required by (5)(e) of this Rule including the sensitivity of the method, and a diagram of the facility that shows the locations of all required interlocks and radiation monitors.
6. The applicant shall provide assurance that any radioactive source not used in the irradiation process shall be removed from the irradiator pool and disposed of or returned to the manufacturer.
7. If the applicant intends to perform leak testing of dry-source-storage sealed sources, the applicant shall establish procedures for leak testing and submit a description of these procedures to the Division for approval. The procedures must include the following:
 - (i) Instruments to be used;
 - (ii) Methods of performing the analysis; and
 - (iii) Pertinent experience of the individual who analyzes the samples.
8. If licensee personnel are to load or unload sources, the applicant shall describe the qualifications and training of the personnel and the procedures to be used. If the applicant intends to contract for source loading or unloading at his facility, the loading or unloading must be done by an organization specifically licensed by the Director, an Agreement State, or the U.S. Nuclear Regulatory Commission to load or unload irradiator sources.
9. The applicant shall perform the following operational tests to ensure proper functioning of all equipment and safety devices before the irradiator is loaded with sources:
 - (i) Interlock and radiation safety systems;
 - (ii) Pool integrity and plumbing;
 - (iii) Source rack mechanical positioning system;

- (iv) Source rack movement and position sensing systems;
- (v) Source rack electrical control system;
- (vi) Uninterruptible electrical power supply for radiation monitoring warning systems;
- (vii) Fire protection system;
- (viii) Emergency systems for returning a stuck source rack into the pool;
- (ix) Systems used for transferring sources to and from transport vehicles; and
- (x) Product conveyor system.

10. The applicant shall describe the operational inspection and maintenance program, including the frequency of the checks required by (5)(f) of this Rule.
11. The roof plug opening or removable shielding providing access for the loading and removal of sources shall be large enough to accommodate the largest applicable transportation cask.

(c) The applicant shall not begin construction of a new irradiator facility prior to the issuance of a license by the Director. As used in this section, the term "construction" includes the construction of any portion of the permanent irradiator structure on the site but does not include: engineering and design work, purchase of site, site surveys or soil testing, site preparation, site excavation, and other similar tasks. Any activities undertaken prior to the issuance of license with respect to the requirements of this Chapter shall be at the risk of the applicant and have no bearing on the issuance of a license in accordance with this Chapter.

(d) Applications for exemptions.

1. The Director may, upon application of any interested person or upon its own initiative, grant any exemptions from the requirements in this Rule that it determines are authorized by law and will not endanger public health, safety, or property.
2. Any application for a license or for an amendment of a license authorizing use of a teletherapy-type unit for irradiation of materials or objects may include proposed alternatives for the requirements of this Rule. The Division will approve the proposed alternatives if the applicant provides

adequate rationale for the proposed alternatives and demonstrates that they are likely to provide an adequate level of safety for workers and the public.

(e) Request for written statements.

1. After the filing of the original application, the Division may request further information necessary to enable the Director to determine whether the application should be granted or denied.
2. Each license is issued with the condition that the licensee will, at any time before expiration of the license, upon the Division's request, submit written statements or other sufficient information to enable the Director to determine whether the license should be modified, suspended, or revoked.

(4) Design and Performance Requirements for Irradiators.

(a) Performance criteria for sealed sources.

1. Requirements. Sealed sources installed after January 1, 1994:
 - (i) Must have a certificate of registration issued under [10 CFR 32.210](#);
 - (ii) Must be doubly encapsulated;
 - (iii) Must use radioactive material that is as nondispersible as practical and that is as insoluble as practical if the source is used in a wet-source-storage or wet-source-change irradiator;
 - (iv) Must be encapsulated in a material resistant to general corrosion and to localized corrosion, such as 316L stainless steel or other material with equivalent resistance if the sources are for use in irradiator pools; and
 - (v) In prototype testing of the sealed source, must have been leak tested and found leak-free after each of the following tests:
2. Temperature. The test source must be held at 40°C for 20 minutes, 600°C for 1 hour, and then be subjected to a thermal shock test with a temperature drop from 600°C to 20°C within 15 seconds.
3. Pressure. The test source must be twice subjected for at least 5 minutes to an external pressure (absolute) of 2 million newtons per square meter.
4. Impact. A 2-kilogram steel weight, 2.5 centimeters in diameter, must be dropped from height of 1 meter onto the test source.

5. Vibration. The test source must be subjected 3 times for 10 minutes each to vibrations sweeping from 25 hertz to 500 hertz with a peak amplitude of 5 times the acceleration of gravity. In addition, each test source must be vibrated for 30 minutes at each resonant frequency found.
6. Puncture. A 50-gram weight and pin, 0.3 centimeter pin diameter, must be dropped from a height of 1 meter onto the test source.
7. Bend. If the length of the source is more than 15 times larger than the minimum cross-sectional dimension, the test source must be subjected to a force of 2000 newtons at its center equidistant from two support cylinders, the distance between which is 10 times the minimum cross-sectional dimension of the source.

(b) Access control.

1. Each entrance to a radiation room at a panoramic irradiator must have a door or other physical barrier to prevent inadvertent entry of personnel if the sources are not in the shielded position. Product conveyor systems may serve as barriers as long as they are reliable and consistently function as a barrier. It must not be possible to move the sources out of their shielded position if the door or barrier is open. Opening the door or barrier while the sources are exposed must cause the sources to return promptly to their shielded position. The personnel entrance door or barrier must have a lock that is operated by the same key used to move the sources. The doors and barriers must not prevent any individual in the radiation room from leaving.
2. Each entrance to a radiation room at a panoramic irradiator must have an independent backup access control to detect personnel entry while the sources are exposed. Detection of entry while the sources are exposed must cause the sources to return to their full shielded position and must also activate a visible and audible alarm to make the individual entering the room aware of the hazard. The alarm must also alert at least one other individual who is onsite of the entry. That individual shall be trained in how to respond to the alarm and prepared to promptly render or summon assistance.
3. A radiation monitor must be provided to detect the presence of high radiation levels in the radiation room of a panoramic irradiator before personnel entry. The monitor must be integrated with personnel access door locks to prevent room access when radiation levels are high. Attempted personnel entry while the monitor measures high radiation levels must activate the alarm described in (4)(b)2. of this Rule. The monitor may be located in the entrance (normally referred to as the maze) but not in the direct radiation beam.

4. Before the sources move from their shielded position in a panoramic irradiator, the source control must automatically activate conspicuous visible and audible alarms to alert people in the radiation room that the sources will be moved from their shielded position. The alarms must give individuals enough time to leave the room before the sources leave the shielded position.
5. Each radiation room at a panoramic irradiator must have a clearly visible and readily accessible control that would allow an individual in the room to make the sources return to their fully shielded position.
6. Each radiation room of a panoramic irradiator must contain a control that prevents the sources from moving from the shielded position unless the control has been activated and the door or barrier to the radiation room has been closed with a present time after activation of the control.
7. Each entrance to the radiation room of a panoramic irradiator and each entrance to the area within the personnel access barrier of an underwater irradiator must have a sign bearing the radiation symbol and the words, "Caution (or danger) radioactive material." Panoramic irradiators must also have a sign stating "Very High radiation area," but the sign may be removed, covered, or otherwise made inoperable when the sources are fully shielded.
8. If the radiation room of a panoramic irradiator has roof plugs or other movable shielding, it must not be possible to operate the irradiator unless the shielding is in its proper location. This requirement may be met by interlocks that prevent operation if the shield is not placed properly or by an operating procedure requiring inspection including documentation of inspection, of shielding before operation.
9. Panoramic irradiators shall not operate if the requirements in (4)(b) of this Rule are not met.
10. Underwater irradiators must have a personnel access barrier around the pool, which must be locked to prevent access when the irradiator is not attended. Only operators and facility management may have access to keys to the personnel access barrier. There must be an intrusion alarm to detect unauthorized entry when the personnel access barrier is locked. Activation of the intrusion alarm must alert an individual (not necessarily onsite) who is prepared to respond or summon assistance.

(c) Shielding.

1. The radiation dose rate in areas that are normally occupied during operation of a panoramic irradiator may not exceed 2 millirems (0.02 millisievert) per hour at any location 30 centimeters or more from the wall of the room when the sources are exposed. The dose rate must be averaged over an area not to exceed 100 square centimeters having no linear dimension greater than 20 cm. Areas where the radiation dose rate exceeds 2 millirems (0.02 millisievert) per hour must be locked, roped off, or posted and not entered without written approval or in the physical presence of the Radiation Safety Officer.
2. The radiation dose at 30 centimeters over the edge of the pool of a pool irradiator may not exceed 2 millirems (0.02 millisievert) per hour when the sources are in the fully shielded position.
3. The radiation dose rate at 1 meter from the shield of a dry-source-storage panoramic irradiator when the source is shielded may not exceed 2 millirems (0.02 millisievert) per hour and at 5 centimeters from the shield must not exceed 20 millirems (0.02 millisievert) per hour.

(d) Fire protection.

1. The radiation room at a panoramic irradiator must have heat and smoke detectors. The detectors must activate an audible alarm. The alarm must be capable of alerting a person who is prepared to summon assistance promptly. The sources must automatically become fully shielded if a fire is detected.
2. The radiation room at a panoramic irradiator must be equipped with a fire extinguishing system capable of extinguishing a fire without the entry of personnel into the room. The system for the radiation room must have a shut-off valve to control flooding into unrestricted areas.

(e) Radiation monitors.

1. Irradiators with automatic product conveyor systems must have a radiation monitor with an audible alarm located to detect loose radioactive sources that are carried toward the product exit. If the monitor detects a source, an alarm must sound and product conveyors must stop automatically. The alarm must be capable of alerting an individual in the facility who is prepared to summon assistance. Underwater irradiators in which the product moves within an enclosed stationary tube are exempt from the requirements of this paragraph.
2. For pool irradiators, the licensee shall provide a means to detect radioactive contamination in pool water each day the irradiator operates. The means

may be either an on-line radiation monitor on the pool water purification system or an analysis of pool water. If the licensee uses an on-line radiation monitor, the detection of above normal background radiation levels must activate the alarm. The alarm set-point must be set as low as practical, but high enough to avoid false alarms. If a false alarm due to background radiation occurs, the alarm set-point must be increased. Activation of the alarm must automatically cause the water purification system to shut off. However, the licensee may reset the alarm set-point to a higher level if necessary to operate the pool purification system to clean up contamination in the pool as specifically provided in written emergency procedures.

3. Underwater irradiators that are not in a shielded radiation room must have a radiation monitor over the pool to detect abnormal radiation levels. The monitor must have an audible alarm and a visible indicator at entrances to the personnel access barrier around the pool. The audible alarm may have a manual shut-off. The alarm must be capable of alerting an individual who is prepared to respond promptly.

(f) Control of source movement.

1. The mechanism that moves the sources of a panoramic irradiator must require a key to actuate. Actuation of the mechanism must cause an audible signal to indicate that the sources are leaving the shielded position. Only one key may be in use at any time, and only operators or facility management may possess it. The key must be attached to a portable radiation survey meter by a chain or cable. The lock for source control must be designed so that the key may not be removed if the sources are in an unshielded position. The door to the radiation room must require the same key.
2. The console of a panoramic irradiator must have a source position indicator that indicates when the sources are in the fully shielded position, when they are in transit, and when the sources are exposed.
3. The control console of a panoramic irradiator must have an emergency control that promptly returns the sources to the shielded position.
4. Each control for a panoramic irradiator must be clearly marked as to its function.

(g) Irradiator pools.

1. For licenses initially issued after January 1, 1994, irradiator pools must either:

- (i) Have a water-tight stainless steel liner or a liner metallurgically compatible with other components in the pool; or
 - (ii) Be constructed so that there is a low likelihood of substantial leakage and have a surface designed to facilitate decontamination. In either case, the licensee shall have a method to safely store the sources during repairs of the pool.
- 2. For licenses initially issued after January 1, 1994, irradiator pools must have no outlets more than 0.5 meter below the normal low water level that could allow water to drain out of the pool. Pipes that have intakes more than 0.5 meter below the normal low water level and that could act as siphons must have siphon breakers to prevent the siphoning of pool water.
- 3. A means must be provided to replenish water losses from the pool.
- 4. A visible indicator must be provided in a clearly visible location to indicate the pool water level is below the normal low water level or above the normal high water level.
- 5. Irradiator pools must be equipped with a purification system designed to be capable of maintaining the water during normal operation at a conductivity of 20 micromhos per centimeter or less and with a clarity so that the sources can be seen clearly.
- 6. A physical barrier, such as a railing or cover, must be used around or over irradiator pools during normal operation to prevent personnel from accidentally falling into the pool. The barrier may be removed during maintenance, inspection, and service operations.
- 7. If long-handled tools or poles are used in irradiator pools, the radiation dose rate on the handling areas of the tools may not exceed 2 millirems (0.02 millisievert) per hour.

(h) Source rack protection.

If the product to be irradiated moves on a product conveyor system, the source rack and the mechanism that moves the rack must be protected by a barrier or guides to prevent products and product carriers from hitting or touching the rack or mechanism.

(i) Power failures.

1. If electrical power at a panoramic irradiator is lost for longer than 10 seconds, the sources must automatically return to the shielded position.
2. The lock on the door of the radiation room of a panoramic irradiator shall not be deactivated by a power failure.
3. During a power failure, the area of any irradiator where sources are located may be entered only when using an operable and calibrated radiation survey meter.

(j) Design requirements.

Irradiators whose construction begins after January 1, 1994, must meet the design requirements of this section.

1. Shielding. For panoramic irradiators, the licensee shall design shielding walls to meet generally accepted building code requirements for reinforced concrete and design the walls, wall penetrations, and entranceways to meet the radiation shielding requirements of (4)(c) of this Rule. If the irradiator will use more than 5 million Curies (1.85×10^{17} becquerels) of activity, the licensee shall evaluate the effects of heating of the shielding walls by the irradiator sources.
2. Foundations. For panoramic irradiators, the licensee shall design the foundation, with consideration given to soil characteristics, to ensure that it is adequate to support the weight of the facility shield walls.
3. Pool integrity. For pool irradiators, the licensee shall design the pool to assure that it is leak resistant, that it is strong enough to bear the weight of the pool water and shipping casks, that a dropped cask would not fall on sealed sources, that all outlets or pipes meet the requirements of (4)(c)2. of this Rule, and that metal components are metallurgically compatible with other components in the pool.
4. Water handling system. For pool irradiators, the licensee shall verify that the design of the water purification system is adequate to meet the requirements of (4)(g) of this Rule. The system must be designed so that water leading from the system does not drain to unrestricted areas without being monitored.
5. Radiation monitors. For all irradiators, the licensee shall evaluate the location and sensitivity of the monitor to detect sources carried by the product conveyor system as required by (4)(e)1. of this Rule. The licensee shall verify that the product conveyor is designed to stop before a source on

the product conveyor would cause a radiation overexposure to any person. For pool irradiators, if the licensee uses radiation monitors to detect contamination under (5)(e)2. of this Rule, the licensee shall verify that the design of radiation monitoring systems to detect pool contamination includes sensitive detectors located close to where contamination is likely to concentrate.

6. Source rack. For pool irradiators, the licensee shall verify that there are no crevices on the source or between the source and source holder that would promote corrosion on a critical area of the source. For panoramic irradiators, the licensee shall determine that source rack drops due to loss of power will not damage the source rack and that source rack drops due to failure of cables (or alternate means of support) will not cause loss of integrity of sealed sources. For panoramic irradiators, the licensee shall review the design of the mechanism that moves the sources to assure that the likelihood of a stuck source is low and that, if the rack sticks, a means exists to free it with minimal risk to personnel.
7. Access control. For panoramic irradiators, the licensee shall verify from the design and logic diagram that the access control system will meet the requirements of (4)(b) of this Rule.
8. Fire protection. For panoramic irradiators, the licensee shall verify that the number, location, and spacing of the smoke and heat detectors are appropriate to detect fires and that the detectors are protected from mechanical and radiation damage. The licensee shall verify that the design of the fire extinguishing system provides the necessary discharge patterns, densities, and flow characteristics for complete coverage of the radiation room and that the system is protected from mechanical and radiation damage.
9. Source return. For panoramic irradiators, the licensee shall verify that the source rack will automatically return to the fully shielded position if offsite power is lost for more than 10 seconds.
10. Seismic. For panoramic irradiators to be built in seismic areas, the licensee shall design the reinforced concrete radiation shields to retain their integrity in the event of an earthquake by designing to the seismic requirements of an appropriate source such as American Concrete Institute Standard ACI 318-89, "Building Code Requirements for Reinforced Concrete," Chapter 21, "Special Provisions for Seismic Design," or local building codes, if current.

11. Wiring. For panoramic irradiators, the licensee shall verify that electrical wiring and electrical equipment in the radiation room are selected to minimize failures due to prolonged exposure to radiation.
12. Product carriers. For irradiators utilizing product carriers, the basic design of the carrier shall prevent the carrier from opening or coming into contact with the source rack or protective barrier. The basic design shall be submitted to the Division for approval.
13. Floor penetrations. All floor penetrations, including expansion joints, floor joints, and drains, shall not allow the uncontrolled release of water, which has not been analyzed for its radioactive content, from the radiation room.
14. Lift mechanisms. The lift mechanisms for the source rack and source transport cask must be designed for working and breaking strength to safely lift a source transport cask and sources into and out of the irradiator pool.
15. Ventilation. All radiation rooms in a panoramic irradiator shall be maintained under negative pressure. Any exhaust from radiation rooms shall be through a high-efficiency nuclear air cleaning system. This system shall consist of standard roughing and absolute (HEPA) filters that have been tested in line in accordance with and has met the requirements of ANSI N510.

(k) Construction monitoring and acceptance testing.

The requirements of (4)(k) of this Rule must be met for irradiators whose construction begins after January 1, 1994. Additionally, the requirements for shielding, (4)(k)1., foundations, (4)(k)2., pool integrity, (4)(k)3., and wiring, (4)(k)11. of this Rule must be certified by a registered professional engineer. The requirements must be met prior to loading sources.

1. Shielding. For panoramic irradiators, the licensee shall monitor the construction of the shielding to verify that its construction meets design specifications and generally accepted building code requirements for reinforced concrete.
2. Foundations. For panoramic irradiators, the licensee shall monitor the construction of the foundations to verify that their construction meets design specifications.
3. Pool integrity. For pool irradiators, the licensee shall verify that the pool meets design specifications and shall test the integrity of the pool. The

licensee shall verify that outlets and pipes meet the requirements of (4)(f)2. of this Rule.

4. Water handling system. For pool irradiators, the licensee shall verify that the water purification system, the conductivity meter, and the water level indicators operate properly.
5. Radiation monitors. For all irradiators, the licensee shall verify the proper operation of the monitor to detect sources carried on the product conveyor system and the related alarms and interlocks required by (4)(e)1. of this Rule. For pool irradiators, the licensee shall verify the proper operation of the radiation monitors and the related alarm, if used, to meet (4)(e)2. of this Rule. For underwater irradiators, the licensee shall verify the proper operation of the over-the-pool monitor, alarms, and interlocks required by (4)(e)2. of this Rule.
6. Source racks. For panoramic irradiators, the licensee shall test the movement of the source racks for proper operation prior to source loading; testing must include source rack lowering due to simulated loss of power. For all irradiators with product conveyor systems, the licensee shall observe and test the operation of the conveyor system to assure that the requirements in (4)(h) of this Rule are met for protection of the source rack and the mechanism that moves the rack; testing must include tests of any limit switches and interlocks used to protect the source rack and mechanism that moves the rack from moving product carriers.
7. Access control. For panoramic irradiators, the licensee shall test the completed access control system to assure that it functions as designed and that all alarms, controls, and interlocks work properly.
8. Fire protection. For panoramic irradiators, the licensee shall test the ability of the heat and smoke detectors to detect a fire, to activate alarms, and to cause the source rack to automatically become fully shielded. The licensee shall test the operability of the fire extinguishing system.
9. Source return. For panoramic irradiators, the licensee shall demonstrate that the source racks can be returned to their fully shielded positions without offsite power.
10. Computer systems. For panoramic irradiators that use a computer system to control the access control system, the licensee shall verify that the access control system will operate properly if offsite power is lost and shall verify that the computer has security features that prevent an irradiator operator from commanding the computer to override the access control system when it is required to be operable.

11. Wiring. For panoramic irradiators, the licensee shall verify that the electrical wiring and electrical equipment that were installed meet the design specifications.

(5) Operation of Irradiators.

(a) Training.

1. Before an individual is permitted to operate an irradiator without a supervisor present, the individual must be instructed in the following:
 - (i) The fundamentals of radiation protection applied to irradiators (including the differences between external radiation and radioactive contamination, units of radiation dose, Division's dose limits, why large radiation doses must be avoided, how shielding and access controls prevent large doses, how an irradiator is designed to prevent contamination, the proper use of survey meters and personnel dosimeters, other radiation safety features of an irradiator, and the basic function of the irradiator);
 - (ii) The requirements of this Rule and Rule [391-3-17-.07](#) that are applicable to the irradiator;
 - (iii) The operation of the irradiator;
 - (iv) Those operating and emergency procedures listed in (5)(b) of this Rule that the individual is responsible for performing; and
 - (v) Case histories of accidents or problems involving irradiators.
2. Before an individual is permitted to operate an irradiator without a supervisor present, the individual shall pass a written test on the instruction received, consisting primarily of questions based on the licensee's operating and emergency procedures that the individual is responsible for performing and other operations necessary to safely operate the irradiator without supervision.
3. Before an individual is permitted to operate an irradiator without a supervisor present, the individual must have received on-the-job training or simulator training in the use of the irradiator as described in the license application. The individual shall also demonstrate the ability to perform those portions of the operating and emergency procedures that he or she is to perform.

4. The licensee shall conduct safety reviews for irradiator operators at least annually. The licensee shall give each operator a brief written test on the information. Each safety review must include, to the extent appropriate, each of the following:
 - (i) Changes in operating and emergency procedures since the last review, if any;
 - (ii) Changes in Regulations and license conditions since the last review, if any;
 - (iii) Reports on recent accidents, mistakes, or problems that have occurred at irradiators, if any;
 - (iv) Relevant results of inspections of operator safety performance;
 - (v) Relevant results of the facility's inspection and maintenance checks; and
 - (vi) A drill to practice an emergency or abnormal event procedure.
5. The licensee shall evaluate the safety performance of each irradiator operator at least annually to ensure that the Regulations, license conditions, and operating and emergency procedures are followed. The licensee shall discuss the results of the evaluation with the operator and shall instruct the operator on how to correct any mistakes or deficiencies observed.
6. Individuals who will be permitted unescorted access to the radiation room of the irradiator or the area around the pool of an underwater irradiator, but who have not received the training required for operators and the Radiation Safety Officer, shall be instructed and tested in any precautions they should take to avoid radiation exposure, and procedures or parts of procedures listed in (5)8. of this Rule that they are expected to perform or comply with, and their proper response to alarms required in this Rule. Tests may be oral.
7. Individual who must be prepared to respond to alarms required by (4)(b)2., (4)(b)10., (4)(d)1., (4)(e)1., and (5)(e)2. of this Rule shall be trained and tested on how to respond. Each individual shall be retested at least once a year. Tests may be oral.

(b) Operating and emergency procedures.

1. The licensee shall have and follow written operating procedures for the following:

- (i) Operation of the irradiator, including entering and leaving the radiation room;
 - (ii) Use of personnel dosimeters;
 - (iii) Surveying the shielding of panoramic irradiators;
 - (iv) Monitoring pool water for contamination while the water is in the pool and before release of pool water to unrestricted areas;
 - (v) Leak testing of sources;
 - (vi) Inspection and maintenance checks required by (5)(f) of this Rule;
 - (vii) Loading, unloading, and repositioning sources, if the operations will be performed by the licensee; and
 - (viii) Inspection of movable shielding required by (4)(b)8. of this Rule, if applicable.
2. The licensee shall have and follow emergency or abnormal event procedures, appropriate to the irradiator type, for the following:
- (i) Source stuck in the unshielded position;
 - (ii) Personnel overexposures;
 - (iii) A radiation alarm from the product exit portal monitor or pool monitor;
 - (iv) Detection of leaking sources, pool contamination, or alarm cause by contamination of pool water;
 - (v) A low or high water level indicator, an abnormal water loss, or leakage from the source storage pool;
 - (vi) A prolonged loss of electrical power;
 - (vii) A fire alarm or explosion in the radiation room;
 - (viii) An alarm indicating unauthorized entry into the radiation room, area around the pool, or another alarm area;

- (ix) Natural phenomena, including an earthquake, tornado, flooding, or other phenomena as appropriate for the geographical location of the facility; and
 - (x) The jamming of the automatic conveyor system.
3. The licensee may revise operating and emergency procedures without Division approval only if all of the following conditions are met:
- (i) The revisions do not reduce the safety of the facility,
 - (ii) The revisions are consistent with the outline or summary of procedures submitted with the license application,
 - (iii) The revisions have been reviewed and approved by the Radiation Safety Officer, and
 - (iv) The users or operators are instructed and tested on the revised procedures before they are put into use.

(c) Personnel monitoring.

1. Irradiator operators shall wear a personnel monitoring device while operating a panoramic irradiator or while in the area around the pool of an underwater irradiator. The personnel monitoring device processor must be capable of detecting high energy photons in the normal and accident dose ranges. Each personnel monitoring device must be assigned to and worn only by one individual. Film Badges must be replaced at least monthly and all other personnel monitoring devices must be processed at least quarterly.
2. Other individuals who enter the radiation room of a panoramic irradiator shall wear a dosimeter, which may be a pocket dosimeter. For groups of visitors, only two people who enter the radiation room are required to wear dosimeters. If pocket dosimeters are used to meet the requirements of this paragraph, a check of their response to radiation must be done at least annually. Acceptable dosimeters must read within plus or minus 30 percent of the true radiation dose.

(d) Radiation surveys.

1. A radiation survey of the area outside the shielding of the radiation room of a panoramic irradiator must be conducted with the sources in the exposed position before the facility starts to operate. A radiation survey of the area above the pool of pool irradiators must be conducted after the sources are

loaded but before the facility starts to operate. Additional radiation surveys of the shielding must be performed at intervals not to exceed 3 years and before resuming operations after addition of new sources or any modification to the radiation room shielding or structure that might increase dose rate.

2. If the radiation levels specified in (4)(c) of this Rule are exceeded, the facility must be modified to comply with the requirements of (4)(c) of this Rule.
3. Portable radiation survey meters must be calibrated at least annually to an accuracy of ± 20 percent of the gamma energy of the sources in use. The calibration must be done at two points on each scale or, for digital instruments, at one point per decade over the range that will be used. Portable radiation survey meters must be of a type that does not saturate and read zero at high radiation dose rates.
4. Water from the irradiator pool, other potentially contaminated liquids, and sediments from pool vacuuming must be monitored for radioactive contamination before release to unrestricted areas. Radioactive concentrations must not exceed those specified in 10 CFR Part 20, Table 2, Column 2 or Table 3 of Appendix B, "Annual Limits on Intake (ALIs) and Derived Air Concentrations (DACs) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage".
5. Before releasing resins for unrestricted use, they must be monitored before release in an area with a background level of less than 0.5 millirem (0.005 millisievert) per hour. The resins may be released only if the survey does not detect radiation levels above background radiation levels. The survey meter used must be capable of detecting radiation levels of 0.5 millirem (0.005 millisievert) per hour.

(e) Detection of leaking sources.

1. Each dry-source-storage sealed source must be tested for leakage at intervals not to exceed six months using a leak test kit or method approved by the Division, an Agreement State, or the U.S. Nuclear Regulatory Commission. In the absence of a certificate from a transferor that a test has been made within the six months before the transfer, the sealed source may not be used until tested. The test must be capable of detecting the presence of 0.005 microcurie (200 becquerels) of radioactive material and must be performed by a person approved by the Division, an Agreement State, or the U.S. Nuclear Regulatory Commission to perform the test.

2. For pool irradiators, sources may not be put into the pool unless the licensee tests the sources for leaks or has a certificate from a transferor that a leak test has been done within the six months before the transfer. Water from the pool must be checked for contamination each day the irradiator operates. The check may be done either by using a radiation monitor on a pool water circulating system or by analysis of a sample of pool water. If a check for contamination is done by analysis of a sample of pool water, the results of the analysis must be available within 24 hours. If the licensee uses a radiation monitor on a pool water circulating system, the detection of above normal radiation levels must activate an alarm. The alarm set-point must be set as low as practical, but high enough to avoid false alarms. The licensee may reset the alarm set-point to a higher level if necessary to operate the pool water purification system to clean up contamination in the pool if specifically provided for in written emergency procedures.
3. If a leaking source is detected, the licensee shall arrange to remove the leaking source from service and have it decontaminated, repaired, or disposed of by the Division, Agreement State, or U.S. Nuclear Regulatory Commission licensee that is authorized to perform these functions. The licensee shall promptly check its personnel, equipment, facilities, and irradiated product for radioactive contamination. No product may be shipped until the product has been checked and found free of contamination. If a product has been shipped that may have been inadvertently contaminated, the licensee shall arrange to locate and survey that product for contamination. If any personnel are found to be contaminated, decontamination must be performed promptly. If contaminated equipment, facilities, or products are found, the licensee shall arrange to have them decontaminated or disposed of by the Division, U.S. Nuclear Regulatory Commission, or Agreement State licensee that is authorized to perform these functions. If a pool is contaminated, the licensee shall arrange to clean the pool until the contamination levels do not exceed the appropriate concentration in Table 2, Column 2, Appendix B to 20.1001 to 20.2401 of 10 CFR 20.

(f) Inspection and maintenance.

1. The licensee shall perform inspection and maintenance checks that include, as a minimum, each of the following at the frequency specified in the license or license application:
 - (i) Operability of each aspect of the access control system required by (4)(b) of this Rule.
 - (ii) Functioning of the source position indicator required by (4)(f) of this Rule.

- (iii) Operability of the radiation monitor for radioactive contamination in pool water required by (5)(e)2. of this Rule using a radiation check source, if applicable.
 - (iv) Operability of the over-the-pool radiation monitor at underwater irradiators as required by (4)(e)3. of this Rule.
 - (v) Operability of the product exit monitor required by (4)(e)1. of this Rule.
 - (vi) Operability of the emergency source return control required by (4)(e)3. of this Rule.
 - (vii) Leak-tightness of systems through which pool water circulates (visual inspection).
 - (viii) Operability of the heat and smoke detectors and extinguisher system required by (4)(d) of this Rule (but without turning extinguishers on).
 - (ix) Operability of the means of pool water replenishment required by (4)(g)3. of this Rule.
 - (x) Operability of the indicators of high and low pool water levels required by (4)(g)4. of this Rule.
 - (xi) Operability of the intrusion alarm required by (4)(b)10. of this Rule, if applicable.
 - (xii) Functioning and wear of the system, mechanism, and cables used to raise and lower sources.
 - (xiii) Condition of the barrier to prevent products from hitting the sources or source mechanism as required by (4)(h) of this Rule.
 - (xiv) Amount of water added to the pool to determine if the pool is leaking.
 - (xv) Electrical wiring on required safety systems for radiation damage.
 - (xvi) Pool water conductivity measurements and analysis as required by (5)(g)2. of this Rule.
2. Malfunctions and defects found during inspection and maintenance checks must be repaired without undue delay.

(g) Pool water purity.

1. The pool water purification system must be run sufficiently to maintain the conductivity of the pool water below 20 micromhos per centimeter under normal circumstances. If pool water conductivity rises above 20 micromhos per centimeter, the licensee shall take prompt actions to lower the pool water conductivity, and shall take corrective actions to prevent future recurrences.
2. The licensee shall measure the pool water conductivity frequently enough, but not less than weekly, to assure that the conductivity remains below 20 micromhos per centimeter. Conductivity meters must be calibrated at least annually.

(h) Attendance during operation.

1. Both an irradiator operator and at least one other individual, who is trained on how to respond and prepared to promptly render or summon assistance if the access control alarm sounds, shall be present onsite:
 - (i) Whenever the irradiator is operated using an automatic product conveyor system; and
 - (ii) Whenever the product is moved into or out of the radiation room when the irradiator is operated in a batch mode.
2. At a panoramic irradiator at which static irradiations (no movement of the product) are occurring, a person who has received the training on how to respond to alarms described in (5)(a)7. of this Rule must be onsite.
3. At an underwater irradiator, an irradiator operator must be present at the facility whenever the product is moved into or out of the pool. Individuals who move the product into or out of the pool of an underwater irradiator need not be qualified as irradiator operators; however, they must have received the training described in (5)(a)6. and 7. of this Rule. Static irradiations may be performed without a person present at the facility.
4. Irradiator operators shall not be on duty more than 12 hours in any 24-hour period without at least 8 hours uninterrupted rest, unless an emergency exists and prior authorization has been given by the Division.

(i) Entering and leaving the radiation room.

1. Upon first entering the radiation room of a panoramic irradiator after an irradiation, the irradiator operator shall use a survey meter to determine that the source has returned to its fully shielded position. The operator shall

check the functioning of the survey meter with a radiation check source while entering the radiation room. The survey meter must be of a type that does not saturate and read zero at high radiation dose rates.

2. Before exiting from and locking the door to the radiation room of a panoramic irradiator prior to a planned irradiation, the irradiator operator shall:
 - (i) Visually inspect the entire radiation room to verify that no one else is in it; and
 - (ii) Activate a control in the radiation room that permits the sources to be moved from the shielded position only if the door to the radiation room is locked within a preset time after setting the control.
3. During a power failure, the area around the pool of an underwater irradiator may not be entered without using an operable and calibrated radiation survey meter unless the over-the-pool monitor required by (4)(e)3. of this Rule is operating with backup power.

(j) Irradiation of explosive or flammable materials.

1. Irradiation of explosive material is prohibited unless the licensee has received prior written authorization from the Division. Authorization will not be granted unless the licensee can demonstrate that detonation of the explosive would not rupture the sealed sources, injure personnel, damage safety systems, or cause radiation overexposures of personnel.
2. Irradiation of more than small quantities of flammable material (flash point below 140°F) is prohibited in panoramic irradiators unless the licensee has received prior written authorization from the Division. Authorization will not be granted unless the licensee can demonstrate that a fire in the radiation room could be controlled without damage to sealed sources or safety systems and without radiation overexposures of personnel.

(6) Records.

(a) Records and retention periods.

The licensee shall maintain the following records at the irradiator for the periods specified:

1. A copy of the license, license conditions, documents incorporated into a license by reference, and amendments thereto until superseded by new

documents or until the Director terminates the license for documents not superseded.

2. Records of each individual's training, tests, and safety reviews provided to meet the requirements of (5)(a)1., 2., 3., 4., 5., and 7. of this Rule for 3 years after the evaluation.
3. Records of the annual evaluations of the safety performance of irradiator operators required by (5)(a)5. of this Rule for 3 years after the evaluation.
4. A copy of the current operating and emergency procedures required by (5)(b) of this Rule until superseded or the Director terminates the license. Records of the Radiation Safety Officer's review and approval of changes in procedures as required by (5)(b)3.iii of this Rule are to be retained for 3 years from the date of the change.
5. Personnel monitoring results required by (5)(c) of this Rule shall be retained until the Director terminates each pertinent license requiring the record. Upon termination of the license, the licensee shall permanently store records on Division Form, "Occupational Radiation Exposure History", or equivalent, or shall make provisions with the Division for transfer to the Division.
6. Records of radiation surveys required by (5)(d) of this Rule for three years from the date of the survey.
7. Records of radiation survey meter calibrations required by (5)(d) of this Rule and pool water conductivity meter calibrations required by (5)(g)2. of this Rule until three years from the date of calibration.
8. Records of the results of leak tests required by (5)(e)1. of this Rule and the results of contamination checks required by (5)(e)2. of this Rule for three years from the date of each test.
9. Records of inspection and maintenance checks required by (5)(f) of this Rule for three years.
10. Records of major malfunctions, significant defects, operating difficulties or irregularities, and major operating problems that involve required radiation safety equipment for three years after repairs are completed.
11. Records of the receipt, transfer, and disposal of all licensed sealed sources for three years after the transfer or disposal of the sealed source.

12. Records of the design checks required by (4)(j) of this Rule and the construction control checks as required by (4)(k) of this Rule until the license is terminated. The records must be signed and dated. The title or qualification of the person signing must be included.
13. Records related to decommissioning of the irradiator as required by Rule [391-3-17-.02\(8\)\(g\)8.](#)

(b) Reports.

1. In addition to the reporting requirements in other Rules of this Chapter, the licensee shall report the following events if not reported under other Rules of this Chapter:
 - (i) Source stuck in an unshielded position.
 - (ii) Any fire or explosion in a radiation room.
 - (iii) Damage to the source racks.
 - (iv) Failure of the cable or drive mechanism used to move the source racks.
 - (v) Inoperability of the access control system.
 - (vi) Detection of a radiation source by the product exit monitor.
 - (vii) Detection of radioactive contamination attributable to licensed radioactive material.
 - (viii) Structural damage to the pool liner or walls.
 - (ix) Abnormal water loss or leakage from the source storage pool.
 - (x) Pool water conductivity exceeding 100 micromhos (100 μ S) per centimeter.
2. The report must include a telephone report within 24 hours and a written report within 30 days as described in Rule [391-3-17-.03\(14\)\(b\).](#)

Cite as Ga. Comp. R. & Regs. R. 391-3-17-.09

Authority: O.C.G.A. § [31-13-1](#) et seq.

History. Original Rule entitled "Enforcement" adopted. F. May 2, 1991; eff. May 22, 1991.

Repealed: New Rule entitled "Licensing and Radiation Safety Requirements for Irradiators" adopted. F. Feb. 24, 1994; eff. Mar. 16, 1994.

Amended: F. Oct. 4, 1994; eff. Oct. 24, 1994.

Amended: F. Mar. 29, 2002; eff. Apr. 18, 2002.

Amended: F. May 11, 2016; eff. May 31, 2016.

Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.

Amended: F. Mar. 30, 2022; eff. Apr. 19, 2022.

Rule 391-3-17-.10. Administration.

- (1) Scope. The provisions of this Rule, 391-3-17-.10, shall apply to the administrative procedures required by this Chapter.
- (2) Administration.
 - (a) Administrative Examination of Applications. Applications for the issuance of a license, amendment of a license at the request of the holder, and renewal of a license will be given a docket or other identifying number for administrative examination. The applicant may be required to submit additional information and may be requested to confer in formally regarding the application. The Division will give to others such notice of the filing of applications as is required under the applicable provisions of this Chapter and such additional notices as it deems appropriate.
 - (b) Effect of Timely Renewal Application. In the case of an application for renewal, if the licensee has made application for the renewal of an existing license at least 30 days prior to its expiration date, the license shall not be deemed to have expired until such application shall have been determined.
 - (c) Filing of Papers. Unless otherwise specified, papers required to be filed with the Division shall be filed with the Environmental Protection Division, Radioactive Materials Program, 4244 International Parkway, Suite 120 Atlanta, Georgia 30354. Papers required to be filed with the Division shall be deemed filed upon actual receipt with the Division at the location specified. Unless otherwise specified, the filing, when by mail, shall upon actual receipt be deemed complete as of the date of deposit in the mail. Papers may be filed at the Division's offices in Atlanta, Georgia.
 - (d) Payment of Fees. All licensees shall remit annual fees in accordance with Table 1, the Radioactive Materials License Fee Schedule. Annual fee payments for general and specific licenses are due before the end of the calendar year for the following calendar year. New licensees shall be in voiced for annual fees at a prorated rate. Such fees shall be due and payable thirty (30) days after the invoice date. Fees for applications for specific licenses, and annual fees for reciprocity applicants, shall accompany the request. An application fee must accompany renewal applications that are submitted after a license has expired. Licensees with fees which are delinquent shall not have any request for amendment or renewal of their licenses, except in the interest of public health and safety, honored by the Division until such fees are paid in full or a payment plan has been accepted by the Division.

Table 1

Radioactive Materials License Fee Schedule

License Category	Fee Category	New License Application Fee	Annual Fee, Nominal	Annual Fee, Small Entity [See subparagraph (e)]	Annual Fee, Lower Tier [See subparagraph (f)]
Medical Teletherapy	A.1.a	\$3,256.00	\$6,623.00	\$2,026.50	\$1,212.75
Stereotactic Radio surgery (i.e., Gamma Knife)	A.1.b	\$3,256.00	\$6,623.00	\$2,026.50	\$1,212.75
Broad Medical	A.10	\$3,145.00	\$17,057.00	\$4,550.00	\$3,736.25
Eye Applicators	A.11	\$999.00	\$3,182.00	\$1,982.75	\$1,169.00
Source Material	A.12	\$1,998.00	\$4,588.00	\$435.75	\$435.75
Depleted Uranium	A.12	\$222.00	\$666.00	\$266.00	\$266.00
Institutional Medical-Mult. Use (Including HDR)	A.2.a	\$999.00	\$3,182.00	\$3,150.00	\$2,336.25
Institutional Medical-Mult. Use	A.2.b	\$999.00	\$3,182.00	\$1,982.75	\$1,169.00
Institutional Medical-Mult. Use (diagnostic only)	A.2.c	\$999.00	\$3,182.00	\$1,750.00	\$936.25
Institutional Medical-Single Use (therapy only)	A.3	\$999.00	\$3,182.00	\$1,982.75	\$1,169.00
Private Practice (Therapy-HDR)	A.4.a	\$999.00	\$3,182.00	\$3,150.00	\$2,336.25

Private Practice (Limited Therapy)	A.4.b	\$999.00	\$3,182.00	\$1,982.75	\$1,169.00
Private Practice (Diagnostic Only)	A.4.c	\$999.00	\$3,182.00	\$1,837.50	\$1,023.75
Private Practice (Veterinary)	A.4.d	\$555.00	\$1,813.00	\$1,750.00	\$936.25
In-Vitro Specific Licenses	A.5	\$555.00	\$1,813.00	\$1,470.00	\$831.25
In-Vitro General Licenses	A.6	\$0.00	\$100.00	\$100.00	\$100.00
Bone Mineral Analyzers	A.7	\$999.00	\$3,182.00	\$1,750.00	\$936.25
Nuclear Pharmacy	A.8.a.1	\$2,405.00	\$6,253.00	\$3,990.00	\$3,176.25
Medical Manufacturer for Distribution	A.8.a.2	\$2,405.00	\$6,253.00	\$2,357.25	\$1,543.50
Medical Distribution or Redistribution Only (sealed sources)	A.8.b.1	\$1,885.72	\$3,717.19	\$1,692.25	\$878.50
Medical Distribution or Redistribution Only (GL)	A.8.b.2	\$407.00	\$1,184.00	\$1,184.00	\$691.25
Mobile Nuclear Medicine	A.9.a	\$999.00	\$3,182.00	\$2,275.00	\$1,461.25
Mobile HDR	A.9.b	\$999.00	\$3,182.00	\$2,275.00	\$1,461.25
Special Nuclear Material (sealed sources in devices)	B.1.a	\$481.00	\$1,332.00	\$1,036.00	\$572.25
Special Nuclear Material (power sources in devices)	B.1.b	\$925.00	\$2,701.00	\$990.50	\$526.75

Special Nuclear Material (other)	B.2	\$925.00	\$2,701.00	\$1,895.25	\$1,081.50
Pacemaker, By product or SNM -- Medical Inst	B.3	\$999.00	\$3,182.00	\$1,895.25	\$1,081.50
Industrial Mfg. for Distribution	C.1	\$1,628.00	\$4,588.00	\$2,437.75	\$1,624.00
Installed Gauges	C.10.a	\$555.00	\$1,813.00	\$1,470.00	\$831.25
Gas Chromatograph, etc.	C.10.b	\$555.00	\$1,813.00	\$1,400.00	\$761.25
Portable Moisture Density Gauges, Pb analyzers, etc.	C.11	\$555.00	\$1,813.00	\$1,750.00	\$1,111.25
Calibration Sources	C.12.a	\$555.00	\$1,813.00	\$1,750.00	\$1,111.25
Calibration Sources (Radium)	C.12.b	\$555.00	\$1,813.00	\$1,349.25	\$710.50
Decontamination Services	C.13.a	\$2,368.00	\$5,513.00	\$2,100.00	\$1,461.25
Industrial (other) (NORM) (Gauge Service)	C.13.b	\$2,368.00	\$5,513.00	\$1,750.00	\$1,111.25
Contaminated Equipment	C.14	\$555.00	\$1,813.00	\$1,349.25	\$710.50
In-house Industrial Radiography	C.2	\$1,480.00	\$9,583.00	\$3,780.00	\$2,966.25
Multiple Job-Site Industrial Radiography	C.3	\$1,480.00	\$9,583.00	\$3,780.00	\$2,966.25
Gamma Irradiators (Self-Shielded)	C.4.a	\$1,184.00	\$3,367.00	\$1,135.75	\$672.00
Gamma Irradiators (>10K Ci)	C.4.b.1	\$2,368.00	\$5,735.00	\$1,750.00	\$936.25

Gamma Irradiators (>10K<100KCi)	C.4.b.2	\$22,644.00	\$52,133.00	\$4,462.50	\$3,648.75
Gamma Irradiators (>100K<1MCi)	C.4.b.3	\$22,644.00	\$52,133.00	\$8,050.00	\$7,236.25
Gamma Irradiators (>1MCi)	C.4.b.4	\$22,644.00	\$52,133.00	\$17,675.00	\$16,861.25
Broad Scope Distribution, Specific (Type A)	C.5.a.1	\$4,736.00	\$16,095.00	\$5,215.00	\$4,401.25
Broad Scope Distribution, Specific (Type B)	C.5.a.2	\$4,736.00	\$16,095.00	\$2,765.00	\$1,951.25
Broad Scope Distribution, Specific (Type C)	C.5.a.3	\$4,736.00	\$16,095.00	\$2,275.00	\$1,461.25
GL Distribution (source and/or device evaluation)	C.5.b	\$740.00	\$1,776.00	\$1,655.50	\$841.75
GL Distribution (no source and/or device evaluation)	C.5.c	\$407.00	\$1,184.00	\$1,184.00	\$967.75
Possession Incident to NRC Exempt Distribution	C.6.c	\$555.00	\$1,813.00	\$1,739.50	\$925.75
Well Logging/Tracers	C.7.a	\$1,221.00	\$3,774.00	\$2,217.25	\$1,403.50
Field Flooding Studies	C.7.b	\$857.15	\$2,933.85	\$1,750.00	\$1,111.25
Nuclear Laundries	C.8	\$8,066.00	\$17,057.00	\$2,590.00	\$1,776.25

Industrial Research & Development	C.9	\$1,295.00	\$3,219.00	\$1,902.25	\$1,088.50
Broad Scope (Academic) (Type A&B)	D.1.a	\$1,998.00	\$5,439.00	\$2,563.75	\$1,750.00
Broad Scope (Academic) (Type C)	D.1.b	\$1,998.00	\$5,439.00	\$2,075.50	\$1,261.75
Broad Scope (Industrial R&D) (Type A)	D.2.a	\$1,998.00	\$5,439.00	\$2,563.75	\$1,750.00
Broad Scope (Industrial R&D) (Type B)	D.2.b	\$1,998.00	\$5,439.00	\$2,292.50	\$1,478.75
Broad Scope (Industrial R&D) (Type C)	D.2.c	\$1,998.00	\$5,439.00	\$2,075.50	\$1,261.75
Broad Scope (Medical Manufacturer for Distribution) (R&D)	D.3	\$2,405.00	\$5,735.00	\$2,765.00	\$1,951.25
Civil Defense (Emergency Management)	E.1	\$925.00	\$3,330.00	\$1,256.50	\$617.75
Civil Defense (Emergency Response)	E.2	\$925.00	\$3,330.00	\$1,188.25	\$549.50
Teletherapy Service Co.	F	\$2,368.00	\$5,513.00	\$1,902.25	\$1,088.50
Consultants (Leak Testing Service)	G	\$555.00	\$1,813.00	\$1,349.25	\$411.25
GL Devices (except tritium safety signs)	GL	\$0.00	\$100.00	\$100.00	\$100.00
Academic (Non-Broad)	I	\$1,295.00	\$3,219.00	\$1,400.00	\$761.25

Device Evaluation	J.1	\$4,595.40	\$5,350.20	\$1,050.00	\$236.25
Source Evaluation	J.2	\$1,709.40	\$2,319.90	\$875.00	\$236.25
Radioactive Waste Disposal-Burial	L.1	\$154,286.53	\$155,200.77	\$39,550.00	\$38,736.25
Radioactive Waste Disposal-Incineration	L.2	\$154,286.53	\$155,200.77	\$39,550.00	\$38,736.25
Radioactive Waste, Processing & Repackaging	L.3.a	\$3,108.00	\$11,840.00	\$5,390.00	\$4,576.25
Radioactive Waste, Prepack aged	L.3.b	\$1,813.00	\$5,513.00	\$3,552.50	\$2,738.75
Reciprocity	K.	appropriate nominal annual fee (eligible for Small Entity/Lower Tier)			

(e) Small Entity

The size standards for Georgia small entities are as follows:

1. A small business is a business with annual receipts of \$3.5 million or less except private practice physicians for which the standard is annual receipts of \$ million or less.
2. A small organization is a not-for-profit organization which is independently owned and operated and has annual receipts of \$3.5 million or less.
3. Small governmental jurisdictions are governments of cities, counties, towns, school districts, or special districts with a population of less than 50,000.
4. A small educational institution is one that is (1) supported by a qualifying small governmental jurisdiction, or (2) one that is not state or publicly supported and has 500 employees or less.

(f) Small Entity Lower Tier

Small businesses and not-for-profit organizations with annual receipts of less than \$250,000 and small governmental jurisdictions with populations of less than 20,000 qualify for the lower tier small entity fee.

(3) Penalties.

- (a) Any person who engages in any of the following conduct shall be guilty of a misdemeanor as found in O.C.G.A. Section [31-13-13](#):
 - 1. Hindering, obstructing, or otherwise interfering with any representative of the Department in the discharge of his official duties in making inspections or impounding radioactive materials as provided in Code Section [31-13-5](#) and [31-13-11](#) respectively; or
 - 2. Violating the provisions of Code Section [31-13-7](#) (permits for disposal of radioactive waste; bonding of permittees), or any Rule or Regulation promulgated there under; or
 - 3. Violating the provisions of Code Section [31-13-12](#) (Prohibited Uses of Sources of Radiation).
- (b) Any person who submits any false statements or writings, concealment of facts, and fraudulent documents in matters within the jurisdiction of the Division shall be guilty of a felony as found in O.C.G.A. Section [16-10-20](#):
 - 1. A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of the Division shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.
- (c) Any person who:
 - 1. Violates any licensing provision of this 31-13-1, et.seq., or any Rule, Regulation, or Order issued under 31-13-1, et. seq., or any term, condition, or limitation of any license issued under this Chapter; or
 - 2. Commits any violation for which a license may be revoked under rules or regulations issued pursuant to this 31-13-1, et. seq., may be subject to a civil penalty, to be imposed by the Division, not to exceed \$10,000.00. If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty.

3. If a violation is found to exist during an inspection or visit and is then found to exist on a subsequent inspection or visit, there shall arise a rebuttable presumption that the violation continued throughout the period of time between the initial inspection or visit and the subsequent inspection or visit.
- (d) Whenever the Division proposes to subject a person to the imposition of a civil penalty, it shall notify such person in writing:
 1. Setting forth the date, facts, and nature of each act or omission with which the person is charged.
 2. Specifically identifying the particular provision or provisions of the Code section, Rule, Order, or license condition involved in the violation; and
 3. Advising of each penalty which the Division proposes to impose and its amount.
 - (e) Such written notice shall be sent by registered or certified mail by the Division to the last known address of such person. The person so notified shall be granted an opportunity to show in writing, within ten days from receipt of such notice, why such penalty should not be imposed. The notice shall also advise such person that upon failure to pay the civil penalty subsequently determined by the Division, if any, the penalty may be collected by civil action.
 - (f) Upon receipt of a written response from the person so notified, alleging that a penalty should not be imposed, the Director shall consider the response and make a final decision on the appropriateness and amount of the penalty. The Division may, at its discretion, conduct an onsite inspection in order to make a final decision. In making this decision, the Director may, as deemed appropriate by the Director, consider such factors as: errors concerning the amount or nature of the penalty, corrective action taken by the licensee, and approved disposal of radioactive material by the licensee.
 - (g) The Division shall inform the licensee of its final decision by registered or certified mail to the last known address of the licensee. Within 10 days of receipt of the Division's final determination concerning the civil penalty, the licensee may request an administrative hearing pursuant to the Georgia Administrative Procedure Act, O.C.G.A. [50-13-1](#), et. seq.

Cite as Ga. Comp. R. & Regs. R. 391-3-17-.10

Authority: O.C.G.A. [31-13-1](#) et seq., as amended.

History: Rule entitled "Administration" adopted. F. Feb. 24, 1994; eff. Mar. 16, 1994.

Amended: F. Oct. 4, 1994; eff. Oct. 24, 1994.

Amended: F. Apr. 16, 1997; eff. May 6, 1997.

Amended: F. Mar. 29, 2002; eff. Apr. 18, 2002.

Amended: F. Aug. 16, 2013; eff. Sept. 5, 2013.

Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.

Amended: F. Feb. 26, 2020; eff. Mar. 17, 2020.

Rule 391-3-17-.11. Enforcement.

A person who fails to comply with O.C.G.A. Section [31-13-1](#), *et seq.*, or Chapter 391-3-17, shall be subject to revocation of this license and/or other sanctions provided by law. The enforcement and administration of this Chapter shall be as prescribed in O.C.G.A. [31-13-1](#), *et seq.*, Georgia Radiation Control Act; O.C.G.A. [31-5-1](#), *et seq.*, Administration and Enforcement; and O.C.G.A. Section [50-13-1](#), *et seq.*, Administrative Procedure Act.

Cite as Ga. Comp. R. & Regs. R. 391-3-17-.11

Authority: Ga. L. 1964, pp. 499, 507, 566-575, as amended (Georgia Control Act).

History. Rule entitled "Enforcement" renumbered, originally numbered [391-3-17-.09](#) F. Feb. 24, 1994; eff. Mar. 16, 1994.

Rule 391-3-17-.12. Licenses and Radiation Safety Requirements for Well Logging.

- (a) Except as set forth in (b) and (c) below, this subchapter incorporates by reference 10 CFR Part 39.
- (b) The following provisions of 10 CFR Part 39 are not incorporated by reference. If there is a cross reference to a Federal citation specifically entirely excluded from incorporation, then the cross referenced citation is not incorporated by virtue of the cross reference:
 - 1. [10 CFR 39.8](#), Information collection requirements: OMB approval
- (c) The following provisions of 10 CFR Part 39 are incorporated by reference with the specified changes:
 - 1. "Commission," "Nuclear Regulatory Commission," "NRC," and "U.S. Nuclear Regulatory Commission," as used in the provisions of Part 39 of the Code of Federal Regulations that are incorporated by reference, means the Division, except when specifically noted in this subchapter.
 - 2. [10 CFR 39.1\(a\)](#), delete "20," and add "and Rule [391-3-17-.03](#) "after "of this chapter";
 - 3. [10 CFR 39.11](#), replace "Form NRC 313, "Application for Material License." with "forms available from the Division" and replace "appropriate NRC Regional Office listed in appendix D of part 20 of this chapter" with "Division";
 - 4. [10 CFR 39.15\(a\)\(5\)\(iii\)\(B\)](#), replace "§ 20.1901(a)" with "Rule [391-3-17-.03](#) ";

5. [10 CFR 39.31\(a\)\(1\)](#), replace "§ 20.1901(a)" with "Rule [391-3-17-.03](#) ";
6. [10 CFR 39.31\(a\)\(2\)](#), replace "§ 20.1901(a)" with "Rule [391-3-17-.03](#) ";
7. [10 CFR 39.33\(a\)](#), replace "part 20 of this chapter" with "Rule [391-3-17-.03](#) ";
8. [10 CFR 39.35\(d\)\(2\)](#), replace "appropriate NRC Regional Office listed in appendix D of part 20 of this chapter" with "Division";
9. [10 CFR 39.61\(a\)\(2\)\(i\)](#), delete "20," and add "and Rule [391-3-17-.03](#) "after "of this chapter";
10. [10 CFR 39.61\(b\)\(1\)](#), delete "parts 19 and 20 of this chapter" and add "Rules [391-3-17-.03](#) and .07 ";
11. [10 CFR 39.63\(h\)](#), replace "§ 20.1906 of this chapter" with "Rule [391-3-17-.03](#) ";
12. [10 CFR 39.71\(b\)](#), replace "§ 20.1003 of this chapter" with "Rule [391-3-17-.03](#) ";
13. [10 CFR 39.73\(a\)](#), replace "19, 20, and 39" with "Rules [391-3-17-.03](#), .07 and .12 ";
14. [10 CFR 39.75\(d\)](#), replace § 71.5" with "Rule [391-3-17-.06](#) ";
15. [10 CFR 39.75\(e\)](#), add ", or NRC" after "Agreement State";
16. [10 CFR 39.77\(a\)](#), replace "NRC Regional Office by telephone" with "Division by telephone number as per subparagraph [391-3-17-.01\(13\)\(a\)](#) of this chapter"; and
17. [10 CFR 39.77\(b\)](#), replace "20.2201-20.2202, 20.2203 and 30.50" with "Rule [391-3-17-.03](#)."

- (d) Reports that are to be submitted to the Division pursuant to this subchapter shall be submitted to the address in Rule [391-3-17-.01\(13\)](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-17-.12

Authority: O.C.G.A. § [31-13-1](#) et seq., as amended.

History. Original Rule entitled "Licenses and Radiation Safety Requirements for Well Logging" adopted. F. Apr. 11, 2016; eff. May 1, 2016.

Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.

Rule 391-3-17-.13. Physical Protection of Category 1 and Category 2 Quantities of Radioactive Materials.

- (1) Except as set forth in (2) and (3) below, this Rule incorporates by reference 10 CFR Part 37 with an Effective Date of December 30, 2019.
- (2) The following provisions of 10 CFR Part 37 are not incorporated by reference. If there is a cross reference to a Federal citation specifically entirely excluded from incorporation, then the cross referenced citation is not incorporated by virtue of the cross reference:
 - (a) [10 CFR 37.1](#), Purpose
 - (b) [10 CFR 37.3](#), Scope
 - (c) [10 CFR 37.7](#), Communications
 - (d) [10 CFR 37.9](#), Interpretations
 - (e) [10 CFR 37.11\(a-b\)](#), Specific Exemptions
 - (f) [10 CFR 37.13](#), Information collection requirements: OMB approval
 - (g) [10 CFR 37.105](#), Inspections
 - (h) [10 CFR 37.109](#), Criminal penalties
- (3) The following provisions of 10 CFR Part 37 are incorporated by reference with the specified changes:
 - (a) "Commission," "Nuclear Regulatory Commission," "NRC," and "U.S. Nuclear Regulatory Commission," as used in the provisions of Part 37 of the Code of Federal Regulations that are incorporated by reference, mean the Georgia Environmental Protection Division, except:
 1. [10 CFR 37.5](#) Definitions for: *Commission, Fingerprint orders, Person,*
 2. [10 CFR 37.25\(b\)](#) *Grandfathering,*
 3. [10 CFR 37.27\(a\) and \(c\)](#) *General performance objective and requirements, Procedures for processing fingerprint checks,*
 4. [10 CFR 37.29\(a\)](#)
 5. [10 CFR 37.71](#) referring to NRC's license verification system,
 6. [10 CFR 37.71](#) "licensee of the Commission or an Agreement State" shall be deemed to be a reference to "licensee of the Georgia Environmental Protection Division, NRC or an Agreement State."
- (4) In lieu of the address given in [10 CFR 37.27\(c\)](#), licensee shall submit fingerprint cards or records to U.S. Nuclear Regulatory Commission, Criminal History Program, Division of

Facilities and Security, 11545 Rockville Pike, Mail Stop T-7D04M, Rockville, MD 20852.

- (5) Reference in 10 CFR 37 to the following NRC regulation shall be deemed a reference to the identified section(s) in Georgia DNR Chapter 391-3-17:
- (a) NRC Regulation (10 CFR) 30.41(d) refers to [391-3-17-.02\(19\)](#)
- (6) License required reports of events or notifications as specified in the following sections shall be submitted to Georgia Department of Natural Resources, Environmental Protection Division, as specified in Georgia DNR Chapter 391-3-17:
- (a) [10 CFR 37.41](#),
 - (b) [10 CFR 37.45](#),
 - (c) [10 CFR 37.57](#),
 - (d) [10 CFR 37.77\(a\) - \(d\)](#),
 - (e) [10 CFR 37.81](#)

Cite as Ga. Comp. R. & Regs. R. 391-3-17-.13

Authority: O.C.G.A. § [31-13-1](#) et seq., as amended.

History. Original Rule entitled "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Materials" adopted. F. Dec. 14, 2017; eff. Jan. 3, 2018.

Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.

Amended: F. Mar. 24, 2021; eff. Apr. 13, 2021.

Subject 391-3-18. RULES FOR CERTIFICATION OF ENVIRONMENTALLY SENSITIVE PROPERTY.

Rule 391-3-18-.01. Purpose.

The purpose of these rules is to establish the procedures for certification of environmentally sensitive property for purposes of ad valorem taxation for conservation use, in accordance with O.C.G.A. Sec. [48-5-7.4\(a\)\(2\)](#). These rules are also designed to complement the Department of Revenue's Rules for Conservation Use Property, Chapter 560-11-6.

Cite as Ga. Comp. R. & Regs. R. 391-3-18-.01

Authority: O.C.G.A. §§ [48-5-7.4](#), [12-2-4\(k\)](#), [12-2-24\(a\)](#).

History. Original Rule entitled "Purpose" adopted. F. Feb. 7, 1992; eff. Feb. 27, 1992.

Amended: F. July 22, 2019; eff. August 11, 2019.

Rule 391-3-18-.02. Definitions.

All terms used in this rule chapter shall be interpreted in accordance with the definitions as set forth in O.C.G.A. Sec. [48-5-7.4](#) and Rule Chapter 560-11-6.

- (1) "Department" means the Georgia Department of Natural Resources.
- (2) "Maintenance in its natural condition" means to manage the land in such a manner that would not ruin, erode, harm, damage, or spoil the nature, distinctiveness, identity, appearance, utility or function that originally characterized the property as environmentally sensitive under O.C.G.A. Section [48-5-7.4\(a\)\(2\)](#).
- (3) "Primary use" means the principal use to which the property is devoted, as distinct from an incidental, occasional, intermediate or temporary use for some other purpose not detrimental to or in conflict with its primary purpose.

Cite as Ga. Comp. R. & Regs. R. 391-3-18-.02

Authority: O.C.G.A. §§ [48-5-7.4](#), [12-2-4\(k\)](#), [12-2-24\(a\)](#).

History. Original Rule entitled "Definitions" adopted. F. Feb. 7, 1992; eff. Feb. 27, 1992.

Amended: F. July 22, 2019; eff. August 11, 2019.

Rule 391-3-18-.03. Environmentally Sensitive Property.

- (1) Environmentally sensitive property includes real property that meets the definition of one or more categories of paragraph (2) and where the primary use of such property is:
 - (a) for categories (2)(a) through (2)(f), maintenance in its natural condition; or
 - (b) for categories (2)(a) through (2)(c), enhancing the water quality of surface or ground waters; or
 - (c) for category (2)(g), controlling or abating pollution of surface or ground waters by storm water runoff or otherwise enhancing the water quality of surface or ground waters.
- (2) In accordance with O.C.G.A. § [48-5-7.4\(a\)\(2\)](#), the categories of environmentally sensitive property are:
 - (a) Mountainous Terrain, defined as any land area 1,000 feet or more above the lowest elevation of the county in which such area is located that has a percentage slope of 25 percent or greater, including the crests, summits, and ridge tops which lie at elevations higher than any such area;
 - (b) Wetland areas that are determined by the United States Army Corps of Engineers to be wetlands under their jurisdiction pursuant to Section 404 of the federal Clean Water Act, as amended, or wetland areas that are depicted or delineated on maps

compiled by the Department or the United States Fish and Wildlife Service pursuant to its National Wetlands Inventory Program;

- (c) Significant groundwater recharge areas as identified on maps or data compiled by the Department;
- (d) Undeveloped barrier islands or portions thereof as provided for in the federal Coastal Barrier Resources Act, as amended;
- (e) Habitats certified by the Department as containing species that have been listed as either endangered or threatened under the federal Endangered Species Act of 1973, as amended;
- (f) River or stream corridors or buffers which shall be defined as those undeveloped lands which are:
 - 1. Adjacent to rivers and perennial streams that are within the 100 year flood plain as depicted on official maps prepared by the Federal Emergency Management Agency; or
 - 2. Within buffer zones adjacent to rivers or perennial streams, which buffer zones are established by law or local ordinance and within which land-disturbing activity is prohibited; and
- (g) Constructed storm-water wetlands of the free-water surface type certified by the Department under O.C.G.A. § [12-2-4\(k\)](#) and approved for such use by the local governing authority.

Cite as Ga. Comp. R. & Regs. R. 391-3-18-.03

Authority: O.C.G.A. §§ [48-5-7.4](#), [12-2-4\(k\)](#), [12-2-24\(a\)](#).

History. Original Rule entitled "Environmentally Sensitive Lands" adopted. F. Feb. 7, 1992; eff. Feb. 27, 1992.

Amended: New title "Environmentally Sensitive Property." F. July 22, 2019; eff. August 11, 2019.

Rule 391-3-18-.04. Procedures for Certification of Environmentally Sensitive Property.

- (1) Property owners who wish to have all or portions of their property certified as environmentally sensitive for tax assessment purposes must submit the information set forth below using an application form provided by the Department.
 - (a) The qualifying property must be owned by an entity meeting the ownership requirements of O.C.G.A. § [48-5-7.4\(a\)\(1\)\(C\)](#).

- (b) The application for certification must include a property map or survey providing the total acreage of the owner's property and showing the property boundaries. The total acreage and boundaries should correspond to the records maintained by the county tax assessor.
 - (c) The application for certification must also include a map identifying those portions of the property that the applicant believes meets one or more of the categories in paragraphs (3) through (9).
- (2) In order for the Department to verify the primary use of those portions of the property identified in paragraph (1)(c), the property owner must provide a written statement regarding the primary use of those portions of the property. Where appropriate, the Department may also require photographic documentation.
 - (a) Where the primary use is maintenance in its natural condition, as defined in [391-3-18.02\(2\)](#), the written statement should indicate how long those portions of the property have been undisturbed and how they have been and will be managed. The written statement should include as much historical information as is available to the property owner.
 - (b) Where the primary use is enhancing the water quality of surface or ground waters, the written statement should describe how the use of those portions of the property enhance the water quality of surface or ground waters. Any measures being taken to reduce, control or eliminate pollution should be described.
 - (c) For the constructed storm water wetlands category of paragraph (9), the applicant should provide a signed statement from an authorized employee or agent of the local governing authority that, pursuant to Rule [560-11-6-.04\(5\)](#), they have inspected the site and determined that the property is being used for controlling or abating pollution of surface or ground waters of this state by storm-water runoff or by otherwise enhancing the water quality of surface or ground waters.
- (3) **Mountainous Terrain.** For this category, the property owner must provide:
 - (a) a map showing the elevations on the property and indicating the areas of the property that meet or exceed the minimum elevations for that county that are designated on the application form provided by the Department;
 - (b) an identification on the map of the areas above the minimum elevations where the percentage slope is 25 percent or greater, measured as the difference in elevation between two points 500 feet apart divided by the horizontal distance between those two points; and
 - (c) an identification on the map of any crests, summits, or ridge tops that lie at elevations higher than the areas identified in (b); and

- (d) the total acreage of those portions of the property identified under (b) and (c).
- (4) **Wetlands.** For this category, the property owner must provide one of the following:
- (a) A map identifying those portions of the property containing wetlands, as depicted on maps compiled by the U.S. Fish and Wildlife Service pursuant to its National Wetlands Inventory Program, and the total acreage for those portions of the property containing wetlands. The Fish and Wildlife Service maintains an online Wetlands Mapper tool that depicts wetlands included in the National Wetlands Inventory.
 - (b) A map identifying those portions of the property containing wetlands, as depicted on maps compiled by the Department, and the total acreage for those portions of the property containing wetlands.
 - (c) A map identifying those portions of the property containing wetlands, as determined by the United States Army Corps of Engineers pursuant to a jurisdictional determination completed under Section 404 of the federal Clean Water Act, and the total acreage for those portions of the property containing wetlands. An expired jurisdictional determination will be considered, as long as the property owner can attest that the area included in the jurisdictional determination has not been disturbed.
- (5) **Significant groundwater recharge areas.** For this category, the property owner must provide a map identifying those portions of the property containing significant groundwater recharge areas, as depicted on the digital version of Hydrologic Atlas 18 (HA-18) that is available from the Department, and the total acreage for those portions of the property.
- (6) **Undeveloped barrier islands.** For this category, the property owner must provide a map identifying those portions of the property that are identified as undeveloped barrier islands by the federal Coastal Barrier Resources Act, as amended, and the total acreage for those portions of the property. The U.S. Fish and Wildlife Service maintains an online Coastal Barrier Resources System Mapper tool that depicts the undeveloped barrier islands identified in the Act.
- (7) **Habitats for federal endangered or threatened species.** For this category, the property owner must make a site-specific request to the Department for information regarding the occurrence of federal endangered or threatened species on those portions of the property that are and will remain undisturbed. The property owner should follow the instructions for making a site-specific request that are included on the application form provided by the Department.
- (8) **River or stream corridors or buffers.** For this category, the property owner must provide a map identifying the undeveloped areas of the property that meet the requirements of (a) or (b) and the total acreage for those portions of the property.

- (a) Undeveloped areas adjacent to rivers and perennial streams that are within the 100 year flood plain, as depicted on maps prepared by the Federal Emergency Management Agency. The Department maintains an online Georgia Flood Map Program that identifies 1% annual chance flood zones that correspond to the 100 year flood plain.
 - (b) Undeveloped areas within buffer zones adjacent to rivers or perennial streams, which buffer zones are established under the Erosion and Sedimentation Act, O.C.G.A. Secs. [12-7-1](#) et seq., or by local ordinance. Where the buffer zone is established by local ordinance, the property owner should include a reference to the applicable local ordinance.
- (9) **Constructed storm water wetlands.** For this category, the property owner must provide a plat of the property prepared by a licensed land surveyor, in accordance with Rule [560-11-6-.03\(e\)](#), showing the location and measured area of the constructed storm water wetlands.

Cite as Ga. Comp. R. & Regs. R. 391-3-18-.04

Authority: O.C.G.A. §§ [48-5-7.4](#), [12-2-4\(k\)](#), [12-2-24\(a\)](#).

History. Original Rule entitled "Procedures" adopted. F. Feb. 7, 1992; eff. Feb. 27, 1992.

Amended: New title "Procedures for Certification of Environmentally Sensitive Property." F. July 22, 2019; eff. August 11, 2019.

Subject 391-3-19. HAZARDOUS SITE RESPONSE.

Rule 391-3-19-.01. General Provisions.

- (1) **Purpose.** The purpose of these rules is to establish policies, procedures, requirements, and standards to implement the Georgia Hazardous Site Response Act, Official Code Georgia Annotated (O.C.G.A) Section [12-8-90](#) et seq. (1992), as amended. These Rules are promulgated to protect and enhance the quality of Georgia's environment and to protect the public health, safety, and well-being of its citizens.
- (2) **Authority.** These Rules are issued under the authority of the Georgia Hazardous Site Response Act (HSRA), O.C.G.A Section [12-8-90](#) et seq.

Cite as Ga. Comp. R. & Regs. R. 391-3-19-.01

Authority: O.C.G.A Section [12-8-90](#) et seq.

History. Original Rule entitled "General Provisions" adopted. F. May 27, 1993; eff. June 16, 1993.

Rule 391-3-19-.02. Conventions.

(1) **Abbreviations.**

CERCLA - Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended

CFR - Code of Federal Regulations

HSRA - Georgia Hazardous Site Response Act, O.C.G.A. § [12-8-90](#) et seq.

IEUBK - USEPA's Integrated Exposure Uptake Biokinetic Model for Lead in Children

IRIS - USEPA's Integrated Risk Information System

MCL - Maximum Contaminant Levels - Drinking water standards established pursuant to the Safe Drinking Water Act, promulgated at 40 CFR Part 141, Subpart G, including the treatment technique action level concentrations found in [40 CFR 141.80\(c\)](#).

NCP - The National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300

O.C.G.A. - Official Code of Georgia, Annotated

PPRTV - USEPA's Provisional Peer Reviewed Toxicity Values

RAGS, Part A - "Risk Assessment Guidance for Superfund: Volume 1 - Human Health Evaluation Manual (Part A)," USEPA document EPA/540/1-89/002, as amended.

RAGS, Part B - "Risk Assessment Guidance for Superfund: Volume 1 - Human Health Evaluation Manual (Part B, Development of Risk-based Preliminary Remediation Goals)," USEPA document EPA/540/R-92/003, as amended.

RAGS, Part E - "Risk Assessment Guidance for Superfund, Volume I: Human Health Evaluation Manual (Part E, Supplemental Guidance for Dermal Risk Assessment)," USEPA document EPA/540/R-99/005, as amended.

RAGS, Part F - "Risk Assessment Guidance for Superfund, Volume I: Human Health Evaluation Manual (Part F, Supplemental Guidance for Inhalation Risk Assessment)," USEPA document EPA/540/R-070/002, as amended.

SARA - Federal Superfund Amendments and Reauthorization Act of 1986, as amended

SW-846 - "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846

USEPA - United States Environmental Protection Agency

(2) **Definitions.** Unless otherwise defined in this chapter, the definition of all terms included in the HSRA, O.C.G.A. [12-8-90](#) et seq., as amended, the Georgia Hazardous Waste Management Act (HWMA) O.C.G.A. § [12-8-60](#) et seq., as amended, and in the Rules for Hazardous Waste Management, Section [391-3-11-.02](#), shall have the same meaning in this chapter. When used in this chapter, the following terms shall have the meaning given below:

- (a) *Approved analytical test method* means SW-846 test methods that have been promulgated, recommended, or otherwise approved by USEPA, or methods approved for use by the Division;
- (b) *Conditionally exempt small quantity generator* means a hazardous waste generator who generates 220 pounds or less of hazardous waste in one month;
- (c) *Defined release* means any release which is an event which has a known duration of less than 30 consecutive days, which has a known source, and which involves quantities that are known or can be estimated;
- (d) *Detection limit* means the practical quantitation limit (PQL), defined as the lowest concentration, for an approved analytical test method and for a given sample matrix, at which the quantity of a regulated substance can be measured with a stated degree of confidence under routine laboratory operating conditions;
- (e) *Final receiving facility* means a receiving facility that receives a hazardous waste and from which that hazardous waste will not be reshipped for further off-site management;
- (f) *Free product* means any non-aqueous phase liquid that contains a regulated substance and that has accumulated at a groundwater surface, has pooled above a low permeability boundary in an aquifer, or can move freely in the aquifer;
- (g) *Ground water* means any subsurface water that is in a zone of saturation;
- (h) *Large quantity generator* means a hazardous waste generator who generates 2.2 pounds or more of acute hazardous waste or 2200 pounds or more of hazardous waste in one month;
- (i) *Non-residential property* means any real property or portion of a property not currently being used for human habitation or for other purposes with a similar potential for human exposure, at which activities have been or are being conducted that can be categorized in one of the 1987 Standard Industrial Classification (SIC) major groups 01- 97 inclusive (except the four-digit codes 4941, 8051, 8059, 8062-3, 8069, 8211, 8221-2, 8351, 8661, and 9223). Non-residential property includes all of the contiguous block(s) and lot(s) controlled by the same owner or operator that are vacant land, or that are used in conjunction with such business. For leased properties, non-residential property includes the leasehold and any external tank, surface impoundment, septic system, or any other structure, vessel, contrivance, or

unit that provides, or is utilized for the management of regulated substances to or from the leasehold;

- (j) *Off-site management* means the movement of hazardous waste beyond the property boundary of the facility where it was generated for disposal, incineration, treatment, storage, burning for energy recovery, recycling and/or reuse at a receiving facility;
- (k) *On-site management* means the disposal, incineration, treatment, storage, burning for energy recovery, recycling and/or reuse of self-generated hazardous waste by any large quantity generator before it is shipped for off-site management or discharged from an outfall regulated under the Georgia Water Quality Control Act;
- (l) *Out-of-state generator* means any generator outside the State of Georgia that ships hazardous waste to a receiving facility located within the State of Georgia;
- (m) *Receiving facility* means a facility that receives hazardous waste for disposal, incineration, treatment, storage, burning for energy recovery, recycling and/or reuse;
- (n) *Regulated substance* means any substance defined in the Hazardous Waste Management Act, O.C.G.A. § [12-8-62](#), by the terms "hazardous waste" or "hazardous constituent," or any substance defined in the Hazardous Site Response Act, O.C.G.A. § [12-8-92](#), as "hazardous substance" (all such regulated substances are listed in Appendix I of this Chapter);
- (o) *Release* means any intentional or unintentional act or omission resulting in the spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including without limitation the abandonment or discarding of barrels, containers, and other closed receptacles, of any hazardous waste, hazardous constituent, or hazardous substance; provided however, that such term shall not include any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons; emissions from the engine exhaust of any motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station; or the normal application of fertilizer;
- (p) *Reportable quantity* means the amount of any released regulated substance which causes a site to meet the criteria for listing on the Hazardous Site Inventory pursuant to the screening method provided in Appendix II of this Chapter;
- (q) *Reshipped for further off-site management* means when a receiving facility has received hazardous waste and where such hazardous waste has undergone disposal, incineration, treatment, storage, recycling and/or reuse at that receiving facility and the receiving facility subsequently signs the manifest accompanying

such hazardous waste to send it to another receiving facility where it will undergo further disposal, incineration, treatment, storage, burning for energy recovery, recycling and/or reuse;

- (r) *Residential property* means any property that does not exclusively meet the definition of non-residential property. In addition to recognized residential use, it also includes property used for establishments classified by those SIC codes that are excepted from the definition herein of "non-residential". Also, a portion of non-residential property that is used in part for residential activities, such as a day care center, is defined as residential;
- (s) *Responsible party* means any person who has contributed or who is contributing to a release, as defined at O.C.G.A. [12-8-92\(9\)](#);
- (t) *Self-generated hazardous waste* means hazardous waste generated by a large quantity generator or a small quantity generator;
- (u) *Shipped for off-site management* means when a generator signs the manifest accompanying a hazardous waste shipment bound for a receiving facility where it will undergo disposal, incineration, treatment, storage, burning for energy recovery, recycling and/or reuse at that facility;
- (v) *Site* means that portion of the owner's contiguous property and any other owner's property affected by a release exceeding a reportable quantity;
- (w) *Small quantity generator* means a hazardous waste generator who generates greater than 220 pounds but less than 2200 pounds of hazardous waste in one month;
- (x) *Soil* means any unconsolidated earth material, together with any unconsolidated plant or animal matter or foreign material that has become incorporated into it, that either consists of, remains within, or comes to be deposited on, native soil or regolith;
- (y) *Source material* means any material that includes or contains regulated substances that act or may likely act as a reservoir for migration of regulated substances to groundwater, soil, surface water, or air, or acts as a source for direct exposure;
- (z) *Ton of hazardous waste* means a standard short ton (2000 pounds) including any fraction thereof;
- (aa) *Wastewater* means any self-generated hazardous waste that undergoes on-site management in a wastewater treatment facility prior to its discharge from an outfall that is regulated under the Georgia Water Quality Control Act.

- (3) **Number and gender.** As used in this chapter, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa, as the case may require.
- (4) **Submittal of documents.** All information required to be submitted to the Director pursuant to this Chapter shall be submitted in such form as may be prescribed by the Director including the submittal of information in electronic format.

Cite as Ga. Comp. R. & Regs. R. 391-3-19-.02

Authority: O.C.G.A. § [12-8-90](#) et seq.

History. Original Rule entitled "Definitions" adopted. F. May 27, 1993; eff. June 16, 1993.

Amended: Rule retitled "Conventions". F. Jan. 31, 1994; eff. Feb. 20, 1994.

Amended: F. July 1, 1994; eff. July 21, 1994.

Amended: F. Feb. 28, 1995; eff. Mar. 20, 1995.

Amended: F. Nov. 3, 1999; eff. Nov. 23, 1999.

Amended: F. July 3, 2003; eff. July 23, 2003.

Amended: F. Nov. 25, 2009; eff. Dec. 15, 2009.

Amended: F. Sep. 5, 2018; eff. Sept. 25, 2018.

Rule 391-3-19-.03. Hazardous Waste Management and Hazardous Substance Reporting Fees.

- (1) **Exclusions.** Hazardous waste generated by the following is exempted from the hazardous waste management fees required by this section:
 - (a) Conditionally exempt small quantity generators;
 - (b) Corrective action required by an order, permit, or approved closure plan issued pursuant to the Georgia Hazardous Waste Management Act, O.C.G.A. § [12-8-60](#) et seq., as amended;
 - (c) Corrective action required by an order of the Director pursuant to the Hazardous Site Response Act, O.C.G.A. § [12-8-90](#) et seq., as amended; and
 - (d) Response actions required under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.
- (2) **Fees for off-site management of hazardous wastes.** The requirements of this subsection are applicable to generators that ship self-generated hazardous waste for off site management.
 - (a) For the purpose of determining the tonnage of hazardous waste shipped for off-site management to which the fees of this subsection apply, the generator shall use the amount recorded on the manifest accompanying each hazardous waste shipment expressed in tons. These amounts shall be measured by methods that provide an

accurate and precise measurement of the weight in tons of each shipment received by the final receiving facility.

1. Small quantity generators. Each small quantity generator shall pay an annual fee to the Division of \$115.00. Small quantity generators are not subject to any other provisions of this section regarding hazardous waste management fees; they may, however, be subject to the provisions regarding hazardous substance reporting fees.
 2. Receiving facilities that are large quantity generators. Receiving facilities that are large quantity generators are subject to the requirements of this subsection only with respect to self-generated hazardous wastes.
 3. Large quantity generators. Each large quantity generator shall pay an annual fee to the Division as provided for in O.C.G.A. § [12-8-95.1\(a\)](#).
 - (i) Determination of applicable fee. Each large quantity generator shall determine which off-site management fee as provided for in O.C.G.A. § [12-8-95.1\(a\)\(1\)](#) is applicable for each ton of hazardous waste which has been shipped for off-site management based upon the method of off site management that waste undergoes at the final receiving facility. When a large quantity generator ships a ton of hazardous waste for off-site management and pays the applicable fee of this subsection, that large quantity generator shall not pay any additional fees for any further off-site management of that hazardous waste. For each ton of hazardous waste shipped for off-site management, each large quantity generator shall pay the applicable fee of this subsection for the calendar year in which such shipment for off-site management occurred.
- (3) **Fees for on-site management of hazardous wastes.** The requirements of this subsection are applicable to large quantity generators whose self-generated wastes undergo on-site management and which are not ultimately shipped for off-site management. For each ton of hazardous waste that undergoes on-site management and which is not ultimately shipped for off-site management, each large quantity generator shall pay to the Division per calendar year the applicable fee as provided for in O.C.G.A. § [12-8-95.1\(a\)\(2\)](#). When a ton of hazardous waste undergoes more than one form of on site management the large quantity generator shall determine which fee in this subsection is applicable based upon the final method of on-site management that waste undergoes. For each ton of hazardous waste which undergoes on-site management and which is ultimately shipped for off-site management, the large quantity generator shall not pay the applicable on-site management fee of this subsection but shall instead pay the applicable off-site management fee as required by subsection 391-3-19-.03(2). For the purpose of determining the tonnage of hazardous waste managed on-site, each large quantity generator shall employ direct measurement or other techniques that provide a precise and

accurate determination of the tonnage of hazardous waste undergoing on-site management. Each large quantity generator shall pay the applicable fee of this subsection for the on-site management of that hazardous waste for the calendar year in which such on-site management occurred.

- (a) For the purposes of this subsection, a generator who generates wastewater that is a hazardous waste shall not be required to count said wastewater in determining its generator status. However, if a generator determines that it is a large quantity generator, even without counting its hazardous waste wastewater, the generator shall pay the applicable fees on those wastewaters. For the purposes of this section, dilution of wastewater that is a hazardous waste shall be considered to be treatment and subject to the fees applicable to treated or stored hazardous waste.

- (4) **Fees for hazardous waste received from out-of-state generators.** The requirements of this subsection are applicable to receiving facilities that receive hazardous waste from an out-of-state generator. For each ton of hazardous waste received by a receiving facility from an out-of-state generator, the receiving facility shall pay to the Division the applicable fee as provided for in O.C.G.A. § [12-8-95.1\(a\)\(3\)](#).

- (a) For the purpose of determining the tonnage of hazardous waste received to which the fees of this section apply, the receiving facility shall use the amount recorded on the manifest accompanying each hazardous waste shipment expressed in tons. These amounts shall be measured by methods that provide an accurate and precise measurement of the weight in tons of each shipment received by the receiving facility.
- (b) Each receiving facility shall determine which fee in this subsection is applicable for each ton of hazardous waste received from an out-of-state generator based upon the method of management that waste undergoes at the final receiving facility. When a receiving facility receives a ton of hazardous waste from an out-of-state generator and pays the applicable fee in this subsection that receiving facility shall not pay the off-site management fee in subsection 391-3-19-.03(2). For each ton of hazardous waste received by a receiving facility from an out-of-state generator, the receiving facility shall pay to the Division the applicable fee of this subsection for the calendar year in which such waste was received.

- (5) **Fees for hazardous substance reporting.** The requirements of this subsection are applicable to each person required to report pursuant to Section 313 of Title III of the federal Superfund Amendments and Reauthorization Act of 1986 (SARA), with the exception of persons specified in 391-3-19-.03(5)(c).

- (a) Each person required to report pursuant to Section 313 of Title III of SARA shall pay O.C.G.A. § [12-8-95.1\(a\)\(4\)](#), for each reporting facility with such payments being due to the Division not later than July 1 of the following year.
- (b) All hazardous substance reporting fees due on July 1 of each year shall be based on the hazardous substances reported for the preceding calendar year on US EPA

Toxic Chemical Release Inventory Form R and/or Form A, or any other such document as may hereafter be designed, prescribed or required by the US EPA for reporting pursuant to Section 313 of Title III of SARA. In order to calculate the fee required by this section, the total of all releases listed on all such Forms or documents submitted by the same facility for the preceding calendar year shall be used. Any item for which reporting is required on said Forms or documents and which meets the definition of a release as defined by this Chapter shall be counted towards the total of all releases, except those items specifically excluded by this section.

- (c) Persons who report pursuant to Section 313 of Title III of SARA shall not be required to pay the hazardous substance reporting fees required by this section for the following facilities:
 - 1. Facilities which report only for substances not defined as regulated substances under Rule [391-3-19-.02](#); and
 - 2. Facilities which report only for petroleum fuels, lubricants, and hydraulic fluids and components thereof that are defined as regulated substances under Rule [391-3-19-.02](#).

(6) Partial waivers of hazardous waste management and hazardous substance reporting fees.

- (a) The Director may, in his sole discretion, upon receipt of a request for a partial waiver, grant a waiver of up to 25% of the hazardous waste management and hazardous substance reporting fees required by this section which are owed by a facility for the prior calendar year. In deciding whether to grant a waiver to persons who are large quantity generators of hazardous waste or who are required to report releases pursuant to Section 313 of SARA Title III, the Director may consider whether the facility has reduced the amount of hazardous waste generated or the amount of releases reported pursuant to Section 313 of SARA Title III.
- (b) No waiver shall be granted to any facility which is in violation of any Act, Rule, regulation, permit, or order subject to the enforcement authority of EPD.
- (c) No facility which owes delinquent hazardous waste management or hazardous substance reporting fees shall be granted a waiver.
- (d) No facility shall be granted a waiver of fees for more than three years.

(7) Payment of hazardous waste management and hazardous substance reporting fees.

- (a) Payment due date. All hazardous waste management fees required by this section shall be paid to the Division not later than July 1 following the calendar year in which they were managed on site, shipped for off-site management or received

from an out-of-state generator. All hazardous substance reporting fees shall be paid to the Division not later than July 1 following the year for which a report is filed. Persons who make payments of fees required by this section later than thirty (30) days after the due date specified in this subsection shall pay a penalty of fifteen percent (15%) of the balance due and shall pay interest on the unpaid balance at the rate imposed by law for delinquent taxes due to the state.

- (b) Hazardous waste management fee record. The payment of hazardous waste management fees required by this section shall be accompanied by such forms and other supporting information as may be prescribed by the Director. Any large quantity generator or receiving facility required to pay a fee under this Section shall maintain a written hazardous waste management fee record of the total amount, in tons, of hazardous waste managed on-site, shipped for off-site management or received from an out-of-state generator during the calendar year. Completed Hazardous Waste Management Fee Records shall be submitted to the Hazardous Sites Response Program by no later than March 31 of each year.

1. The hazardous waste management fee record shall provide a description of the method used to measure the amount of hazardous waste that is of sufficient detail to demonstrate that such method provides an accurate and precise measurement.
2. For hazardous waste shipped for off-site management or received from an out-of-state generator, the hazardous waste management fee record shall include the following information:
 - (i) Manifest number for each shipment;
 - (ii) Date of each shipment or receipt;
 - (iii) Name and EPA identification number of the designated facility, final receiving facility and the generator for each shipment; and
 - (iv) By EPA hazardous waste number and method of management at the designated facility and the final receiving facility (i.e., incineration or disposal, treatment or storage, burning for energy recovery, recycling or reuse), the tons of hazardous waste for each shipment and the total tons of hazardous waste for the calendar year.

- (c) Signatories to the hazardous waste management fee record. The hazardous waste management fee record shall be signed no later than March 31 of each year by the following:

1. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal

business function, or any other person who performs similar policy- or decision making functions for the corporation, or the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; or

2. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
3. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA); or
4. By a duly authorized representative of that person. A person is a duly authorized representative only if the authorization is made in writing by a person described in this subsection and the authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

- (d) Certification. Any person signing the hazardous waste management fee record required under this subsection shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- (e) Availability, retention, and disposition of the hazardous waste management fee record. Each large quantity generator and receiving facility shall keep a copy of the signed hazardous waste management fee record required by this subsection, including any supporting information used to complete the record, for a period of

three years from the end of the calendar year for which the record was completed. The hazardous waste management fee record and all supporting information shall be furnished upon request, and made available at all reasonable times for inspection by any representative of the Division. The retention period for all records required under this subsection may be extended at the request of the Director and is extended automatically during the course of any proceedings initiated by the Director pursuant to this subsection.

Cite as Ga. Comp. R. & Regs. R. 391-3-19-.03

Authority: O.C.G.A. Section [12-8-90](#)*et seq.*

History. Original Rule entitled "Hazardous Site Response" adopted. F. May 27, 1993; eff. June 16, 1993.

Amended: Rule retitled "Hazardous Waste Management and Hazardous Substance Reporting Fees". F. Feb. 28, 1995; eff. Mar. 20, 1995.

Amended: F. Aug. 6, 1999; eff. Aug. 26, 1999.

Amended: F. Nov. 25, 2009; eff. Dec. 15, 2009.

Amended: F. Sep. 24, 2014; eff. Oct. 14, 2014.

Rule 391-3-19-.04. Release Notification.

- (1) **No duty to sample prior to notification.** Rule 391-3-19-.04(4) requires an owner of real property to notify the Director when a release described in Rule 391-3-19-.04(3) is discovered. An owner of real property is not required to sample prior to such notification. However, any owner of real property where a release has occurred shall furnish to the Director any information which that person may have or reasonably obtain which is relevant to the release when requested by the Director.
- (2) **Exclusions.** The following are excluded from the notification requirements of this section:
 - (a) Any release that, within 30 days of the owner's discovery or of the effective date of these rules, whichever is later, no longer meets any criterion for notification under Rule 391-3-19-.04(3);
 - (b) Any defined release which is being cleaned-up under emergency response authorities other than the Hazardous Site Response Act where the person responsible for the cleanup remains in compliance with instructions given by the Division or by an on-scene coordinator under the NCP, such exclusion to expire 180 days after the date upon which the release began if at or after that time any of the criteria of Rule 391-3-19-.04(3) are met;
 - (c) Emissions regulated under the Georgia Air Quality Control Act, O.C.G.A. § [12-9-1](#) *et seq.*;

- (d) Releases of substances regulated under the Georgia Asbestos Safety Act, O.C.G.A. § [12-2-1](#) et seq., except for releases at inactive disposal sites that are not in compliance with the performance standards in [40 CFR 61.153](#);
- (e) Point source discharges that are regulated under the Georgia Water Quality Control, O.C.G.A. § [12-5-20](#) et seq.;
- (f) Releases of a pesticide which has been registered under the Georgia Pesticide Control Act, O.C.G.A. § [2-7-50](#) et seq., when the release consists solely of the use of said pesticide in a manner consistent with its label or labeling;
- (g) Releases regulated solely under the Georgia Underground Storage Tank Act, O.C.G.A. § [12-13-1](#) et seq.;
- (h) Releases of any petroleum-based fuel, lubricant, or hydraulic fluid;
- (i) Releases consisting of treatment or disposal in a unit that is regulated, a permit issued, or rules promulgated, pursuant to the Georgia Hazardous Waste Management Act, O.C.G.A. § [12-8-60](#) et seq., the Georgia Solid Waste Management Act, O.C.G.A. § [12-8-20](#) et seq., or the Georgia Water Quality Control Act, O.C.G.A. § [12-5-20](#) et seq., provided the Director has been informed, in accordance with requirements in such permit or rules, of any discovery that such releases exceed standards permitted by these statutes and the rule promulgated pursuant to these statutes;
- (j) Releases arising from the use of a commercial product that has been manufactured and sold for household use which is used by a private individual in a manner consistent with and incidental to the manufacturer's recommended use of the product;
- (k) Releases arising from the application to soil of fertilizers, liming materials, or soil amendments (unless any are used in a manner constituting disposal as defined and regulated in the Rules for Hazardous Waste Management, Chapter 391-3-11);
- (l) Release of naturally-occurring radionuclides described in [40 CFR 302.6\(c\)](#);
- (m) Direct radiation and/or releases of radionuclides regulated by the Division under the Georgia Radiation Control Act, O.C.G.A. § 31-13 et seq., or by the U.S. Nuclear Regulatory Commission, or any successor agency, under the Atomic Energy Act of 1954, as amended;
- (n) Any release to ground water that is discovered solely as a result of detection within a public drinking water system being monitored in accordance with the Rules for Safe Drinking Water, Chapter 391-3-5, provided that the Director is informed of such detection in accordance with the aforementioned Rules; and

- (o) Releases that arise from land-disturbing activities involving the extraction and stockpiling of ores and mineral, or involving the removal, stockpiling, and replacement of overburden materials, at any mine permitted under the Georgia Surface Mining Act, O.C.G.A., § [12-4-70](#) et seq.
 - (p) Any release to soil reported to the Division by a prospective purchaser pursuant to the Georgia Brownfield Act, O.C.G.A. [12-8-200](#) et seq., unless the Director's approval of the corrective action plan or concurrence with the certification of compliance has been suspended or revoked.
- (3) **Release requiring notification.** Any of the following releases, when discovered, are releases that require notification under Rule 391-3-19-.04(4), unless excluded under Rule 391-3-19-.04(2):
- (a) Releases to ground water. A release of a regulated substance which causes the concentration in ground water to exceed concentrations given in Table 1 of Appendix III, or for those substances not listed, the highest concentration of any of the following: the detection limit, Secondary Maximum Contaminant levels for Drinking Water listed in Rule 391-3-5, or background;
 - (b) Releases to soil. A release of a regulated substance which causes the concentration in soil to exceed a concentration in Appendix I; or
 - (c) Other releases. The discarding or abandonment of a regulated substance in barrels, drums, other containers, tanks, or other storage or transportation vessels, in process units, or in waste management units which have neither a permit nor interim status under the Georgia Hazardous Waste Management Act, O.C.G.A. § [12-8-60](#) et seq., the Georgia Solid Water Management Act, O.C.G.A. § [12-8-20](#) et seq., or the Georgia Water Quality Control Act, O.C.G.A. § [12-5-20](#) et seq.
- (4) **Notification requirements.** Within 30 days of discovery by the property owner of a release which requires notification under Rule 391-3-19-.04(3), the property owner shall notify the Director of the release on such forms as specified by the Director. Upon the request of the Director, the property owner shall provide other such information as may be needed to ensure that the criteria of Rule [391-3-19-.05\(1\)](#) may be accurately evaluated. At the owner's option, the owner may complete the worksheets found in Appendix II of this Chapter to make a preliminary determination that a release may exceed a reportable quantity. If said worksheets indicate that a release exceeding a reportable quantity may have occurred, the owner may submit the information required under Rule [391-3-19-.05\(2\)](#) along with the worksheets in lieu of the above notification. In addition, the owner may petition the Director at the time of notification requesting a 90 day deferment of the Director's listing determination pursuant to Rule [391-3-19-.05\(1\)](#) in order to obtain additional samples, perform a removal, or take other remedial actions, to be followed by submittal of an amended notification. The deferment petition must specify interim measure for any suspected immediate health threat.

Cite as Ga. Comp. R. & Regs. R. 391-3-19-.04

Authority: O.C.G.A. § [12-8-90](#) et seq.

History. Original Rule entitled "Release Notification" adopted. F. Jan. 31, 1994; eff. Feb. 20, 1994.

Amended: F. Nov. 25, 2009; eff. Dec. 15, 2009.

Amended: F. Sep. 24, 2014; eff. Oct. 14, 2014.

Amended: F. Sep. 5, 2018; eff. Sept. 25, 2018.

Rule 391-3-19-.05. Reporting of Releases exceeding Reportable Quantities and Listing of Sites on the Hazardous Site Inventory.

- (1) **Listing on the Hazardous Site Inventory.** The Director shall list a site on the Hazardous Site Inventory if the Director determines that a release exceeding a reportable quantity has occurred or that a release poses a danger to human health and the environment. A determination that a release exceeding a reportable quantity has occurred shall be made in accordance with the method in Appendix II.
- (2) **Release reporting.** If the Director determines that a release exceeding a reportable quantity has occurred, he shall notify the property owner in writing of his finding. If the Director determines that a release exceeding a reportable quantity has not occurred, he shall likewise issue such determination in writing. Within 45 days of the receipt of the Director's written determination that a release exceeding a reportable quantity has occurred, the property owner shall submit the following information unless such information has already been submitted pursuant to Rule [391-3-19-.04\(4\)](#):
 - (a) Name, mailing address, and telephone number of the site's property owner, lessee, tenant, or facility owner or operator;
 - (b) Street address of the site or, if a numbered street address is not available, a location descriptor;
 - (c) An original of the most current topographic map of scale 1:24,000 produced by the United States Geological Survey, with the geographic center of the site identified;
 - (d) A description of the property boundaries in the vicinity of the site, by legal description, survey plat, tax map, or other means;
 - (e) A chemical name, taken from appendix I, of each regulated substance released at the site which independently meets the notification criteria in Rule [391-3-19-.04\(3\)](#);
 - (f) A general description of the nature of the release and the location of areas affected by the release or by its subsequent migration, both within and beyond the original site's property boundaries;
 - (g) If known, the source, quantity, and the date of the regulated substance released;

- (h) Suspected or known date and quantity of each release at the site;
 - (i) Suspected or known source of each release at the site and the known or estimated extent of the area contaminated by said release or by its subsequent migration, both within and beyond the site's property boundaries;
 - (j) A summary of actions taken to investigate, clean up, or otherwise remediate the site;
 - (k) A statement which identifies the criteria of Rule [391-3-19-.04\(3\)](#) by which the property owner determined that a release which requires notification has occurred.
- (3) **Notification under CERCLA 103(c).** A property owner that has previously notified EPA under Section 103(c) of CERCLA may satisfy the requirements of Rule 391-3-19-.05(2) by submitting a copy of the 103(c) notice together with the topographic map referenced in Rule 391-3-19-.05(2)(c).
- (4) **Removal of sites from the Hazardous Site Inventory.** The Director shall remove a site or an individual property at a site from the Hazardous Site Inventory if any of the following apply:
- (a) The Director determines that it did not have a release which either exceeded a reportable quantity or posed a danger to human health or the environment at the time of listing the site on the Hazardous Site Inventory.
 - (b) The Director determines, that the site or individual property meets Type 1, Type 2, Type 3, Type 4, or Type 5 risk reduction standards of Rule [391-3-19-.07](#), and when required, the property owner has complied with Rule [391-3-19-.08\(4\)](#) or Rule [391-3-19-.08\(7\)](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-19-.05

Authority: O.C.G.A. Section [12-8-90](#)*et seq.*

History. Original Rule entitled "Reporting of Releases Exceeding Reportable Quantities and Listing of Sites on the Hazardous Site Inventory" adopted. F. Jan 31, 1994; eff. February 20, 1994.

Amended: F. Jul. 1, 1994; eff. July 21, 1994.

Amended: F. Sep. 24, 2014; eff. Oct. 14, 2014.

[Rule 391-3-19-.06. Corrective Action.](#)

- (1) **Applicability.** The requirements of Rule 391-3-19-.06 apply to any person who is a responsible party at a site listed on the Hazardous Site Inventory except as otherwise provided for in Rule 391-3-19-.06(7).
- (2) **Classification of sites on the Hazardous Site Inventory.** Upon listing a site on the Hazardous Site Inventory, the Director shall designate the site or any individual property

at the site as Class II unless or until he determines that it should be designated as Class I, Class III, Class IV, or Class V pursuant to Rule 391-3-19-.06(2)(a) through (d):

- (a) Class I applies to any site or any individual property at a site which:
 - 1. Includes the source of a release to a groundwater drinking water supply that has caused, or is likely to cause, human exposure through drinking water to concentrations of a regulated substance that exceed any of the Type 1 groundwater criteria described in Rule [391-3-19-.07\(6\)\(b\)](#);
 - 2. Has had a release which continues to add contaminants to soil, water, or air, or that continues to expand in area or volume;
 - 3. Has had a release of a regulated substance that results in or is likely to result in any of the following:
 - (i) Bioaccumulation of a regulated substance in flora or fauna that causes adverse toxicological effects or that results in the need to recommend that human consumption be limited;
 - (ii) Adverse acute or chronic effects to domestic animals, fish, shellfish, or wildlife;
 - 4. Includes an abandoned facility where the potential for exposure to a regulated substance is not controlled through on-site management;
 - 5. Has been classified as Class I pursuant to Rule 391-3-19-.06(6)(b)(4) or (c); or
 - 6. Does not meet any other criteria of Rule 391-3-19-.06(2)(a) but the Director has determined that it nevertheless poses a danger to human health or the environment.
- (b) Class III applies to any site or individual property at a site which has been listed on the Hazardous Site Inventory (but not classified as Class IV pursuant to Rule 391-3-19-.06(2)(c) and which has been determined by the Director to be in compliance with the Type 3, Type 4 or Type 5 risk reduction standards of Rule [391-3-19-.07](#).
- (c) Class IV applies to any site or individual property at a site which has been listed on the Hazardous Site Inventory and at which corrective action as described in Rule 391-3-19-.06(7)(a) is being conducted or has been completed.
- (d) Class V applies to any site or individual property at a site which has been listed on the Hazardous Site Inventory for which the Director has made a determination pursuant to Rule 391-3-19-.06(6)(b)5 that the site has had a known release needing corrective action and at which corrective action is being performed in

compliance with a corrective action plan approved by the Director which will bring the site into compliance with the risk reduction standards. If the Director determines that corrective action is not being performed in compliance with the approved corrective action plan, the site may be reclassified to Class I.

(3) Compliance status report.

- (a) Any person who is a responsible party for a site on the Hazardous Site Inventory shall submit to the Director a compliance status report that documents the current status of the site with regard to the risk reduction standards of Rule [391-3-19-.07](#) for all regulated substances associated with each release at the site. The Director shall in writing request the submittal of said report and specify a deadline for submittal based on a priority for submittal to be determined by the Director.
- (b) The report required by Rule 391-3-19-.06(3)(a) shall, at a minimum, include the items enumerated below for all regulated substances associated with each release at the site, unless otherwise stated in writing by the Director. This report should be compiled on the basis of site conditions which exist after the completion of any voluntary corrective action taken by the responsible party prior to the submittal of the report. Reports on previous investigations or remedial activities required under other laws or regulations or undertaken voluntarily should be incorporated into the compliance status report when possible.
 - 1. A description of each known source which has contributed or is contributing to a release including:
 - (i) Source name, number or other descriptor;
 - (ii) Location of source on a map of scale of 1 inch = 200 feet or less;
 - (iii) Name of each regulated substance released from each source;
 - (iv) Chronology of each source of a release; and
 - (v) If a source is an engineered structure or a waste management unit, a description of the function, design, dimensions, capacity and operation of the source, including as-built construction drawings where available.
 - 2. If a release involves soil contamination, a complete definition of the horizontal and vertical extent of such soil contamination. Satisfactory evidence of a complete definition of the horizontal and vertical extent of soil contamination shall consist of an appropriate number of data points at sufficient locations with concentrations that demonstrate compliance with Type 1 or Type 2 risk reduction standards or that reflect background concentrations. An acceptable determination of background concentrations

shall be made from samples that are representative of soil conditions not affected by a release of a regulated substance. In support of the definition of the extent of soil contamination the compliance report shall describe the following:

- (i) General approach used;
 - (ii) Analytical parameters selected and rationale for selection;
 - (iii) Location of all sampling points by sample identification number on a map with scale of 1 inch = 200 feet or less and, where applicable, on vertical cross-sections of appropriate number and scale;
 - (iv) Sampling and analysis procedures including but not limited to:
 - (I) Sampling equipment and collection techniques;
 - (II) Field analytical or measurement techniques including make and model of equipment and calibration schedule and type;
 - (III) Sample handling and preservation techniques;
 - (IV) Equipment decontamination procedures;
 - (V) Chain-of-custody procedures; and
 - (VI) Laboratory analytical techniques, including references to the analytical methods used, if standard, or in cases where standard analytical techniques do not exist, descriptions of the analytical methods used, including quality assurance and quality control procedures utilized;
 - (v) A description of any statistical procedures used to evaluate data;
 - (vi) Procedures used to establish background soil concentrations; and
 - (vii) Narrative and tabular summary of all pertinent field data and the results of all final laboratory analyses that are supported by sufficient quality assurance/quality control data to validate the results.
3. If a release involves groundwater contamination, a complete definition of the horizontal and vertical extent of groundwater contamination. Satisfactory definition of the horizontal and vertical extent of groundwater contamination shall consist of an appropriate number of data points at sufficient locations with concentrations below those listed in Table 1 of

Appendix III or, for those substances not listed, the highest concentration of any of the following: the detection limit, Secondary Maximum Contaminant levels for Drinking Water listed in Rule 391-3-5, or background. An acceptable determination of background concentrations shall be made from samples that are representative of groundwater conditions not affected by a release of a regulated substance. The compliance status report shall, at a minimum, describe the following:

- (i) Analytical parameters selected and rationale for selection;
- (ii) A description of the methods used to characterize subsurface geology;
- (iii) A description of the methods used to characterize horizontal and vertical groundwater gradients, flow rates, and flow directions;
- (iv) A description of the methods used to determine hydraulic conductivities and other pertinent hydrogeological characteristics, including a description of any slug and/or aquifer pumping tests;
- (v) A description of groundwater monitoring well locations, and their installation and construction methods, including:
 - (I) A map with scale of 1 inch = 200 feet or less depicting all existing well locations including a survey of each well's surface reference point and the elevation of its top-of-casing;
 - (II) Type of well casing material;
 - (III) Description of well-intake design including screen slot size and length, filter pack materials and length, and method of filter pack emplacement;
 - (IV) Method used to seal the well from the surface and any other features designed to prevent or minimize downward migration of contaminants along the well annulus; and
 - (V) Description of the methods and procedures used to develop the wells;
- (vi) Description of all sampling and analysis procedures used, including at a minimum:
 - (I) Procedures and timing for measuring groundwater elevations for each sampling event;

- (II) Well evacuation procedures including volume evacuated prior to sampling;
 - (III) Sample withdrawal techniques, sampling equipment and materials (tubing, rope, pump, etc.);
 - (IV) Sample handling and preservation techniques;
 - (V) Procedures for decontaminating sampling equipment between samples and sampling events;
 - (VI) Chain-of-custody procedures for all phases of sample management; and
 - (VII) Laboratory analytical techniques, including references to the analytical methods used, if standard, or in cases where standard analytical techniques do not exist, descriptions of the analytical methods used, including quality assurance and quality control procedures utilized.
- (vii) A description of procedures used to determine background groundwater quality which is representative of ground water not affected by a release;
 - (viii) A map with scale of 1 inch = 200 feet or less depicting the horizontal extent of contamination;
 - (ix) A map with scale of 1 inch = 200 feet or less depicting the potentiometric surface of ground water;
 - (x) Maps and vertical cross-sections of appropriate scale depicting concentrations for all contaminants superimposed upon site stratigraphic features and monitoring wells; and
 - (xi) Narrative and tabular summary of all pertinent field data and the results of all final laboratory analyses that are supported by sufficient quality assurance/quality control data to validate the results.
4. A description of any human or environmental receptors who may have been or could be potentially exposed to a release at the site.

5. A description of all properties which are part of the site including the address and location of such property, its legal description, and the property owner's name, address and telephone number.
6. The name, address and telephone number of any other person who may be a responsible party for the site and a description of the type and amount of regulated substances such party may have contributed to a release.
7. A summary of any previous actions taken to eliminate, control, or minimize any potential risk at the site, including actions taken to comply with the risk reduction standards of Rule [391-3-19-.07](#).
8. If the responsible party certifies pursuant to Rule 391-3-19-.06(4)(c) that the site is not in compliance with any of the risk reduction standards of Rule [391-3-19-.07](#), the compliance status report may include a proposed corrective action plan that describes the corrective action that the responsible party has determined is necessary to achieve compliance with the applicable risk reduction standards of Rule [391-3-19-.07](#).
9. If the responsible party certifies pursuant to Rule 391-3-19-.06(4)(c) that the site is in compliance with the Type 3, Type 4 or Type 5 risk reduction standards of Rule [391-3-19-.07](#), the compliance status report may include a proposed corrective action plan that describes the continuing actions that the responsible party has determined are necessary to achieve or maintain compliance with the Type 3, Type 4 or Type 5 risk reduction standards.
10. Attached to the front of the compliance status report, a concise statement of the findings of the report presented in plain language, immediately followed by the certification required pursuant to Rule 391-3-19-.06(4)(a).

(4) Certification of compliance with risk reduction standards.

- (a) The compliance status report required by Rule 391-3-19-.06(3) shall include a compliance status certification regarding the responsible party's own determination as to the status of a site or any individual property at a site with regard to the applicable risk reduction standards of Rule [391-3-19-.07](#) for all regulated substances evaluated by the compliance status report.
- (b) The compliance status certification shall be signed by the applicable person described in Items 1 through 4 of Rule [391-3-19-.03\(7\)\(c\)](#). Where the compliance status report is submitted for two or more cooperating responsible parties, the certification may be signed by a duly authorized representative of said responsible parties, "duly authorized" having the same meaning as in Item 4 of Rule [391-3-19.03\(7\)\(c\)](#).

- (c) Any person signing the certification of compliance required under Rule 391-3-19-.06(4) shall make the following certification:

I certify under penalty of law that this report and all attachments were prepared under my direction in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. Based on my review of the findings of this report with respect to the risk reduction standards of the Rules for Hazardous Site Response, Rule [391-3-19-.07](#), I have determined that [(choose either of the following statements): 1) This site/property is in compliance with Type 1, Type 2, Type 3, Type 4, or Type 5 risk reduction standards (specify lowest numbered Type that applies, or all applicable types if more than one Type is applicable) or 2) This site/property is not in compliance with any Type risk reduction standards.].

(5) Public participation.

- (a) Within 7 days after submitting to the Director the compliance status report required pursuant to Rule 391-3-19-.06(3), the responsible party who submits the report shall publish a notice in the legal organ of the local governments in whose jurisdiction the site is located, announcing that such report is available for inspection by the general public. The public notice must include:
1. The name, address and location of the site as it appears on the Hazardous Site Inventory, and, if the plan applies to less than the full site, the street address and owner's name for applicable properties;
 2. The following statement: "*The Georgia Environmental Protection Division, Department of Natural Resources, State of Georgia (EPD) has placed this site on the Hazardous Site Inventory pursuant to its authority under the Hazardous Site Response Act and Rules promulgated thereunder. As required by the Rules for Hazardous Site Response, the responsible party for this site was required to investigate the site and submit a compliance status report to EPD summarizing the results of that investigation. EPD is currently reviewing the compliance status report to determine if corrective action is needed for regulated substances that have been released at this site. Before EPD decides whether corrective action is needed, the public has the opportunity to review the compliance status report and provide comments to EPD about the report.*";

3. Announcement of a 30-day public comment period beginning on the date of the published notice, and the name, address and telephone number of an EPD contact person to whom written or oral comments can be made;
 4. Name, address and telephone number of the responsible party or its designated contact person; and
 5. Location where the report may be viewed and copied.
- (b) Within 7 days after submitting to the Director a proposed corrective action plan, or any subsequent revisions thereof, the responsible party who submits the plan shall publish a notice in the legal organ of the local governments in whose jurisdiction the site is located, announcing that such plan is available for inspection by the general public. The public notice must include:
1. The name, address and location of the site as it appears on the Hazardous Site Inventory, and, if the plan applies to less than the full site, the street address and owner's name for applicable properties;
 2. The following statement: *"The Georgia Environmental Protection Division, Department of Natural Resources, State of Georgia (EPD) has placed this site on the Hazardous Site Inventory pursuant to its authority under the Hazardous Site Response Act and Rules promulgated thereunder. The Director of EPD has determined that this site needs corrective action and has required the responsible party for this site to submit to EPD a proposed corrective action plan that describes the corrective action the responsible party has determined is necessary to comply with the risk reduction standards of EPD's Rules for Hazardous Site Response. Before EPD decides whether to approve this proposed corrective action plan, the public has the opportunity to review the proposed corrective action and provide comments to EPD about the plan."*;
 3. Announcement of a 30-day public comment period beginning on the date of the published notice, and the name, address and telephone number of an EPD contact person to whom written or oral comments can be made;
 4. Name, address and telephone number of the responsible party or its designated contact person; and
 5. Location where the plan may be viewed and copied.
- (c) Where a proposed corrective action plan is submitted at the same time as the compliance status report required under Rule 391-3-19-.06(3), the same procedures as described under Items (a) and (b) above shall be followed, but with the substitution of the following statement for that given in Item (2):

"The Georgia Environmental Protection Division, Department of Natural Resources, State of Georgia (EPD) has placed this site on the Hazardous Site Inventory pursuant to its authority under the Hazardous Site Response Act and Rules promulgated thereunder. As required by the Rules for Hazardous Site Response, the responsible party for the site was required to investigate the site and submit a compliance status report to EPD summarizing the results of that investigation. The responsible party has submitted to EPD, along with the compliance status report, a proposed corrective action plan that describes the corrective action the responsible party has determined is necessary to comply with the risk reduction standards of EPD's Rules for Hazardous Site Response. Before EPD decides whether to approve the proposed corrective action plan, the public has the opportunity to review the compliance status report and proposed corrective action and provide comments to EPD about the report and plan."

- (d) Within 15 days after publishing the public notice required by Rule 391-3-19-.06(5)(a), (b), or (c), the responsible party shall provide the Director with an exact copy of the public notice as it appeared in the paper.
 - (e) Within 7 days after submitting to the Director either the compliance status report required pursuant to Rule 391-3-19-.06(3), or a proposed corrective action plan, the responsible party shall provide to the county government in the county in which the site is located and to the government of any city in whose jurisdictions the site is located a written notice providing the same information required in Rule 391-3-19-.06(5)(a), (b), or (c) as applicable.
 - (f) Upon making a determination pursuant to Rule 391-3-19-.06(6) or upon determining that a proposed corrective action plan should be approved, the Director shall publish notice of such determination in the legal organ of the local governments in whose jurisdiction the site is located.
- (6) **Determination of the need for corrective action.** Rule 391-3-19-.06(6) applies to any site or individual property at a site listed on the Hazardous Site Inventory.
- (a) Any site or individual property at a site that is classified on the Hazardous Site Inventory as Class I, Class III, Class IV or Class V pursuant to Rule 391-3-19-.06(2) shall also be designated by the Director as having a known release needing corrective action.
 - (b) For any site or individual property at a site listed on the Hazardous Site Inventory, the Director shall review the compliance status certification required by Rule 391-3-19-.06(4) and do the following:
 - 1. If the responsible party certifies that the site or an individual property at the site is in compliance with the Type 1 or Type 2 risk reduction standards of Rule [391-3-19-.07](#), and the Director concurs with that certification, the

Director shall designate the site or property as not needing further action and shall remove the site or property from the Hazardous Site Inventory in accordance with Rule [391-3-19-.05\(4\)](#).

2. If the responsible party certifies that the site or an individual property at the site is in compliance with the Type 3 or Type 4 risk reduction standards of Rule [391-3-19-.07](#), and the Director concurs with that certification, the Director shall designate the site or property on the Hazardous Site Inventory as having a known release needing corrective action, reclassify it as Class III, and state on the Inventory that corrective action shall presently consist of those activities needed to maintain compliance with the Type 3 or Type 4 risk reduction standards, including the property notices of Rule [391-3-19-.08\(1\) and \(2\)](#). Upon compliance with Rule [391-3-19-.08\(4\)](#), the Director shall remove the site or property from the Hazardous Site Inventory in accordance with Rule [391-3-19-.05\(4\)](#).
3. If the responsible party certifies that the site or an individual property at the site is in compliance with the Type 5 risk reduction standards of Rule [391-3-19-.07](#), and the Director concurs with that certification, the Director shall designate the site or property on the Hazardous Site Inventory as having a known release needing corrective action, reclassify it as Class III, and state on the Inventory that corrective action shall presently consist of those activities needed to maintain compliance with the Type 5 risk reduction standards, including the property notices of Rule [391-3-19-.08\(1\), \(2\), and \(7\)](#). Upon compliance with Rule [391-3-19-.08\(7\)](#), the Director shall remove the site or property from the inventory.
4. If the responsible party certifies that the site or an individual property at the site is not in compliance with any of the risk reduction standards of Rule [391-3-19-.07](#), the Director shall reclassify the site as a Class I site and designate the site on the Hazardous Site Inventory as having a known release needing corrective action, whereupon the owner of any property at the site which is not independently in compliance with Type 1 or Type 2 risk reduction standards shall make the property notices required by Rule [391-3-19-.08\(1\) and \(2\)](#). If the site or an individual property at the site is a Class V site and the Director determines corrective action is not being conducted in accordance with the approved corrective action plan, the Director may reclassify the site as a Class I site and designate the site in the Hazardous Site Inventory as having a known release needing corrective action, whereupon the owner of any property at the site which is not independently in compliance with Type 1 or Type 2 risk reduction standards shall make the property notices required by Rule [391-3-19-.08\(1\) and \(2\)](#).

5. If the responsible party certifies that the site or an individual property at the site is not in compliance with any of the risk reduction standards of Rule [391-3-19-.07](#), but corrective action is being performed in compliance with a corrective action plan approved by the Director which will bring the site into compliance with the risk reduction standards, the Director shall reclassify the site or individual property as a Class V site and designate the site or individual property on the Hazardous Site Inventory as having a known release needing corrective action. Upon making such designation, the Director shall also state that corrective action is being performed in compliance with a corrective action plan approved by the Director that will bring the site or individual property into compliance with the risk reduction standards. Upon such designation being made, the owner of any property at the site which is not independently in compliance with Type 1 or Type 2 risk reduction standards shall make the property notices required by Rule [391-3-19-.08\(1\) and \(2\)](#) to the extent that such notices have not already been made.
- (c) The Director may reclassify a site or an individual property at a site listed on the Hazardous Site Inventory from Class II to Class I, and designate the site or property as having a known release needing corrective action, if:
1. The responsible party fails to submit or fails to agree to submit the compliance status report within the time specified in Rule 391-3-19-.06(3)(a); or
 2. The compliance status report is deficient with respect to the requirements of Rule 391-3-19-.06(3)(b) and the Director has notified the responsible party in writing of such deficiencies and the responsible party has failed to correct such deficiencies by a deadline to be specified by the Director in writing; or
 3. The responsible party certifies pursuant to Rule 391-3-19-.06(4) that the site or an individual property at the site is not in compliance with any of the applicable risk reduction standards of Rule [391-3-19-.07](#); or
 4. The Director does not concur with the responsible party's certification made pursuant to Rule 391-3-19-.06(4) that the site or an individual property at the site is in compliance with the applicable risk reduction standards of Rule [391-3-19-.07](#).
- (d) Upon making a determination pursuant to Rule 391-3-19-.06(6)(a) through (c) that a site has a known release needing corrective action, the Director shall provide the responsible party, and the owner of each property at the site which continues not to comply with either Type 1 or Type 2 risk reduction standards of Rule [391-3-19-.07](#), with written notice of such determination, including a statement concerning the requirements of Rule [391-3-19-.08](#).

- (e) If the Director determines pursuant to Rule 391-3-19-.06(6)(b) that a site or an individual property at a site listed as Class I or Class V on the Hazardous Site Inventory subsequently comes into compliance with the risk reduction standards of Rule [391-3-19-.07](#), the Director shall reclassify such site or property in accordance with the provisions of Items 1 through 3 of Rule 391-3-19-.06(6)(b), except that the deed notice provisions of Rule [391-3-19-.08\(1\) and \(2\)](#) need not be repeated.
- (f) Notwithstanding a previous determination of the Director made pursuant to Rule 391-3-19-.06(6)(a) through (e), the Director may reclassify a site or an individual property at a site listed on the Hazardous Site Inventory as necessary to protect human health and the environment.

(7) Other corrective actions.

- (a) The requirements of Rule 391-3-19-.06(3) through (5) do not apply to any person who is a responsible party for any of the following at a site or individual property listed on the Hazardous Site Inventory unless Rule 391-3-19-.06(7)(b) applies:
 - 1. Corrective action required by an order of the Director executed before the effective date of these Rules pursuant to O.C.G.A. § [12-8-71\(b\)](#) of the Hazardous Waste Management Act;
 - 2. Corrective action required by an order of the Director executed before the effective date of these Rules pursuant to O.C.G.A. § [12-8-96\(a\)](#) of HSRA;
 - 3. Remedial actions conducted in accordance with a Record of Decision (ROD) under the NCP (referenced at [40 CFR 300.430\(f\)\(5\)](#));
 - 4. Remedial actions where compliance is demonstrated with applicable cleanup standards promulgated under the federal Toxic Substances Control Act;
 - 5. Corrective action required by a hazardous waste management facility permit issued by the Director which contains conditions requiring corrective action in accordance with O.C.G.A. § [12-8-66\(e\)](#) of the Hazardous Waste Management Act; or
 - 6. Corrective action and assessment monitoring required by a solid waste handling permit or an order issued by the Director pursuant to the Comprehensive Solid Waste Management Act.
 - 7. Removal actions conducted under the NCP, if the Director determines that additional action is not needed to protect human health and the environment.
- (b) Any site or individual property at which corrective action as described in Rule 391-3-19-.06(7)(a) is being conducted or has been completed shall be presumed to

be in compliance with Type 5 of the risk reduction standards of Rule [391-3-19-.07\(10\)](#) upon its listing on the Hazardous Site Inventory, and the requirements of Rule 391-3-19-.06(3) through (5) do not apply to any person who is a responsible party at such site unless:

1. The responsible party elects to certify compliance with other than Type 5 risk reduction standards of Rule [391-3-19-.07](#), in which case the site or property shall remain on the Hazardous Site Inventory as Class IV until the Director reclassifies it in accordance with 391-3-19-.06(6);
 2. The Director determines that such corrective action fails to protect human health and the environment and that additional corrective action is necessary to comply with the risk reduction standards of Rule [391-3-19-.07](#), in which case the Director may reclassify the site or property in accordance with Rule 391-3-19-.06(6)(f); or
 3. The Director determines that such corrective action fails to meet the Type 5 risk reduction standards of Rule [391-3-19-.07\(10\)](#), in which case the Director may reclassify the site or property pursuant to 391-3-19-.06(6)(f).
- (c) For any site described in Rule 391-3-19-.06(7)(a)(5) that is not also described by Item 1, 2, or 3 of Rule 391-3-19-.06(7)(b), the property notice requirements of Rule [391-3-19-.08\(1\) and \(2\)](#) shall not apply until the Director makes a determination that corrective action is needed pursuant to the Rules for Hazardous Waste Management, Chapter 391-3-11.

Cite as Ga. Comp. R. & Regs. R. 391-3-19-.06

Authority: O.C.G.A. § [12-8-90](#), et seq.

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Rule 391-3-19-.07. Risk Reduction Standards.

- (1) **Purpose and Scope.** Rule 391-3-19-.07 specifies the information and procedures necessary to demonstrate compliance with requirements under HSRA for corrective action for all regulated substance releases at a site or individual property at a site listed on the Hazardous Site Inventory. All risk reduction standards will, when implemented, provide adequate protection of human health and the environment. Compliance with these requirements does not preclude the requirement to comply with any stricter standards that may be applicable under other state or federal laws or regulations. These risk reduction

standards may be applicable, relevant, or appropriate requirements for remedial actions under the NCP.

- (2) **Derivation of health-based criteria.** For a regulated substance that poses a risk to humans the cleanup standards shall be calculated as required under Rules 391-3-19-.07(6), (7), (8), (9) and (10) based on an excess lifetime cancer risk of 1×10^{-5} and a hazard quotient of 1.0 for non-carcinogens. For a regulated substance that poses a risk of both cancer and one or more adverse health effects other than cancer, the standards shall be derived for the most sensitive effect.
 - (a) The standards for groundwater shall be determined using Equation 1 (cancer effects) or Equation 2 (non-cancer risk effects) from RAGS, Part B for ingestion, as modified using RAGS, Part E for dermal contact, and RAGS, Part F for inhalation exposures.
 - (b) The standards for soil shall be determined using Equation 6 (cancer effects) or Equation 7 (non-cancer risk effects) from RAGS, Part B for ingestion, as modified using RAGS, Part E for dermal contact, and RAGS, Part F for inhalation exposures.
 - (c) For mutagenic carcinogens, the standards shall be derived using the age dependent adjustment factors in Table 3 of Appendix III.
- (3) **Completion of corrective action.** A required corrective action shall be considered complete when it is demonstrated that the site or individual property at a site meets any or a combination of the applicable risk reduction standards described in Rule 391-3-19-.07.
- (4) **Corrective action considerations.** For corrective action to be in compliance with these standards, the following elements must be addressed where applicable:
 - (a) The corrective action shall, at a minimum, provide for the removal and/or treatment of free product to the extent practicable, including considerations such as mobility and recoverability.
 - (b) No soil remaining in place under Type 1, 2, 3, or 4 risk reduction standards shall exhibit the hazardous waste characteristics of ignitability, corrosivity, or reactivity as defined in 40 CFR 261.51(b)(2).
 - (c) The corrective action shall not allow exposure to concentrations which would cause food chain contamination, damage to soils or to biota in the soils which could impair the use of soils for agricultural or silvicultural purposes, adverse effects on vegetation or wildlife, or the accumulation of vapors in buildings or other structures which pose a threat to human health or the environment.
 - (d) The corrective action shall protect waters of the State from releases that would cause surface water to experience concentrations of regulated substances in excess of any general criterion specified in the Georgia Rules and Regulations for Water

Quality Control at [391-3-6-.03\(5\)](#) or, if concentration values are not provided in said Rules, concentrations at levels that exhibit acute toxicity to aquatic life as demonstrated pursuant to protocols established by the Director.

- (e) If the detection limit and/or the background concentration for a regulated substance is greater than the concentration specified in any risk reduction standard, the greater of the detection limit or background shall be used for determining compliance with the applicable risk reduction standard. "Detection limit" in this context implies the non-fraudulent use of an approved analytical test method that is appropriate for the particular application. Background shall be determined from samples taken from media that are unaffected by a release. Background determinations may consider anthropogenic sources and may also be based on regional background studies accepted by the Division. For radionuclides, background means background radioactivity.
- (5) **Multiple property sites.** For sites consisting of more than one property, the Type risk reduction standard that shall apply to each individual property at that site shall be based upon the applicable use scenario for each individual property, i.e., residential or nonresidential.
- (6) **Criteria for Type 1 standards.**
- (a) Type 1 standards provide for regulated substance concentrations that pose no significant risk on the basis of standardized exposure assumptions and defined risk levels for residential properties. To comply with these standards, source materials must be removed or decontaminated to the Type 1 media criteria.
 - (b) Criteria for groundwater. At any point within groundwater that has been affected by a release, concentrations of regulated substances in groundwater samples shall not exceed concentrations given in Table 1 of Appendix III or, for those substances not listed, the background or detection limit concentration.
 - (c) Criteria for soil. Concentrations at any point above the uppermost groundwater zone in soil that has been affected by a release shall not exceed the concentrations given in Table 2 of Appendix III or, for those substances not listed, the least of the concentrations from Items 1 and 2 below:
 - 1. Concentrations which will not cause contamination of groundwater at levels which exceed Type 1 groundwater criteria, determined as the highest of the soil concentrations in Items (i) and (ii) below:
 - (i) Soil concentrations in Appendix I, excluding any values given in square brackets;
 - (ii) Soil concentrations determined using the equation and default parameters provided in Table 4 of Appendix III. A dilution

attenuation factor of 20 may be used unless the Division determines that another value is appropriate to protect human health and the environment.

2. The lesser of soil concentrations calculated in accordance with Rule 391-3-19-.07(2) using standard residential exposure assumptions in Table 3 of Appendix III.

[Note: Where concentrations are non-calculable under Items 1 or 2 above, the soil criterion shall be the higher of the background or detection limit concentrations.]

(7) Criteria for Type 2 standards.

- (a) Type 2 standards provide for regulated substance concentrations that pose no significant risk on the basis of a site-specific risk assessment for residential land use. To comply with these standards, source materials must be removed or decontaminated to the Type 2 media criteria.
- (b) Criteria for groundwater. At any point within any groundwater that has been affected by a release, concentrations of regulated substances in groundwater must not exceed the lesser of the values calculated in accordance with Rule 391-3-19-.07(2) using site-specific exposure factors for the residential use scenario. For those substances for which neither calculation can be made, the standard shall be the higher of concentrations in Table 1 of Appendix III, background concentrations, or detection limit concentrations.
- (c) Criteria for soil. Concentrations above the uppermost groundwater zone in soil that has been affected by a release shall not exceed the least of the concentrations in Items 1 through 3 below, or, for those substances for which none of the calculations can be made, the highest of the concentrations in Table 2 of Appendix III, background concentrations, or detection limit concentrations:
 1. Concentrations which will not cause contamination of groundwater at levels which exceed Type 1 or 2 groundwater criteria, whichever is higher, at a point of exposure defined as any point at which a drinking water well could be installed. These soil concentrations may be determined using a laboratory test and/or fate-and-transport model accepted by the Division. Other site-specific information, such as the age of the release and groundwater concentration trends, may be accepted by the Division to demonstrate that soil concentrations are protective of groundwater criteria.

2. The lesser of soil concentrations calculated in accordance with Rule 391-3-19-.07(2) using site-specific exposure factors for the residential use scenario.
 3. For lead, soil concentrations at the site must not exceed those concentrations that would cause a resident 6-year old child (averaged across preceding 84 months) to have a probability of no greater than 5% of a blood lead level greater than 10 ug/dL as determined by the IEUBK model using site-specific exposure assumptions, including the ingestion of site groundwater as drinking water and the probability of subsurface soils being brought to the land surface. The soil criterion at Item 1 above shall also apply to the Type 2 standard for lead.
- (d) Soil Averaging. For soil contaminated with regulated substances at sites where a Type 2 standard is being sought, exposure area averaging using methods recognized by USEPA and approved by the Division may be used to demonstrate that cumulative cancer and non-cancer risks are in compliance with soil criteria derived pursuant to Rule 391-3-19-.07(7)(c). These exposure area averaging methods may include statistical analysis of discrete sampling results or composite sampling methods.
- (e) More stringent criteria may be established for a site than are specified under Rule 391-3-19-.07(7)(b) and (c) if the Director or the responsible party determines that it is necessary to protect human health or the environment.

(8) Criteria for Type 3 standards.

- (a) Type 3 standards provide for regulated substance concentrations that pose no significant risk on the basis of standardized exposure assumptions and defined risk levels for the non-residential use scenario. To comply with Type 3 standards, source materials must be removed or decontaminated to the Type 3 media criteria.
- (b) Type 3 standards are not applicable to residential properties. Type 3 standards are applicable where the responsible party documents that the activities being conducted on the property satisfy the definition for non-residential property at Rule [391-3-19-.02\(2\)](#).
- (c) Criteria for groundwater. At any point within groundwater that has been affected by a release, concentrations of regulated substances in groundwater shall not exceed the MCL or, for those substances not listed, the lesser of concentrations calculated in accordance with Rule 391-3-19-.07(2) using standard non-residential exposure assumptions in Table 3 of Appendix III. If no MCL exists and the calculations cannot be made, the groundwater standard shall be the higher of concentrations in Table 1 of Appendix III, background concentrations or detection limit concentrations.

(d) Criteria for soils.

1. Concentrations at any point above the uppermost groundwater zone in soil that has been affected by a release shall not exceed the concentrations described in Item 1 of Rule 391-3-19-.07(6)(c), based on Type 3 groundwater criteria.
2. Concentrations in surface soil (soil within one foot of the land surface) shall meet the criteria of Item 1 above and shall not exceed the lesser of the values calculated in accordance with Rule 391-3-19-.07(2) using standard nonresidential exposure assumptions in Table 3 of Appendix III. If the calculations cannot be made, the surface soil criterion shall be equal to the criterion of Item 1 above. In no event shall compliance with the surface soil criteria be achieved by applying one foot of clean soil onto the original land surface.
3. Concentrations in subsurface soil (soil greater than 1 foot from the land surface) shall meet the criterion of Item 1 above and shall not exceed the lesser of the values calculated in accordance with Rule 391-3-19-.07(2) using standard excavation worker exposure assumptions accepted by the Division. If the calculations cannot be made, the subsurface soil criterion shall be equal to the criterion of Item 1 above.
4. For lead, the standard is 400 mg/kg.

(9) **Criteria for Type 4 standards.**

- (a) Type 4 standards provide for regulated substance concentrations that pose no significant risk on the basis of a site-specific risk assessment for non-residential land use. To comply with Type 4 standards, source materials must be removed or decontaminated to the Type 4 media criteria.
- (b) Type 4 standards are not applicable to residential properties. Type 4 standards are applicable where the responsible party documents that the activities being conducted on the property satisfy the definition for non-residential property at Rule [391-3-19-.02\(2\)](#) and documents that a monitoring program or an environmental covenant executed in accordance with Rule [391-3-19-.08\(7\)](#) will assure continued compliance with the Type 4 standards.
- (c) Criteria for groundwater. Concentrations of regulated substances in groundwater must not exceed, at any point that is not otherwise subject to site-specific groundwater use restrictions in accordance with Rule [391-3-19-.08\(7\)](#), the lesser of the values calculated in accordance with Rule 391-3-19-.07(2) using site-specific exposure factors for the non-residential use scenario. For those substances for which neither calculation can be made, the standard shall be the higher of

concentrations in Table 1 of Appendix III, background concentrations, or detection limit concentrations.

1. If groundwater use restrictions are utilized, groundwater contaminated with regulated substances in excess of appropriate Type 1 through 4 standards must not migrate beyond the limits of the institutional controls. The responsible party shall demonstrate that such migration will not occur or implement groundwater monitoring to ensure that migration is not occurring, unless the Division determines that monitoring is not needed.
- (d) Criteria for soil. Concentrations in soil that has been affected by a release shall not exceed the relevant criteria listed below, or, for those substances for which none of the concentrations can be calculated, the highest of concentrations in Table 2 of Appendix III, background concentrations, or detection limit concentrations:
1. Concentrations in soil above the uppermost groundwater zone shall not cause contamination of groundwater at levels which exceed Type 3 or 4 groundwater concentration criteria, whichever is higher, at a point of exposure defined as any point at which a drinking water well could be installed. These soil concentrations may be determined using a laboratory test and/or fate-and-transport model accepted by the Division. Other site-specific information, such as the age of the release and groundwater concentration trends, may be accepted by the Division to demonstrate that soil concentrations are protective of groundwater criteria.
 2. Concentrations in surface soil shall meet the criteria of Item 1 above and shall not exceed the lesser of the values calculated in accordance with Rule 391-3-19-.07(2) using site-specific exposure factors for the nonresidential use scenario. The depth of soil considered surface soil may be based upon site-specific exposure factors approved by the Director, or assumed to be soil within one foot of the land surface. In no event shall compliance be achieved by applying clean soil or any other barrier onto surface soil.
 - (i) For lead, surface soil concentrations at the site must not exceed concentrations that are determined by the procedures described in Appendix IV. In cases where children frequent the site, soil concentrations may be determined pursuant to Rule 391-3-19-.07(9)(f).
 3. Concentrations in subsurface soil (soils extending to a specified excavation depth approved by the Director) shall meet the criterion of Item 1 above and shall not exceed the lesser of the values calculated in accordance with Rule 391-3-19-.07(2) using site-specific excavation worker exposure factors approved by the Director. If the calculations cannot be made, the subsurface soil criterion shall be equal to the criterion of Item 1 above.

- (i) For lead, subsurface soil concentrations at the site must not exceed concentrations that are determined by the procedures described in Appendix IV, using site-specific excavation worker exposure factors approved by the Director.
- (e) Soil Averaging. For soil contaminated with regulated substances at sites where a Type 4 standard is being sought, exposure area averaging using methods recognized by USEPA and approved by the Division may be used to demonstrate that cumulative cancer and non-cancer risks are in compliance with soil criteria derived pursuant to Rule 391-3-19-.07(9)(d). These exposure area averaging methods may include statistical analysis of discrete sampling results or composite sampling methods.
- (f) More stringent criteria may be established for a site than are specified under Rule 391-3-19-.07(9)(c) and (d) if the Director or the responsible party determines that it is necessary to protect human health or the environment.

(10) Criteria for Type 5 Standards.

- (a) Type 5 standards allow, in those instances where application of Type 1-4 standards is not appropriate under present circumstances, the use of measures to control the regulated substances or the property where the regulated substances are located. Such measures may consist of engineering controls such as construction of a fence, placement of a cap, installation of a slurry wall, or stabilization/ solidification/fixation of the waste or waste residues. Under Type 5 standards, removal, decontamination, or treatment are used where appropriate to remove the principal threats at a site. The responsible party has the burden of being able to demonstrate to the satisfaction of the Director that the particular mix of removal, decontamination, treatment and/or control measures is appropriate to eliminate or abate present and future threats to human health and the environment. Institutional controls should not be substituted for active remedial measures unless such active measures are determined not to be practicable.
- (b) Compliance with Type 5 standards requires long-term monitoring and maintenance, as appropriate for implemented remedial measures, plus a restrictive covenant provided in accordance with Rule [391-3-19-.08\(7\)](#).
- (c) Compliance with Type 5 standards requires that Type 1, 2, 3, or 4 risk reduction standards, as applicable, be met beyond the boundary of the area for which compliance with Type 5 standards are sought whenever implementation of remedial measures is complete.

(d) Remedial measures designed to achieve compliance with Type 5 standards shall be consistent with the general requirements of Rule 391-3-19-.07(10)(a) and meet all the following performance criteria:

1. Carcinogens. For carcinogens, the measures shall be expected to permanently prevent exposures which exceed the upper bound on an estimated excess cancer risk of 10^{-5} for individual carcinogenic substances and individual exposure pathways. The cumulative excess cancer risk for multiple carcinogenic substances and exposure pathways shall not be greater than 10^{-5} .
2. Systemic toxicants. For systemic toxicants, the measures shall be expected to permanently prevent exposures which exceed the dose to which the human population (including sensitive subgroups) could be exposed on a daily basis without appreciable risk of deleterious effect during a lifetime. Exposures shall not exceed a hazard quotient of one or a hazard index of one. The hazard quotient is the ratio of a single systemic toxicant exposure level for a specified time period to a reference dose for that systemic toxicant derived from the same time period. The hazard index is the sum of the hazard quotients for a single or multiple systemic toxicants which affect the same target organ, or which act by the same method of toxicity through single or multiple media exposure pathways.
3. Air. The measures shall be expected to permanently assure that any emission from the contamination being addressed under these rules does not cause ambient atmospheric concentrations to exceed the lowest of the following concentrations:
 - (i) NESHAP and NAAQ Standards, and other applicable federal and state standards and guidelines of the USEPA and EPD.
 - (ii) For residential exposure conditions, concentrations that satisfy Items 1 and 2 of Rule 391-3-19-.07(10)(d) above at exposure points located both at the property boundary and within the contaminated area.
 - (iii) For non-residential exposure conditions, either OSHA permissible exposure limits, threshold limit values or other criteria applicable to an industrial exposure setting within the property boundary, and concentrations that satisfy Items 1 and 2 of Rule 391-3-19-.07(10)(d) at the property boundary.
4. Groundwater. At a minimum, for all Type 5 cases, free product shall be removed and/or treated to the extent practicable, including considerations such as mobility and recoverability. For groundwater contaminated with regulated substances that the responsible party demonstrates is not

appropriate to remove or treat to the Type 1-4 standards, the criteria under Items (i) and (ii) below shall be met.

- (i) If all source material and soil is removed, or treated to concentrations that are protective of groundwater as specified in Rule 391-3-19-.07(6)(c)1., (7)(c)1., (8)(d)1., (9)(d)1., whichever are applicable, the responsible party shall implement engineering controls, institutional controls, and monitoring for groundwater, unless the Director determines that they are not needed, to ensure:

- (I) Groundwater contaminated with regulated substances in excess of the Type 1 through 4 standards will not migrate beyond the limits of the engineering controls, institutional controls and monitoring;
- (II) Regulated substances in groundwater will not increase in concentration or toxicity in excess of Type 1 through 4 standards at the limits of engineering and institutional controls and monitoring; and
- (III) Exposure to regulated substances in groundwater in concentrations exceeding the Type 1 through 4 standards will not occur.

- (ii) If all source material and soil is not removed or treated to concentrations that are protective of groundwater as specified in Rule 391-3-19-.07(6)(c)1., (7)(c)1., (8)(d)1., or (9)(d)1., whichever are applicable, the Director may require the removal or treatment of groundwater at the hydraulically downgradient limit of the engineering controls used to control source material and soil to prevent or eliminate the horizontal and vertical migration of regulated substances in excess of the Type 1 through 4 standards beyond the hydraulically downgradient limit of such engineering controls. Beyond the engineering controls for source material and soil, the responsible party shall implement engineering controls, institutional controls and monitoring for groundwater, unless the Director determines that they are not needed, to ensure that the criteria specified in Items 4. (i)(I)-(III) above are met.

- 5. Soil. For soil contaminated with regulated substances at sites where a Type 5 standard is being sought, exposure area averaging using methods recognized by USEPA and approved by the Director may be used to demonstrate compliance with soil criteria derived pursuant to this section, provided the engineering and institutional controls for soil will

permanently maintain exposure conditions consistent with those used to calculate such criteria.

- (e) More stringent criteria may be established for a site than are specified under 391-3-19-.07(10)(d) if the Director or the responsible party determines that it is necessary to protect human health or the environment.

Cite as Ga. Comp. R. & Regs. R. 391-3-19-.07

Authority: O.C.G.A. § [12-8-90](#) et seq.

History. Original Rule entitled "Risk Reduction Standards" adopted. F. July 1, 1994. eff. July 21, 1994

Amended: F. Nov. 3, 1999; eff. Nov. 23, 1999.

Amended: F. July 3, 2003; eff. July 23, 2003.

Amended: F. Sep. 5, 2018; eff. Sept. 25, 2018.

Rule 391-3-19-.08. Property Notices.

- (1) **Notices of private property instruments.** This Rule applies to the owner of any property that is included in a site which is listed on the Hazardous Site Inventory and which has been designated as needing corrective action pursuant to Rule [391-3-19-.06\(6\)](#). The requirements of this paragraph do not apply to the owner of any property at the site where the Director concurs with a demonstration that the property complies, independently of other properties at the site, with either Type 1 or Type 2 risk reduction standards.

- (a) From and after the date any owner receives written notice from the Director under Rule [391-3-19-.06\(6\)\(d\)](#) that property of such owner that is listed on Hazardous Site Inventory has been designated as needing corrective action, the owner of any such property shall include the following notice in any warranty deed, mortgage, security deed, lease, rental agreement, or other instrument that is thereafter given or caused to be given by the property owner which creates an interest in or grants a use of the property:

"This property has been listed on the state's hazardous site inventory and has been designated as needing corrective action due to the presence of hazardous wastes, hazardous constituents, or hazardous substances regulated under state law. Contact the property owner or the Georgia Environmental Protection Division for further information concerning this property. This notice is provided in compliance with the Georgia Hazardous Site Response Act."

[Note: The term "instrument that is thereafter given or caused to be given by the property owner which creates an interest in or grants a use of the property" does not include options or contracts to purchase real property.]

(b) Rule 391-3-19-.08(1)(a) shall not apply after filing of the affidavit referred to in Rule 391-3-19-.08(6).

- (2) **Affidavit in county deed records.** No later than forty five (45) days from the date the Director issues the written notice pursuant to Rule [391-3-19-.06\(6\)\(d\)](#) that a property or part thereof listed on the Hazardous Site Inventory has been designated as needing corrective action, the owner of any such property shall cause to be prepared an affidavit of such fact in recordable form as set forth in O.C.G.A. § [44-2-20](#) and shall file such affidavit with the clerk of the superior court of each county in which the real property or any part thereof lies. Such affidavit shall be recorded in the clerk's deed records pursuant to O.C.G.A. § [44-2-20](#). Such affidavit shall include the statement provided in Rule 391-3-19-.08(1). The requirements of this paragraph do not apply to the owner of any property where the Director concurs with a demonstration that the property complies, independently of other properties at the site, with either Type 1 or Type 2 risk reduction standards.
- (3) **Petitions for hearing.** The notices required by Rule 391-3-19-.08(1) and (2) shall be stayed if the property owner files a petition for a hearing in accordance with O.C.G.A. Section [12-8-73](#) within thirty (30) days of the date the Director issues the written notice pursuant to Rule [391-3-19-.06\(6\)\(d\)](#) that the site upon which the property is located needs corrective action.
- (4) **Documentation of property notices.** Within thirty (30) days after the recorded affidavit required by Rule 391-3-19-.08(2) is returned by the county clerk to the property owner, the property owner shall submit a copy of such recorded affidavit to EPD.
- (5) **Director's affidavit in county deed records.** Where ownership or control of any real property at a site subject to Rule 391-3-19-.08(1) and (2) is involuntarily acquired by a unit of state or local government through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign, the Director shall give thirty (30) days notice to any person who owned, operated, or otherwise controlled activities at the property immediately beforehand that the property is subject to the requirements of Rule 391-3-19-.08 and that, barring said person's contest under Rule 391-3-19-.08(3), the Director shall prepare and file the notice referenced in Rule 391-3-19-.08(2).
- (6) **Subsequent affidavits.** If, subsequent to the filing of the initial affidavit referenced in Rule 391-3-19-.08(2), the Director determines that no further action is needed, and the property is removed from the Hazardous Site Inventory pursuant to Rule [391-3-19-.05\(4\)](#), the Director shall notify the property owner in writing of such determination whereupon the property owner may file an additional affidavit with the clerk of superior court attaching a copy of such determination, which shall be restricted to the following declaration:

"This property was listed on the state's hazardous site inventory (HSI) and was designated as needing corrective action. The property has since been determined to meet the delisting requirements of Section [391-3-19-.05\(4\)](#) of the Rules for Hazardous Site Response, and it has been removed from the HSI. A copy of the determination is attached hereto, and no further action is required except as noted to maintain compliance. The notice requirements of O.C.G.A. § [12-8-97](#) no longer apply to this property and prior notices given under this code section are no longer in effect. The property owner or the Georgia Environmental Protection Division may be contacted for further information concerning this property. This notice is provided in compliance with the Georgia Hazardous Site Response Act."

- (7) **Environmental covenants.** The owner of any property at which Type 3, 4 or 5 risk reduction standards of Rule [391-3-19-.07\(8\), \(9\)](#), or 10) are being used shall, upon the request of the Director, execute an environmental covenant for such property as provided for in O.C.G.A. § [44-16-1](#) et seq. The covenant shall be recorded with the clerk of superior court for the county in which the property is located, and a copy shall be provided to any zoning or land use planning authority that has jurisdiction over the property. Such restrictions shall run with the land and be binding on the owner's successors and assigns.
- (a) If the Director determines subsequent to the execution and recording of the covenant that the property is in compliance with Type 1 or 2, risk reduction standards and removes the property from the Hazardous Site Inventory, the Director shall so notify the property owner whereupon the covenant may be terminated.
 - (b) The covenant may include, but not necessarily be limited to, provisions to accomplish the following:
 - 1. Prohibit activities on the property that may substantially interfere with a remedial action, operation and maintenance, long-term monitoring, or other measures necessary to ensure the integrity of the remedial action.
 - 2. Prohibit activities that may result in human exposures above those specified for residential scenarios in Rule [391-3-19-.07\(6\) and \(7\)](#) or for nonresidential scenarios at Rule [391-3-19-.07\(8\) and \(9\)](#), whichever scenario is applicable, and activities that would result in the release of a regulated substance which has been remedied in accordance with Rule [391-3-19-.07\(10\)](#).
 - 3. Allow the Director to enforce the restrictions set forth in the covenant by legal action in a court of appropriate jurisdiction.
 - 4. Require the installation and maintenance of a permanent marker that denotes a Type 5 restriction.

5. Describe uses of the property that are prohibited.

Cite as Ga. Comp. R. & Regs. R. 391-3-19-.08

Authority: O.C.G.A. § [12-8-90](#) et seq.

History. Original Rule entitled "Property Notices" adopted. F. Jul. 1, 1994; eff. July 21, 1994.

Amended: F. Nov. 25, 2009; eff. Dec. 15, 2009.

Amended: F. Sep. 24, 2014; eff. Oct. 14, 2014.

Amended: F. Sep. 5, 2018; eff. Sept. 25, 2018.

Rule 391-3-19-.09. Funding to State and Local Governments from the Hazardous Waste Trust Fund.

- (1) **Purpose and Scope.** This Rule applies to the use of the Hazardous Waste Trust Fund to finance the state and local share of costs associated with the investigation, remediation, post-closure care and maintenance of sites placed on the National Priorities List pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, and on the Hazardous Site Inventory pursuant to the Hazardous Site Response Act. For the purposes of this Rule, *state* means any agency, board, bureau, commission or authority of the State of Georgia. For the purposes of this Rule, *local government* means any county or municipality or consolidated city-county government, any local solid waste management authority, or any regional solid waste management authority, or any regional solid waste management authority created pursuant to O.C.G.A. § [12-8-53](#) of the Comprehensive Georgia Solid Waste Management Act.
- (2) **Eligibility Requirements.** A state or local government may be eligible to receive financial assistance from the Hazardous Waste Trust Fund under this section for eligible costs described in Rule 391-3-19-.09(4)(a) provided that the state or local government meets all the following eligibility requirements:
 - (a) the site for which financial assistance is requested is a solid waste handling facility as defined by Rule [391-3-4-.01\(67\)](#) of the Rules for Solid Waste Management and is listed on the National Priorities List or the Hazardous Site Inventory;
 - (b) the Director has notified the state or local government in writing that they are a responsible party for the site;
 - (c) the state or local government has entered into a contract with the Director which describes the financial assistance provided and the activities for which the monies shall be used;
 - (d) the state or local government has established and maintains an accounting system in accordance with the Governmental Accounting Standards Board (GASB);

- (e) the state or local government has adopted an authorizing resolution; and
 - (f) the state or local government has submitted to the Director a completed application for financial assistance on forms as provided by the Director.
 - (g) the state or local government has submitted to the Director a written statement of the percentage of total costs associated with the actions described in Rule 391-3-19-.09(4)(a) for which a state or local government is liable. Such statement shall also include a description of how such percentage was determined including the results of negotiations with any other responsible parties for the site.
- (3) **Financial Assistance.** A state or local government that meets all the eligibility requirements described in Rule 391-3-19-.09(2) may receive financial assistance from the Hazardous Waste Trust Fund as described in Rule 391-3-19-.09(3)(a), (b) and (c). However, total payment of eligible costs from the Hazardous Waste Trust Fund shall in no event exceed \$2,000,000 per site.
- (a) For state or local governments that have been designated as a responsible party for a site, and that are not the owner of the site, the Director may pay up to 50% of the first \$500,000 of eligible costs, as described in Rule 391-3-19-.09(4)(a), and up to 25% of all eligible costs exceeding \$500,000.
 - (b) For state or local governments, excluding counties or municipal corporations, that have been designated as a responsible party for a site, and that are the owner of the site, the Director may pay up to 50% of the first \$500,000 of eligible costs, as described in Rule 391-3-19-.09(4)(a), and up to 25% of all eligible costs exceeding \$500,000.
 - (c) For counties or municipal corporations that have been designated as a responsible party for a site and that own or operate such site, the Director shall pay 100% of the first \$500,000 of eligible costs, as described in Rule 391-3-19-.09(4)(a), and may pay up to 50% of all eligible costs exceeding \$500,000.
 - (d) In the event that the unencumbered balance of the Hazardous Waste Trust Fund falls below \$4.0 million, the Director may suspend the provision of financial assistance to state and local governments as described herein.
- (4) **Eligible Costs.** Eligible costs are the percentage of the total costs associated with the actions described in Rule 391-3-19-.09(4)(a) for sites described in Section 391-3-19-.09(2)(a) for which a state or local government may seek financial assistance pursuant to Rule 391-3-19-.09(2).
- (a) Only the costs associated with the following actions eligible for payment:
 - 1. Completion and submittal of a compliance status report as required by Rule [391-3-19-.06\(3\)](#);

2. Certification of compliance with the risk reduction standards as required by Rule [391-3-19-.06\(4\)](#);
3. Compliance with the public participation requirements required by Rule [391-3-19-.06\(5\)](#);
4. Corrective action required by an order of the Director issued pursuant to O.C.G.A. § [12-8-96](#) of the Hazardous Site Response Act.;
5. Response required by an order of the EPA Regional Administrator issued pursuant to Sections 104 and 106 of CERCLA. For the purposes of this section, the term *response* shall have the same meaning as that used in section 101(25) of CERCLA;
6. Post-closure care not required by Section [391-3-4-.12](#) of the Rules for Solid Waste Management but which may be required by the Director under an order issued pursuant to the Hazardous Site Response Act; or
7. Corrective action and assessment monitoring required by a solid waste handling permit or an order by the Director pursuant to the Comprehensive Solid Waste Management Act.

(b) The following costs are not eligible for payment:

1. Purchase or routine maintenance of equipment of a durable nature that is expected to have a period of service of one (1) year or more after being put into use site without material impairment of its physical condition, unless the applicant can adequately demonstrate that the equipment was a total loss and that the loss occurred during the activities for which reimbursement is being requested;
2. Materials or supplies not purchased specifically for the activities for which reimbursement is being requested;
3. Administrative costs associated with filing an application for funding from the Hazardous Waste Trust Fund;
4. Employee salaries and out-of-pocket expenses normally provided for in the applicant's operating budget (i.e.; meals, fuel) and employee fringe benefits;
5. Medical expenses incurred as a result of activities at the site;
6. Legal expenses;
7. Other expenses which the Director determines are not directly related to the investigation, redemption, post-closure care and maintenance of the site;

8. Costs arising as a result of claims for damages filed by third parties against the state or local government or its agents;
 9. Costs resulting from releases that occur as a result of violations of state or federal laws, rules or regulations; and
 10. Post-closure care required solely by Section [391-3-4-.12](#) of the Rules for Solid Waste Management.
 11. Any costs described in Rule 391-3-19-.09(4)(a) for sites where the state or local government becomes the owner or operator after the site is listed on the Hazardous Site Inventory or the National Priorities List.
 12. Any costs described in Rule 391-3-19-.09(4)(a) for sites where the state or local government had knowledge at the time of becoming the owner or operator that a release of a regulated substance had occurred at such site.
- (5) **Application Procedures.** Any state or local government that meets the eligibility requirements under Section 391-3-19-.09(2) and that is seeking financial assistance from the Hazardous Waste Trust Fund shall submit an application on forms as may be approved by the Director.
- (a) The Director may determine that an application is incomplete and shall notify the applicant that additional information is required before the application may be further processed or approved.
 - (b) The Director must approve an application prior to the expenditure of funds from the Hazardous Waste Trust Fund under this Section.

Cite as Ga. Comp. R. & Regs. R. 391-3-19-.09

Authority: O.C.G.A. § [12-8-90](#) et seq.

History. Original Rule entitled "Funding to State and Local Governments from the Hazardous Waste Trust Hazardous Waste Trust Fund" adopted. F. Apr 28, 1995; eff. March 20, 1995.

Amended: F. Dec. 11, 1995; eff. Dec. 31, 1995.

Amended: F. Sep. 5, 2018; eff. Sept. 25, 2018.

Appendix (391-3-19) I. REGULATED SUBSTANCES AND SOIL CONCENTRATIONS THAT TRIGGER NOTIFICATION.

The following table of contains all substances that are regulated under this chapter and includes all chemicals and chemical categories listed in the following three sources: (A) "List of Hazardous Substances and Reportable Quantities," 40 CFR Part 302, Table 302.4; (B) "List of Extremely Hazardous Substances and Their Threshold Planning Quantities," 40 CFR Part 355; and (C) "Hazardous Constituents," 40 CFR Part 261, Appendix VIII. The column labeled

"Source" indicates which of the above sources lists a particular substance. The column labeled "CAS No." provides the number assigned to the substance by the Chemical Abstracts Service Registry (negative numbers are those arbitrarily assigned by EPD for use in administering this chapter). The table is sorted alphanumerically by chemical name; many substances are listed several times under synonyms.

Soil concentrations that trigger notification requirements (NCs), for the purposes of the Rule [391-3-19-.04\(3\)\(b\)](#), are those given in the last column of the table. Non-numeric symbols in the NC column are explained in the legend at the end of the table. Concentrations are on a dry-weight total soil basis unless specifically indicated otherwise. Where a release involves multiple regulated substances and/or where a regulated substance can meet more than one listing, all relevant substance listing must be considered in determining whether an NC has been exceeded. If the concentration in the soil sample exceeds an NC for any listing, a notifiable condition exists. Whether or not a notifiable soil concentration has been exceeded is independent of the number of contributing releases or the number of contributing substances.

CAS #	Source	Regulated Substances	NC (mg/kg)
92875	AC	(1,1'-Biphenyl)-4,4'-diamine	DL/.05
119904	AC	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	1.75
119937	AC	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	1.30
98828	A	(1-Methylethyl)benzene	21.88
62384	ABC	(Acetato)-phenylmercury	DL/.024
91941	AC	1,1'-Biphenyl-4,4'-diamine, 3,3'-dichloro	25.00
630206	AC	1,1,1,2-Tetrachloroethane	1.03
71556	AC	1,1,1-Trichloroethane	5.44
79345	AC	1,1,2,2-Tetrachloroethane	0.13
76131	A	1,1,2-Trichloro-1,2,2-trifluoroethane	6.92
79005	AC	1,1,2,-Trichloroethane	0.50
75343	AC	1,1-Dichloroethane	0.03
75354	AC	1,1-Dichloroethene	0.36
75354	AC	1,1-Dichloroethylene	0.36
78999	A	1,1-Dichloropropane	[1000]
465736	ABC	1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-endo,endo-dimethanonaphthalene	DL(P)
55630	AC	1,2,3,-Propanetriol, trinitrate-	DL(P)
96184	AC	1,2,3-Trichloropropane	0.54
95943	AC	1,2,4-5-Tetrachlorobenzene	25.00
120821	AC	1,2,4-Trichlorobenzene	10.83
56553	AC	1,2-Benzanthracene	5.00
496720	AC	1,2-Benzenediamine, 4-methyl-	[100]

85449	AC	1,2-Benzenedicarboxylic acid, anhydride	[1000]
117817	AC	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl)ester	50.00
85687	AC	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	50.00
84742	AC	1,2-Benzenedicarboxylic acid, dibutyl ester	13.70
84662	AC	1,2-Benzenedicarboxylic acid, diethyl ester	0.74
131113	AC	1,2-Benzenedicarboxylic acid, dimethyl ester	0.66
117840	AC	1,2-Benzenedicarboxylic acid, dioctyl ester	50.00
218019	AC	1,2-Benzphenanthrene	5.00
107153	AB	1,2-Diaminoethane	[1000]
106934	AC	1,2-Dibromoethane	0.01
95501	AC	1,2-Dichlorobenzene	25.00
107062	AC	1,2-Dichloroethane	0.02
78875	AC	1,2-Dichloropropane	0.02
123331	AC	1,2-Dihydro-3,6-pyridazinedione	DL/5E-4
95476	A	1,2-Dimethylbenzene	20.00
540738	AC	1,2-Dimethylhydrazine	0.32
528290	A	1,2-Dinitrobenzene	205.1
122667	AC	1,2-Diphenylhydrazine	7.20
107153	AB	1,2-Ethanediamine	[1000]
91805	AC	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)	[1000]
111546	AC	1,2-Ethanedithiylbiscarbamodithioic acid	[1000]
1120714	AC	1,2-Oxathiolane, 2,2-dioxide	[100]
75558	ABC	1,2-Propyleneimine	DL(P)
1464535	ABC	1,2:3,4-Diepoxybutane	[100]
53703	AC	1,2:5,6-Dibenzanthracene	5.00
99354	AC	1,3,5-Trinitrobenzene	DL/.07
123637	AC	1,3,5-Trioxane, 2,4,6-trimethyl	[1000]
823405	AC	1,3-Benzenediamine, 2-methyl	[100]
95807	AC	1,3-Benzenediamine, 4-methyl-	3.74
108463	AC	1,3-Benzenediol	DL/.030
120581	AC	1,3-Benzenedioxole, 5-(1-propenyl)-	[1000]
94597	AC	1,3-Benzenedioxole, 5-(2-propenyl)-	[1000]
94586	AC	1,3-Benzenedioxole, 5-propyl	[100]
87683	AC	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	17.50
541731	AC	1,3-Dichlorobenzene	2.22
142289	A	1,3-Dichloropropane	[1000]
542756	AC	1,3-Dichloropropene	0.20

108383	A	1,3-Dimethylbenzene	20.00
99650	A	1,3-dinitrobenzene	1.05
96457	AC	1,3-Ethylenethiourea	19.94
85449	AC	1,3-Isobenzofurandione	[1000]
504609	A	1,3-Pentadiene	[1000]
1120714	AC	1,3-Propane sultone	[100]
106503	A	1,4-Benzenediamine	[25]
764410	AC	1,4-Dichloro-2-butene	[25]
106467	AC	1,4-Dichlorobenzene	6.84
123911	AC	1,4-Diethylene dioxide	DL/.13
100254	A	1,4-Dinitrobenzene	205.1
123911	AC	1,4-Dioxane	DL/.13
130154	AC	1,4-Naphthalenedione	[1000]
130154	AC	1,4-Naphthoquinone	[1000]
117806	A	1,4-Naphthoquinone, 2,3-dichloro-	[25]
5344821	ABC	1-(o-Chlorophenyl)thiourea	DL(P)
591082	AC	1-Acetyl-2-thiourea	DL/(P)
79196	ABC	1-Amino-2-thiourea	DL(P)
109739	A	1-Aminobutane	[1000]
101553	AC	1-Bromo-4-phenoxybenzene	[1000]
109739	A	1-Butanamine	[1000]
924163	AC	1-Butanamine, N-butyl-N-nitroso-	DL/.40
71363	A	1-Butanol	DL/.54
106898	ABC	1-Chloro-2,3-epoxypropane	DL/.003
7005723	A	1-Chloro-4-phenoxybenzene	[1000]
504609	A	1-Methylbutadiene	[1000]
63252	A	1-Naphthyl methylcarbamate	1/BG
86884	ABC	1-Naphthyl-2-thiourea	DL(P)
134327	AC	1-Naphthylamine	[1000]
98862	AC	1-phenylethanone	DL/.26
107108	AC	1-Propanamine	[1000]
78819	A	1-Propanamine, 2-methyl	[1000]
621647	AC	1-Propanamine, N-nitroso-n-propyl-	1.71
142847	A	1-Propanamine, N-propyl-	[1000]
126727	AC	1-Propanol, 2,3-dibromo-, phosphate	25.00
78831	AC	1-Propanol, 2-methyl-	DL/.07
765344	AC	1-Propenal, 2,3-epoxy-	DL/.07
1888717	AC	1-Propene, 1,1,2,3,3,3-hexachloro-	[1000]

107051	A	1-Propene, 3-chloro-	[1000]
107186	ABC	1-Propen-3-ol	DL(P)
1464535	ABC	2,2'-Bioxirane	[100]
108601	AC	2,2'-oxybis (1-chloropropane)	[1000]
75990	A	2,2-Dichloropropanoic acid	10.00
58902	AC	2,3,4,6-Tetrachlorophenol	25.00
15950660	A	2,3,4-Trichlorophenol	[100]
933788	A	2,3,5-Trichlorophenol	25.00
933755	A	2,3,6-Trichlorophenol	10.05
1746016	AC	2,3,7,8-Tetrachlorodibenzo-p-dioxin	8.0E-05
616239	A	2,3--Dichloro-1-propanol	[25]
78886	A	2,3,-Dichloropropene	[1000]
3164292	A	2,3-dihydroxybutanedioic acid, diammonium salt	[1000]
93765	AC	2,4,5-T	0.66
2545597	A	2,4,5-T 2-butoxyethyl ester	0.66
1928478	A	2,4,5-T 2-ethylhexyl ester	0.66
2008460	A	2,4,5-T amines	0.66
93798	A	2,4,5-T esters	0.66
13560991	A	2,4,5-T salts	0.66
93721	AC	2,4,5-TP	10.00
32534955	A	2,4,5-TP acid esters	10.00
95954	AC	2,4,5-Trichlorophenol	4.56
93765	AC	2,4,5-Trichlorophenoxyacetic acid	0.66
1319728	A	2,4,5-trichlorophenoxyacetic acid, compound with 1-amino-2-propanol (1:1)	0.66
6369977	A	2,4,5-Trichlorophenoxyacetic acid, dimethylamine salt	0.66
25168154	A	2,4,5-Trichlorophenoxyacetic acid, isooctyl ester	0.66
3813147	A	2,4,5-Trichlorophenoxyacetic acid, triethanolamine salt	0.66
6369966	A	2,4,5-Trichlorophenoxyacetic acid, trimethylamine salt	0.66
61792072	A	2,4,5-Trichlorophenoxyacetic acid-1-methylpropyl ester	0.66
93721	AC	2,4,5-Trichlorophenoxypropionic acid	10.00
88062	AC	2,4,6-Trichlorophenol	0.66
94757	AC	2,4-D	1.16
1929733	A	2,4-D 2-butoxyethyl ester	1.16
2971382	A	2,4-D chlorocrotyl ester	1.16
94111	A	2,4-D Esters	1.16
1928387	A	2,4-D Methyl ester	1.16
1928616	A	2,4-D propyl ester	1.16

1320189	A	2,4-D, Propylene glycol butyl ether ester	1.16
-99001	C	2,4-D, salts, esters	1.16
95807	AC	2,4-Diaminotoluene	3.74
120832	AC	2,4-Dichlorophenol	0.96
94111	A	2,4-Dichlorophenoxyacetic acid, esters	1.16
25168267	A	2,4-Dichlorophenoxyacetic acid, isooctyl ester	1.16
94757	AC	2,4-Dichlorophenoxyacetic acid, salts and esters	1.16
105679	AC	2,4-Dimethylphenol	1.51
51285	AC	2,4-Dinitrophenol	3.30
121142	AC	2,4-Dinitrotoluene	0.66
541537	ABC	2,4-Dithiobiuret	DL(P)
106514	AC	2,5-Cyclohexadiene-1,4-dione	[100]
329715	A	2,5-Dinitrophenol	[100]
108316	AC	2,5-Furadione	[1000]
823405	AC	2,6-Diaminotoluene	[100]
1194656	A	2,6-Dichlorobenzonitrile	[1000]
87650	AC	2,6-Dichlorophenol	[100]
573568	A	2,6-Dinitrophenol	[100]
606202	AC	2,6-Dinitrotoluene	0.76
823405	AC	2,6-Toluenediamine	[100]
2312358	A	2-(p-tert-butylphenoxy cyclohexyl 2-propynyl sulfite	[100]
53963	AC	2-Acetylaminofluorene	[25]
95534	AC	2-Amino-1-methylbenzene	49.85
13952846	A	2-Aminobutane	[1000]
13952846	A	2-Butanamine	[1000]
513495	A	2-Butanamine, (S)-	[1000]
78933	AC	2-Butanone	0.79
1338234	AC	2-Butanone peroxide	[100]
39196184	ABC	2-Butanone, 3,3-dimethyl-1-(methylthio)-,0-[(methyl amino) carbamoyl] oxime	DL(P)
4170303	ABC	2-Butenal	[1000]
123739	AB	2-Butenal, (E)-	6.30
764410	AC	2-Butene, 1,4-dichloro (mixture of cis and trans)	[25]
126998	AC	2-Chloro-1,3-butadiene	[25]
107200	AC	2-Chloro-1-ethanal	DL(P)
78886	A	2-Chloroallyl chloride	[1000]
110758	AC	2-Chloroethylvinyl ether	[1000]
91587	AC	2-Chloronaphthalene	25.00

95578	AC	2-Chlorophenol	0.68
131895	AC	2-Cyclohexyl-4,6-dinitrophenol	DL(P)
110805	AC	2-Ethoxyethanol	DL/.16
640197	ABC	2-Fluoroacetamide	DL(P)
98011	A	2-Furaldehyde	DL/.012
98011	A	2-Furancarboxaldehyde	DL/.012
96457	AC	2-Imidazolidinethione	19.94
78795	A	2-Methyl-1,3-butadiene	[1000]
534521	ABC	2-Methyl-4,6-dinitrophenol	DL(P)
107120	ABC	2-Methylacetonitrile	DL(P)
75558	ABC	2-Methylaziridine	DL(P)
75865	ABC	2-Methylactonitrile	§
95487	AB	2-Methylphenol	3.80
109068	AC	2-Methylpyridine	[1000]
494031	AC	2-Naphthalenamine, N,N-bis (2-chloroethyl)	[1000]
91598	AC	2-Naphthylamine	[100]
88755	A	2-Nitrophenol	[1000]
79469	AC	2-Nitropropane	[100]
109068	AC	2-Picoline	[1000]
75649	A	2-Propanamine, 2-methyl-	[1000]
67641	A	2-Propanone	2.74
598312	AC	2-Propanone, 1-bromo-	DL(P)
107186	ABC	2-Propen-1-ol	DL(P)
107028	ABC	2-Propenal	DL(P)
79061	ABC	2-Propenamide	DL/.001
107131	ABC	2-Propenenitrile	1.37
126987	ABC	2-Propenenitrile, 2-methyl-	DL/.016
79107	A	2-Propenoic acid	DL/.008
97632	AC	2-Propenoic acid, 2-methyl-,ethyl ester	[1000]
80626	AC	2-Propenoic acid, 2-methyl-, methyl ester	DL/.17
140885	A	2-Propenoic acid, ethyl ester	249.25
107197	AC	2-Propyn-1-ol	DL(P)
88857	ABC	2-sec-butyl-4,6-dinitrophenol	0.66
56042	AC	2-Thio-6-methyluracil	[100]
2763964	ABC	3 (2H)-Isoxazolone, 5-(aminomethyl)-	DL(P)
91941	AC	3,3'-Dichlorobenzidine	25.00
119904	AC	3,3'-Dimethoxybenzidine	1.75
119937	AC	3,3'-Dimethylbenzidine	1.30

39196184	ABC	3,3-dimethyl-1-(methylthio)-2-butanone-O-[(methylaminocarbonyl)]oxime	DL(P)
609198	A	3,4,5-Trichlorophenol	19.60
225514	AC	3,4-Benzacridine	[1000]
205992	AC	3,4-Benzoflouranthene	5.00
50328	AC	3,4-Benzopyrene	1.64
496720	AC	3,4-Diaminotoluene	[100]
610399	A	3,4-Dinitrotoluene	[100]
496720	AC	3,4-Toluenediamine	[100]
78591	A	3,5,5-Trimethyl-2-cyclohexenone	DL/.19
330541	A	3-(3,4-Dichlorophenyl)-1,1-dimethylurea	[1000]
81812	ABC	3-(alpha-Acetonylbenzyl)-4-hydroxycoumarin	DL(P)
107051	A	3-Chloropropene	[1000]
542767	ABC	3-Chloropropionitrile	DL(P)
56495	AC	3-Methylcholanthrene	5.00
108394	A	3-Methylphenol	3.80
554847	A	3-Nitrophenol	[1000]
99081	A	3-Nitrotoluene	[1000]
56042	AC	4 (1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	[100]
72548	AC	4,4'-DDD	0.66
72559	AC	4,4'-DDE	0.66
50293	AC	4,4'-DDT	0.66
101144	AC	4,4'-Methylenebis (2-chloroaniline)	25.00
534521	ABC	4,6-Dinitro-o-cresol	DL(P)
-99002	C	4,6-Dinitro-o-cresol salts	[1000]
106490	AC	4-Amino-1-methylbenzene	62.97
92671	C	4-Aminobiphenyl	[25]
504245	ABC	4-Aminopyridine	DL(P)
101553	AC	4-Bromophenyl phenyl ether	[1000]
59507	AC	4-Chloro-3-methylphenol	13.20
3165933	A	4-Chloro-o-toluidine, hydrochloride	26.01
106478	AC	4-Chloroaniline	DL(P)
7005723	A	4-Chlorophenylphenyl ether	[1000]
108101	A	4-Methyl-2-pentanone	3.30
106445	A	4-Methylphenol	3.80
100027	AC	4-Nitrophenol	3.30
99990	A	4-Nitrotoluene	1.12
504245	ABC	4-Pyridinamine	DL(P)

2763964	ABC	5-(Aminomethyl)-3-isoxazolol	DL(P)
99558	AC	5-Nitro-o-toluidine	362.54
57976	AC	7,12-Dimethyl-1,2-Benzanthracene	[25]
57976	AC	7,12-Dimethylbenz(a)anthracene	[25]
194592	C	7H-Dibenzo[c,g]carbazole	5.00
83329	A	Acenaphthene	300.00
208968	A	Acenaphthylene	130.00
83329	A	Acenaphthylene, 1,2-dihydro-	300.00
75070	A	Acetaldehyde	DL/.003
107200	AC	Acetaldehyde, chloro-	DL(P)
640197	ABC	Acetamide, 2-fluoro-	DL(P)
			[1000]
62442	AC	Acetamide, N-(4-ethoxyphenyl)-	NC(mg/kg)
			DL(P)
591082	AC	Acetamide, N-(aminothioxomethyl)-	DL(P)
53963	AC	Acetamide, N-9H-fluoren-2-yl	[25]
53963	AC	Acetamidofluorene	[25]
64197	A	Acetic acid	[1000]
108054	AB	Acetic acid ethylene ether	0.51
94791	A	Acetic acid, (2,4-dichlorophenoxy)-, 1-methylpropylester	[1000]
540885	A	Acetic acid, 1,1-dimethylethyl ester	[1000]
105464	A	Acetic acid, 1-methylpropyl ester	[1000]
631618	A	Acetic acid, ammonium salt	[1000]
123864	A	Acetic acid, butyl ester	[1000]
141786	A	Acetic acid, ethyl ester	DL/.07
301042	AC	Acetic acid, lead (2+) salt	(i)
563688	AC	Acetic acid, thallium (1+) salt	(n)
108247	A	Acetic anhydride	[1000]
108247	A	Acetic oxide	[1000]
67641	A	Acetone	2.74
75865	ABC	Acetone cyanohydrins	§
1752303	B	Acetone Thiosemicarbazide	[25]
75058	AC	Acetonitrile	DL/.04
98862	AC	Acetophenone	DL/.26
506967	A	Acetyl bromide	[1000]
75365	AC	Acetyl chloride	[1000]
108247	A	Acetyl oxide	[1000]
75207	A	Acetylenogen	[100]

1066337	A	Acid ammonium carbonate	[1000]
1341497	A	Acid ammonium fluoride	[1000]
107028	ABC	Acrolein	DL(P)
79061	ABC	Acrylamide	DL/.001
79107	A	Acrylic acid	DL/.008
107028	ABC	Acrylic aldehyde	DL(P)
107131	ABC	Acrylonitrile	1.37
814686	B	Acrylyl Chloride	[25]
124049	A	Adipic acid	DL/.006
111693	B	Adiponitrile	[1000]
51434	AC	Adrenalin	§
1402682	C	Aflatoxins	§
116063	ABC	Aldicarb	DL(P)
309002	ABC	Aldrin	0.66
110178	A	Allomaleic acid	[1000]
107186	ABC	Allyl alcohol	DL(P)
107051	A	Allyl chloride	[1000]
107119	B	Allylamine	[25]
122098	AC	alpha, alpha-Dimethylphenethylamine	DL(P)
80159	A	alpha, alpha-Dimethylbenzylhydroperoxide	[100]
319846	A	alpha-Benzenhexachloride	0.66
319846	A	alpha-BHC	0.66
75865	ABC	alpha-Hydroxyisobutyronitrile	§
134327	AC	alpha-Naphthylamine	[1000]
86884	ABC	alpha-Naphthylthiourea	DL(P)
109068	AC	alpha-Picoline	[1000]
20859738	ABC	Aluminum phosphide (AlP)	DL(P)
10043013	A	Aluminum sulfate	[1000]
60571	AC	Alvit	0.66
62533	ABC	Aminobenzene	DL/.038
74895	A	Aminomethane	[1000]
62533	ABC	Aminophen	DL/.038
54626	B	Aminopterin	[25]
78535	B	Amiton	[25]
3734972	B	Amiton Oxalate	[25]
61825	AC	Amitrole	10.00
7664417	AB	Ammonia	500.00
10380297	A	Ammoniated copper sulfate monohydrate	(h)

631618	A	Ammonium acetate	[1000]
7773060	A	Ammonium amidosulfate	[1000]
1111780	A	Ammonium aminoformate	[1000]
1863634	A	Ammonium benzoate	[1000]
1066337	A	Ammonium bicarbonate	[1000]
1341497	A	Ammonium bifluoride	[1000]
5972736	A	Ammonium bioxalate monohydrate	[1000]
10192300	A	Ammonium bisulfite	[1000]
13826830	A	Ammonium borofluoride	[1000]
1111780	A	Ammonium carbamate	[1000]
506876	A	Ammonium carbonate	[1000]
12125029	A	Ammonium chloride	[1000]
7789095	A	Ammonium chromate ((NH ₄) ₂ CrO ₇)	(f)
7788989	A	Ammonium chromate (VI)	(f)
3012655	A	Ammonium citrate, dibasic	[1000]
3164292	A	Ammonium d-tartrate	[1000]
7789095	A	Ammonium dichromate (VI)	(f)
1185575	A	Ammonium ferric citrate	[1000]
13826830	A	Ammonium fluoborate	[1000]
12125018	A	Ammonium fluoride	[1000]
16919190	A	Ammonium fluosilicate	[1000]
1066337	A	Ammonium hydrogen carbonate	[1000]
1341497	A	Ammonium hydrogen fluoride	[1000]
1336216	A	Ammonium hydroxide	[1000]
12125029	A	Ammonium muriate	[1000]
15699180	A	Ammonium nickel sulfate	(k)
6009707	A	Ammonium oxalate monohydrate	[1000]
131748	A	Ammonium picrate	DL(P)
1762954	A	Ammonium rhodanite	[1000]
16919190	A	Ammonium silicofluoride	[1000]
7773060	A	Ammonium sulfamate	[1000]
12135761	A	Ammonium sulfide	[1000]
10196040	A	Ammonium sulfite	[1000]
1762954	A	Ammonium sulfocyanate	[1000]
14307438	A	Ammonium tartrate	[1000]
1762954	A	Ammonium thiocyanate	[1000]
7803556	AC	Ammonium vanadate	(p)
300629	B	Amphetamine	§

628637	A	Amyl acetate	[1000]
123922	A	Amylacetic ester	[1000]
628637	A	Amylacetic ester	[1000]
62533	ABC	Aniline	DL/.038
88051	B	Aniline, 2,4,6-Trimethyl-	[25]
120127	A	Anthracene	500.00
7440360	AC	Antimony	10/BG
-99003	C	Antimony compounds, N.O.S.	(b)
7783564	A	Antimony fluoride	(b)
7647189	A	Antimony pentachloride	(b)
7783702	B	Antimony Pentafluoride	(b)
28300745	A	Antimony potassium tartrate	(b)
7789619	A	Antimony tribromide	(b)
10025919	A	Antimony trichloride	(b)
7783564	A	Antimony trifluoride	(b)
1309644	A	Antimony trioxide	(b)
1397940	B	Antimycin A	[25]
7697372	AB	Aqua fortis	(v)
140578	C	Aramite	[25]
137268	AC	Arasan	10.00
506616	ABC	Argentate(1-), dicyano-, potassium	(r)
12674112	A	Aroclor 1016	(s)
11104282	A	Aroclor 1221	(s)
11141165	A	Aroclor 1232	(s)
53469219	A	Aroclor 1242	(s)
12672296	A	Aroclor 1248	(s)
11097691	A	Aroclor 1254	(s)
11096825	A	Aroclor 1260	(s)
1336363	A	Aroclors	(s)
7784465	AB	Arseneous acid, sodium salt	(a)
7440382	AC	Arsenic	41.00
7778394	AC	Arsenic acid (H ₃ AsO ₄)	(a)
7778441	AB	Arsenic acid (H ₃ AsO ₄), calcium salt (2:3)	(a)
7631892	AB	Arsenic acid (H ₃ AsO ₄), sodium salt	(a)
1303282	ABC	Arsenic acid anhydride	(a)
7645252	A	Arsenic acid, lead salt	(a)
7784409	A	Arsenic acid, lead(2+) salt (1:1)	(a)
10102484	A	Arsenic acid, lead (4+) salt (3:2)	(a)

7784341	AB	Arsenic chloride	(a)
-99004	AC	Arsenic compounds, N.O.S.	(a)
1303328	A	Arsenic disulfide	(a)
1303282	ABC	Arsenic pentoxide	(a)
1303328	A	Arsenic sulfide	(a)
1327533	ABC	Arsenic trioxide	(a)
1303339	A	Arsenic trisulfide	(a)
1327533	ABC	Arsenic (III) oxide (As ₂ O ₃)	(a)
1303282	ABC	Arsenic (V) oxide As ₂ O ₅)	(a)
10124502	AB	Arsenious acid	(a)
1303339	A	Arsenious sulfide	(a)
1327533	ABC	Arsenous oxide	(a)
7784341	AB	Arsenous trichloride	(a)
7784421	B	Arsine	(a)
692422	AC	Arsine, diethyl	(a)
75605	AC	Arsinic acid, dimethyl	(a)
10124502	AB	Arsonic acid, potassium salt	(a)
696286	ABC	Arsonous dichloride, phenyl-	(a)
1332214	A	Asbestos	§
492808	AC	Auramine	[1000]
2303164	AC	Avadex	196.13
115026	AC	Azaserine	[25]
2642719	B	Azinphos-Ethyl	10.00
86500	AB	Azinphos-methyl	10.00
151564	ABC	Aziridine	DL(P)
75558	ABC	Aziridine, 2-methyl-	DL(P)
625161	A	Banana oil	[1000]
7440393	C	Barium	500/BG
-99005	C	Barium compounds, N.O.S.	(c)
542621	AC	Barium cyanide	(r)
333415	A	Basudin	1/BG
225514	AC	Benz(c)acridine	[1000]
98873	ABC	Benzal chloride	[1000]
62533	ABC	Benzenamine	DL/.038
636215	AC	Benzenamine, 2-methyl-, hydrochloride	[1000]
99558	AC	Benzenamine, 2-methyl-5-nitro-	362.54
98168	B	Benzenamine, 3-(Trifluoromethyl)-	[25]
101144	AC	Benzenamine, 4,4'-methylenebis [2-chloro-	25.00

492808	AC	Benzenamine, 4,4' carbonimidoylbis[N,N-dimethyl-	[1000]
106478	AC	Benzenamine,4-chloro-	DL(P)
3165933	A	Benzenamine, 4-chloro-2-methyl, hydrochloride	26.01
106490	AC	Benzenamine, 4-methyl-	62.97
100016	AC	Benzenamine, 4-nitro-	DL(P)
60117	AC	Benzenamine, N,N-dimethyl-4-(phenylazo)-	[100]
86306	A	Benzenamine, N-nitroso-N-phenyl	6.46
122394	C	Benzenamine, N-phenyl	[25]
71432	AC	Benzene	0.02
108907	AC	Benzene chloride	4.18
100447	ABC	Benzene, (chloromethyl)-	1.05
98873	ABC	Benzene, (dichloromethyl)-	[1000]
98077	ABC	Benzene, (trichloromethyl)-	[100]
95943	AC	Benzene, 1,2,4,5-tetrachloro-	25.00
120821	AC	Benzene, 1,2,4-trichloro-	10.83
528290	A	Benzene, 1,2-Dinitro-	205.10
94597	AC	Benzene, 1,2-methylenedioxy-4-allyl	[1000]
120581	AC	Benzene, 1,2,-methylenedioxy-4-propenyl-	[1000]
94586	AC	Benzene, 1,2-methylenedioxy-4-propyl-	[100]
99354	AC	Benzene, 1,3,5-trinitro-	DL/.07
541731	AC	Benzene, 1,3-dichloro-	2.22
91087	AB	Benzene, 1,3-diisocyanato-2-methyl	[1000]
26471625	AC	Benzene, 1,3-diisocyanatomethyl-	[1000]
99650	A	Benzene, 1,3-dinitro-	1.05
106467	AC	Benzene, 1,4-dichloro-	6.84
100254	A	Benzene, 1,4-dinitro-	205.10
100141	B	Benzene, 1-(Chloromethyl)-4-Nitro-	[25]
101553	AC	Benzene, 1-bromo-4-phenoxy-	[1000]
7005723	A	Benzene, 1-chloro-4-phenoxy	[1000]
121142	AC	Benzene, 1-methyl-2,4-dinitro	0.66
98828	A	Benzene, 1-methylethyl-	21.88
606202	AC	Benzene, 2-methyl-1,3-dinitro-	0.76
25321226	AC	Benzene, dichloro- (N.O.S.)	[1000]
1330207	A	Benzene, dimethyl-	20.00
110827	A	Benzene, hexahydro-	20.00
98953	ABC	Benzene, nitro-	0.70
608935	AC	Benzene, pentachloro-	25.00
98055	BC	Benzenearsonic acid	(a)

305033	AC	Benzenebutanoic acid, 4-[bis(2-chloroethyl) amino-	[100]
98884	A	Benzenecarbonyl chloride	\$
65850	A	Benzenecarboxylic acid	1000.00
25376458	AC	Benzenediamine, ar-methyl-	[100]
122098	AC	Benzenethanamine, alpha, alpha-dimethyl-	DL(P)
608731	A	Benzenehexachloride	0.66
98099	A	Benzenesulfonic chloride	[1000]
98099	A	Benzenesulfonyl acid chloride	[1000]
108985	ABC	Benzenethiol	DL(P)
92875	AC	Benzidine	DL/.05
3615212	B	Benzimidazole, 4,5-dichloro-2-(trifluoromethyl)-	[25]
56553	AC	Benzo(a)anthracene	5.00
50328	AC	Benzo(a)pyrene	1.64
205992	AC	Benzo(b)fluoranthene	5.00
91225	A	Benzo(b)pyridine	DL/.51
191242	A	Benzo(ghi)perylene	500.00
206440	AC	Benzo(j,k) fluorine	500.00
207089	AC	Benzo(k)fluoranthene	5.00
65850	A	Benzoic acid	1000.00
100470	A	Benzonitrile	DL/.17
98077	ABC	Benzotrichloride	[100]
98884	A	Benzoyl chloride	\$
129000	AB	Benzo[def]phenanthrene	500.00
205823	C	Benzo[j]fluoranthene	5.00
100447	ABC	Benzyl chloride	1.05
140294	B	Benzyl Cyanide	[1000]
98873	ABC	Benzylidene chloride	[1000]
205992	AC	Benz[e]acephenanthrylene	5.00
56495	AC	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	5.00
7440417	AC	Beryllium	3.00/BG
7787475	A	Beryllium chloride	(d)
-99006	AC	Beryllium compounds, N.O.S.	(d)
7787497	A	Beryllium fluoride	(d)
13597994	A	Beryllium nitrate	(d)
7787555	A	Beryllium nitrate trihydrate	(d)
319857	A	beta-Benzenehaxachloride	0.66
319857	A	beta-BHC	0.66
33213659	A	beta-Endosulfan	10.00

91598	AC	beta-Naphthylamine	[100]
608731	A	BHC	0.66
15271417	B	Bicyclo [2.2.1]heptane-2-carbonitrile,5-chloro-6- ((methylamino)carbonyl)oxy)imino)-, (1S-(1-alpha,2-beta,4- alpha,5-alpha,6E))	[25]
108601	AC	bis(2-Chloro-1-methylethyl)ether	170.91
111911	AC	bis(2-Chloroethoxy)methane	DL/.027
111444	ABC	bis(2-Chloroethyl) ether	DL/.60
108601	AC	bis(Chloroisoprophyl)ether	170.91
117817	AC	bis(2-Ethylhexyl)phthalate	50.00
534076	B	Bis(Chloromethyl)Ketone	[25]
542881	ABC	Bis (chloromethyl)ether	DL(P)
137268	AC	bis(Dimethylthiocarbamoyl)disulfide	10.00
4044659	B	Bitoscanate	[25]
7723140	AB	Black phosphorus	10.25
3689245	ABC	Bladafum	DL(P)
110178	A	Boletic acid	[1000]
10294345	B	Boron Trichloride	[25]
7637072	B	Boron Trifluoride	[25]
353424	B	Boron trifluoride compound with methyl ether (1:1)	[25]
28772567	B	Bromadiolone	[25]
7726956	B	Bromine	[25]
506683	ABC	Bromine cyanide	(r)
598312	AC	Bromoacetone	DL(P)
75274	A	Bromodichloromethane	1.18
75252	AC	Bromoform	1.00
74839	ABC	Bromomethane	0.80
357573	AC	Brucine	DL(P)
14307438	A	Butanedioic acid, 2,3-di-hydroxy-(R-(R*,R*))-ammonium salt	[1000]
305033	AC	Butanoic acid, 4-[bis(2-chloroethyl)-amino)benzene-	[100]
110178	A	(E)-2-Butanedioic acid	[1000]
94804	A	Butyl 2,4-D	[1000]
85687	AC	Butyl benzyl phthalate	50.00
107926	A	Butyric acid	[1000]
75605	AC	Cacodylic acid	(a)
7440439	AC	Cadmium	39.00
543908	A	Cadmium acetate	(e)
7789426	A	Cadmium bromide	(e)

10108642	A	Cadmium chloride	(e)
-99007	AC	Cadmium compounds, N.O.S.	(e)
1306190	B	Cadmium Oxide	(e)
2223930	B	Cadmium Stearate	(e)
7778441	AB	Calcium arsenate	(a)
52740166	A	Calcium arsenite	(a)
75207	A	Calcium carbide	[100]
13765190	AC	Calcium chromate	(f)
592018	AC	Calcium cyanide	(r)
26264062	A	Calcium dodecylbenzene sulfonate	[1000]
7778543	A	Calcium hypochlorite	[100]
56257	B	Cantharidin	[25]
133062	A	Captan	1/BG
51832	B	Carbachol Chloride	[25]
51796	AC	Carbamic acid, ethyl ester	[1000]
63252	A	Carbamic acid, methyl-,1-naphthyl ester	1/BG
2032657	AB	Carbamic acid, methyl-, 4-(methylthio)-3,5-xylyl ester	10.00
315184	AB	Carbamic acid, methyl-, 4-dimethylamino-3,5-xylyl ester	10.00
26419738	B	Carbamabie acid, methyl-0-(((2,4-dimethyl-1,3-dithiolan-2-yl)methylene)amino)-	[25]
615532	AC	Carbamic acid, methylnitroso-, ethyl ester	[25]
79447	AC	Carbamic chloride, dimethyl-	[25]
684935	AC	Carbamide, N-methyl-N-nitroso-	[25]
62566	AC	Carbamide, thio-	[100]
630104	AC	Carbamimidoseleonic acid	DL(P)
111546	AC	Carbamodithioic acid, 1,2-ethanediylbis-, salts and esters	[1000]
2303164	AC	Carbamothioic acid, bis(1-methylethyl)-S-(2,3-dichloro-2-propenyl) ester	196.13
63252	A	Carbaryl	1/BG
1563662	AB	Carbofuran	0.80
108952	ABC	Carbolic acid	50.00
75150	ABC	Carbon bisulfide	DL(P)/BG
75150	ABC	Carbon disulfide	DL(P)/BG
353504	AC	Carbon oxyfluoride	[1000]
56235	AC	Carbon tetrachloride	0.17
6533739	ABC	Carbonic acid, dithallium (1+) salt	(n)
75445	ABC	Carbonic dichloride	DL(P)
353504	AC	Carbonic difluoride	[1000]

79221	ABC	Carbonochloridic acid, methyl ester	[1000]
75445	ABC	Carbonyl chloride	DL(P)
353504	AC	Carbonyl fluoride	[1000]
786196	B	Carbophenothion	1/BG
1310732	A	Caustic soda	(v)
62384	ABC	Ceresan	DL/.024
75694	AC	CFC-11	0.70
75718	AC	CFC-12	1.49
305033	AC	Chlorambucil	[100]
57749	ABC	Chlordane	9.20
470906	B	Chlorfenvinfos	[25]
68411450	AC	Chlorinated benzenes, N.O.S.	[25]
68411723	AC	Chlorinated ethane, N.O.S.	[25]
-99008	C	Chlorinated fluorocarbons, N.O.S.	[25]
70776033	AC	Chlorinated naphthalene, N.O.S.	[25]
-99009	AC	Chlorinated phenol, N.O.S.	[25]
7782505	AB	Chlorine	§
506774	AC	Chlorine cyanide	(r)
24934916	B	Chlormephos	[25]
999815	B	Chlormequat Chloride	[25]
494031	AC	Chlornaphazine	[1000]
107200	AC	Chloroacetaldehyde	DL(P)
79118	B	Chloroacetic Acid	[25]
-99010	AC	Chloroalkyl ethers, N.O.S.	[25]
107051	A	Chloroallylene	[1000]
108907	AC	Chlorobenzene	4.18
68411450	A	Chlorobenzenes	[25]
510156	AC	Chlorobenzilate	[100]
124481	A	Chlorodibromomethane	1.63
75003	A	Chloroethane	0.17
107073	B	Chloroethanol	[25]
627112	B	Chloroethyl Chloroformate	[25]
67663	ABC	Chloroform	0.68
75445	ABC	Chloroformyl chloride	DL(P)
74873	AC	Chloromethane	0.04
107302	ABC	Chloromethyl methyl ether	DL/.012
3691358	B	Chlorophacinone	[25]
59507	AC	Chlorophenol, 4-, methyl, 3-	13.20

126998	AC	Chloroprene	[25]
7790945	A	Chlorosulfonic acid	[1000]
1982474	B	Chloroxuron	[25]
2921882	A	Chlorpyrifos	1/BG
21923239	B	Chlorthiophos	[25]
7738945	A	Chromic (VI) acid	(f)
1066304	A	Chromic acetate	(f)
7789095	A	Chromic acid (H ₂ Cr ₂ O ₇), diammonium salt	(f)
7738945	A	Chromic acid (H ₂ CrO ₄)	(f)
7788989	A	Chromic acid (H ₂ CrO ₄), diammonium salt	(f)
13765190	AC	Chromic acid, calcium salt	(f)
10025737	B	Chromic Chloride	(f)
10101538	A	Chromic sulfate	(f)
7440473	AC	Chromium	1200.00
-99011	AC	Chromium compounds, N.O.S.	(f)
10049055	A	Chromous chloride	(f)
218019	AC	Chrysene	5.00
156592	C	cis-1,2 Dichloroethylene	0.53
110167	A	cis-1,2-Ethylenedicarboxylic acid	[1000]
110167	A	cis-Butenedioic acid	[1000]
108316	AC	cis-Butenedioic acid anhydride	[1000]
3012655	A	Citric acid diammonium salt	[1000]
6358538	C	Citrus red No. 2	[25]
8007452	C	Coal tar creosote	5.00
7789437	A	Cobalt bromide	(g)
10210681	B	Cobalt Carbonyl	(g)
7789437	A	Cobalt dibromide	(g)
544183	A	Cobalt formate	(g)
14017415	A	Cobalt sulfamate	(g)
99204	-	Cobalt (reference only, not regulated substance)	25/BG
62207765	B	Cobalt, ((2,2'-(1,2-ethanediylbis(nitrilomethylidyne))bis(6-fluorophenolato))(2-)-N,N',O,O')	(g)
14017415	A	Cobaltous sulfamate	(g)
65996818	A	Coke oven emissions	§
64868	B	Colchicine	[25]
2312358	A	Comite	[100]
7440508	A	Copper	1500.00
142712	A	Copper acetate	(h)

12002038	AB	Copper acetate arsenite	(a)
12002038	AB	Copper acetoarsenite	(a)
-99012	A	Copper and compounds	(h)
7447394	A	Copper chloride	(h)
544923	AC	Copper cyanide	(r)
3251238	A	Copper nitrate	(h)
7758987	A	Copper sulfate	(h)
815827	A	Copper tartrate	(h)
10380297	A	Copper(2+), tetraammine-, sulfate (1:1), monohydrate	(h)
56724	AB	Coumaphos	1/BG
56724	AB	Coumarin, 3-chloro-7-hydroxy-4-methyl-, O-ester with O,O-diethylpyrophosphorothioate	1/BG
5836293	B	Coumatetralyl	[25]
8001589	AC	Creosote	--
1319773	AC	Cresols	3.80
1319773	AC	Cresylic acid	3.80
535897	B	Crimidine	[25]
4170303	ABC	Crotonaldehyde	[1000]
123739	AB	Crotonaldehyde, (E)	[1000]
4170303	ABC	Crotyldehyde	[1000]
98828	A	Cumene	21.88
80159	A	Cumene hydroperoxide	[100]
142712	A	Cupric acetate	(h)
12002038	AB	Cupric acetoarsenite	(a)
7447394	A	Cupric chloride	(h)
3251238	A	Cupric nitrate	(h)
5893663	A	Cupric oxalate	(h)
7758987	A	Cupric sulfate	(h)
10380297	A	Cupric sulfate, ammoniated, monohydrate	(h)
815827	A	Cupric tartrate	(h)
57125	AC	Cyanides (soluble salts and complexes) N.O.S.	(r)
-99013	A	Cyanides (CN anion)	10.00
100470	A	Cyanobenzene	DL/.17
107131	ABC	Cyanoethylene	1.37
460195	AC	Cyanogen	DL(P)
506683	ABC	Cyanogen bromide	(r)
506774	AC	Cyanogen chloride	(r)
506785	B	Cyanogen iodide	(r)

506683	ABC	Cyanogen monobromide	(r)
2636262	B	Cyanophos	[25]
675149	B	Cyanuric Fluoride	[25]
14901087	C	Cycasin	[25]
110827	A	Cyclohexane	20.00
108941	A	Cyclohexanone	DL/.031
71432	AC	Cyclohexatriene	0.02
66819	B	Cycloheximide	[25]
108918	B	Cyclohexylamine	[25]
50180	AC	Cyclophosphamide	[100]
60515	ABC	Cygon	DL(P)
18883664	AC	D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-	[25]
75990	A	Dalapon	10.00
20830813	AC	Daunomycin	[100]
20830813	AC	Daunorubicin	[100]
96128	AC	DBCP	DL/.003
156605	AC	DCE, trans-1,2-	0.53
108601	AC	DCIP	170.91
330541	A	DCMU	[1000]
72548	AC	DDD	0.66
72559	AC	DDE	0.66
50293	AC	DDT	0.66
62737	AB	DDVP	1/BG
17702419	B	Decaborane (14)	[25]
319868	A	delta-Benzenehexachloride	[25]
319868	A	delta-BHC	[25]
8065483	B	Demeton	20.51
919868	B	Demeton-S-Methyl	[25]
56531	AC	DES	DL
115322	A	Di (p-chlorophenyl)-trichloromethylcarbinol	1/BG
117840	A	Di-n-octyl phthalate	50.00
621647	AC	Di-n-propylnitrosamine	1.71
10311849	B	Dialifor	[25]
2303164	AC	Diallate	196.13
302012	ABC	Diamine	DL/4E-5
25376458	AC	Diaminotoluene	[100]
7788989	A	Diammonium chromate ((NH ₄) ₂ CrO ₄)	(f)
3012655	A	Diammonium citrate	[1000]

7789095	A	Diammonium dichromate	(f)
6009707	A	Diammonium oxalate monohydrate	[1000]
3164292	A	Diammonium tartrate	[1000]
1309644	A	Diantimony trioxide	(b)
333415	A	Diazinon	1/BG
53703	AC	Dibenzo(a,h)anthracene	5.00
189559	AC	Dibenzo(a,i)pyrene	5.00
192654	C	Dibenzo[a,e]pyrene	5.00
189640	C	Dibenzo[a,h]pyrene	5.00
1746016	AC	Dibenzo[b,e][1,4]dioxin, 2,3,7,8-tetrachloro-	8.00E-05
226368	C	Dibenz[a,h]acridine	[25]
224420	C	Dibenz[a,j]acridine	[25]
19287457	B	Diborane	[25]
300765	A	Dibrom	[100]
124481	A	Dibromochloromethane	1.63
96128	AC	Dibromochloropropane	DL/.003
74953	AC	Dibromomethane	[1000]
84742	AC	Dibutyl phthalate	13.70
1918009	A	Dicamba	1/BG
1194656	A	Dichlobenil	[1000]
117806	A	Dichlone	[25]
25321226	AC	Dichlorobenzene, N.O.S.	[1000]
1331471	A	Dichlorobenzidines	[25]
75274	A	Dichlorobromomethane	1.18
75718	AC	Dichlorodifluoromethane	1.49
72548	AC	Dichlorodiphenyldichloroethane	0.66
111444	ABC	Dichloroethyl ether	DL/.60
75092	AC	Dichloromethane	0.08
149746	B	Dichloromethylphenylsilane	[25]
696286	ABC	Dichlorophenylarsine	(a)
8003198	A	Dichloropropane - dichloropropene mixture	[1000]
26638197	AC	Dichloropropane, N.O.S.	[1000]
26545733	C	Dichloropropanol, N.O.S.	[25]
26952238	AC	Dichloropropene, N.O.S.	[1000]
62737	AB	Dichlorvos	1/BG
115322	A	Dicofol	1/BG
141662	B	Dicrotophos	[25]
60571	AC	Dieldrin	0.66

56382	ABC	Diethyl 4-nitrophenylphosphorothioate	DL(P)
814493	B	Diethyl Chlorophosphate	[25]
60297	A	Diethyl ether	0.56
84662	AC	Diethyl phthalate	0.74
311455	AC	Diethyl-p-nitrophenyl phosphate	DL(P)
109897	A	Diethylamine	[1000]
692422	AC	Diethylarsine	(a)
1642542	B	Diethylcarbamazine citrate	[25]
56531	AC	Diethylstilbestrol	DL
71636	B	Digitoxin	§
2238075	B	Diglycidyl Ether	[25]
20830755	B	Digoxin	[25]
94586	AC	Dihydrosafrole	[100]
55914	ABC	Diisopropylflourophosphate	DL(P)
115264	B	Dimefox	[25]
60515	ABC	Dimethoate	DL(P)
2524030	B	Dimethyl Phosphorochloridothioate	[25]
131113	AC	Dimethyl phthalate	0.66
77781	ABC	Dimethyl sulfate	DL/.12
99989	B	Dimethyl-p-phenylenediamine	[25]
124403	A	Dimethylamine	[1000]
79447	AC	Dimethylcarbamoyl chloride	[25]
75785	B	Dimethyldichlorosilane	[25]
62759	ABC	Dimethylnitrosamine	0.66
1300716	A	Dimethylphenol	307.64
644644	B	Dimetilan	[25]
25154545	AC	Dinitrobenzene, N.O.S.	[1000]
10544726	A	Dinitrogen tetroxide	[100]
25550587	A	Dinitrophenol	[100]
25321146	A	Dinitrotoluene	[100]
88857	ABC	Dinoseb	0.66
1420071	B	Dinoterb	[25]
78342	B	Dioxathion	1/BG
1746016	AC	Dioxin	8.00E-05
82666	B	Diphacinone	[25]
122394	C	Diphenylamine	[25]
38622183	A	Diphenylhydrazine	[25]
152169	ABC	Diphosphoramidate, octamethyl-	DL(P)

333415	A	Dipofene	1/BG
142847	A	Dipropylamine	[1000]
2764729	A	Diquat	2.00
85007	A	Diquat dibromide	2.00
7631892	AB	Disodium arsenate	(a)
7558794	A	Disodium phosphate	[1000]
10102188	AB	Disodium selenite	(L)
14644612	A	Disulfatozirconic acid	[1000]
298044	ABC	Disulfoton	DL(P)
8014957	A	Disulphuric acid	(v)
298044	ABC	Disyston	DL(P)
514738	B	Dithiazanine iodide	[25]
75150	ABC	Dithiocarbonic anhydride	DL(P)/BG
3689245	ABC	Dithiopyrophosphoric acid, tetraethyl ester	DL(P)
330541	A	Diuron	[1000]
72435	AC	DMDT	10.00
27176870	A	Dodecylbenzenesulfonic acid	[1000]
2921882	A	Dursban	1/BG
106934	AC	EDB	0.01
60004	A	Edetic acid	[1000]
60004	A	EDTA	[1000]
316427	B	Emetine, Dihydrochloride	[25]
959988	A	Endosulfan (alpha)	10.00
115297	ABC	Endosulfan (mixed isomers)	3.30
1031078	A	Endosulfan sulfate	1.65
959988	A	Endosulfan-I	10.00
33213659	A	Endosulfan-II	10.00
145733	AC	Endothall	0.66
2778043	B	Endothion	[25]
72208	ABC	Endrin	10.00
7421934	A	Endrin aldehyde	10.00
-99014	AC	Endrin metabolites	10.00
106898	ABC	Epichlorhydrin	DL/.003
51434	AC	Epinephrine	§
2104645	B	EPN	[25]
50146	B	Ergocalciferol	[25]
379793	B	Ergotamine Tartrate	[25]
1464535	ABC	Erythritol anhydride	[100]

75070	A	Ethanal	DL/.003
122098	AC	Ethanamine, 1,1-dimethyl-2-phenyl	DL(P)
55185	AC	Ethanamine, N-ethyl-N-nitroso-	DL/.014
5893663	A	Ethandioic acid copper salt	(h)
60297	A	Ethane, 1,1'-oxybis-	0.56
111444	ABC	Ethane, 1,1'-oxybis[2-chloro-	DL/.60
111911	AC	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-	DL/.027
630206	AC	Ethane, 1,1,1,2-tetrachloro-	1.03
106934	AC	Ethane, 1,2-dibromo-	0.01
107062	AC	Ethane, 1,2-dichloro-	0.02
460195	AC	Ethanedinitrile	DL(P)
55488874	A	Ethanedioic acid, ammonium iron salt	[1000]
2944674	A	Ethanedioic acid, ammonium iron(3+) salt (3:3:1)	[1000]
14258492	A	Ethanedioic acid, ammonium salt	[1000]
6009707	A	Ethanedioic acid, diammonium salt, monohydrate	[1000]
5972736	A	Ethanedioic acid, monoammonium, salt, monohydrate	[1000]
75058	AC	Ethanenitrile	DL/.04
1622328	B	Ethanesulfonyl Chloride, 2-Chloro-	[25]
62555	AC	Ethanethioamide	[100]
64197	A	Ethanoic acid	[1000]
10140871	B	Ethanol, 1,2-Dichloro-, Acetate	[25]
1116547	AC	Ethanol, 2,2'-(nitrosoimino)bis-	4.27
98862	AC	Ethanone, 1-phenyl-	DL/.26
75365	AC	Ethanoyl chloride	[1000]
4549400	AC	Ethenamine, N-methyl-N-nitroso-	DL(P)
110758	AC	Ethene, (2-chloroethoxy)-	[1000]
75014	AC	Ethene, chloro	0.04
563122	AB	Ethion	[100]
13194484	B	Ethoprophos	[25]
141786	A	Ethyl acetate	DL/.07
140885	A	Ethyl acrylate	[1000]
75070	A	Ethyl aldehyde	DL/.003
51796	AC	Ethyl carbamate	[1000]
75003	A	Ethyl chloride	0.17
107120	ABC	Ethyl cyanide	DL(P)
60297	A	Ethyl ether	0.56
97632	AC	Ethyl methacrylate	[1000]
62500	AC	Ethyl methanesulfonate	[25]

510156	AC	Ethyl-4,4'-dichlorobenzilate	44.31
107926	A	Ethylacetic acid	[1000]
75047	A	Ethylamine	[1000]
100414	A	Ethylbenzene	20.00
538078	B	Ethylbis (2-Chloroethyl) Amine	[25]
106934	AC	Ethylene dibromide	0.01
107062	AC	Ethylene dichloride	0.02
371620	B	Ethylene Fluorohydrin	[25]
110805	AC	Ethylene glycol monoethyl ether	DL/.16
75218	ABC	Ethylene oxide	11.73
79016	AC	Ethylene trichloride	0.13
111546	AC	Ethylenebisdithiocarbamic acid, salts and esters	[1000]
107153	AB	Ethylenediamine	[1000]
60004	A	Ethylenediamine tetraacetic acid	[1000]
151564	ABC	Ethyleneimine	DL(P)
96457	AC	Ethylenethiourea	19.94
79094	A	Ethylformic acid	[1000]
75343	AC	Ethylidene dichloride	0.03
542905	B	Ethylthiocynate	[25]
52857	AC	Famophos	DL(P)
52857	AC	Famphur	DL(P)
22224926	B	Fenamiphos	[25]
122145	B	Fenitrothion	[25]
115902	B	Fensulfothion	10.00
1185575	A	Ferric ammonium citrate	[1000]
55488874	A	Ferric ammonium oxalate	[1000]
2944674	A	Ferric ammonium oxalate	[1000]
7705080	A	Ferric chloride	[1000]
7783508	A	Ferric fluoride	[1000]
10421484	A	Ferric nitrate	[1000]
10028225	A	Ferric persulfate	[1000]
10028225	A	Ferric sesquisulfate	[1000]
10028225	A	Ferric sulfate	[1000]
10045893	A	Ferrous ammonium sulfate	[1000]
7758943	A	Ferrous chloride	[1000]
7720787	A	Ferrous sulfate	[1000]
7782630	A	Ferrous sulfate heptahydrate	[1000]
4301502	B	Fluometil	[25]

206440	AC	Fluoranthene	500.00
86737	A	Fluorene	360.00
7782414	ABC	Fluorine	600/BG
144490	B	Fluoroacetic Acid	[25]
62748	B	Fluoroacetyl acid, sodium salt	DL(P)
359068	B	Fluoroacetyl chloride	[25]
75694	AC	Fluorotrichloromethane	0.70
51218	B	Fluorouracil	[25]
944229	B	Fonofos	[25]
30525894	A	Formagene	[1000]
50000	ABC	Formaldehyde	DL/.010
107164	B	Formaldehyde Cyanohydrin	§
50000	ABC	Formalin	DL/.010
23422539	B	Formetanate Hydrochloride	[25]
64186	AC	Formic acid	[1000]
2540821	B	Formothion	[25]
17702577	B	Formparanate	[25]
21548323	B	Fosthietan	[25]
76131	A	Freon 113	6.92
3878191	B	Fuberidazole	[25]
628864	AC	Fulminic acid, mercury(2+) salt	DL
110178	A	Fumaric acid	[1000]
8014957	A	Fuming sulfuric acid	(v)
1563662	AB	Furadan	0.80
110009	AB	Furan	512.74
109999	A	Furan, tetrahydro-	DL/.014
98011	A	Furfural	DL/.012
110009	AB	Furfuran	512.74
13450903	B	Gallium Trichloride	[25]
58899	ABC	gamma-Benzenehexachloride	0.66
58899	ABC	gamma-BHC	0.66
64197	A	Glacial acetic acid	[1000]
765344	AC	Glycidylaldehyde	DL/.07
7720787	A	Green vitriol	[1000]
70257	AC	Guanidine, N-methyl-N'-nitro-N-nitroso	[100]
99205	A	Haloethers	[25]
99015	A	Halomethanes, N.O.S.	[25]
99017	A	Hazardous Waste No. D001 (Ignitable)	(u)

99094	A	Hazardous Waste No. D002 (Corrosive)	(v)
99018	A	Hazardous Waste No. D003 (Reactive)	(w)
99069	A	Hazardous Waste No. D004 (Arsenic)	(x)
99068	A	Hazardous Waste No. D005 (Barium)	(x)
-99066	A	Hazardous Waste No. D006 (Cadmium)	(x)
-99140	A	Hazardous Waste No. D007 (Chromium)	(x)
-99139	A	Hazardous Waste No. D008 (Lead)	(x)
-99138	A	Hazardous Waste No. D009 (Mercury)	(x)
-99137	A	Hazardous Waste No. D010 (Selenium)	(x)
-99136	A	Hazardous Waste No. D011 (Silver)	(x)
-99113	A	Hazardous Waste No. D012 (Endrin)	(x)
-99108	A	Hazardous Waste No. D013 (Lindane)	(x)
-99107	A	Hazardous Waste No. D014 (Methoxychlor)	(x)
-99100	A	Hazardous Waste No. D015 (Toxaphene)	(x)
-99118	A	Hazardous Waste No. D016 (2,4-D)	(x)
-99096	A	Hazardous Waste No. D017 (2,4,5-TP)	(x)
-99300	A	Hazardous Waste No. D018 (Benzene)	(x)
-99016	A	Hazardous Waste No. D019 (Carbon tetrachloride)	(x)
-99019	A	Hazardous Waste No. D020 (Chlordane)	(x)
-99021	A	Hazardous Waste No. D021 (Chlorobenzene)	(x)
-99020	A	Hazardous Waste No. D022 (Chloroform)	(x)
-99122	A	Hazardous Waste No. D023 (o-Cresol)	(x)
-99121	A	Hazardous Waste No. D024 (m-Cresol)	(x)
-99120	A	Hazardous Waste No. D025 (p-Cresol)	(x)
-99119	A	Hazardous Waste No. D026 (Cresols)	(x)
-99117	A	Hazardous Waste No. D027 (1,4-Dichlorobenzene)	(x)
-99116	A	Hazardous Waste No. D028 (1,2-Dichloroethane)	(x)
-99115	A	Hazardous Waste No. D029 (1,1-Dichloroethylene)	(x)
-99114	A	Hazardous Waste No. D030 (2,4-Dinitrotoluene)	(x)
-99112	A	Hazardous Waste No. D031 (Heptachlor and its epoxide)	(x)
-99111	A	Hazardous Waste No. D032 (Hexachlorobenzene)	(x)
-99110	A	Hazardous Waste No. D033 (Hexachlorobutadiene)	(x)
-99109	A	Hazardous Waste No. D034 (Hexachloroethane)	(x)
-99106	A	Hazardous Waste No. D035 (Methyl ethyl ketone)	(x)
-99105	A	Hazardous Waste No. D036 (Nitrobenzene)	(x)
-99104	A	Hazardous Waste No. D037 (Pentachlorophenol)	(x)
-99103	A	Hazardous Waste No. D038 (Pyridine)	(x)
-99101	A	Hazardous Waste No. D039 (Tetrachloroethylene)	(x)

-99099	A	Hazardous Waste No. D040 (Trichloroethylene)	(x)
-99098	A	Hazardous Waste No. D041 (2,4,5-Trichlorophenol)	(x)
-99097	A	Hazardous Waste No. D042 (2,4,6-Trichlorophenol)	(x)
-99095	A	Hazardous Waste No. D043 (Vinyl chloride)	(x)
-99124	A	Hazardous Waste No. F001	(z)
-99082	A	Hazardous Waste No. F002	(z)
-99123	A	Hazardous Waste No. F003	(z)
-99081	A	Hazardous Waste No. F004	(z)
-99080	A	Hazardous Waste No. F005	(z)
-99079	A	Hazardous Waste No. F006	(z)
-99078	A	Hazardous Waste No. F007	(z)
-99077	A	Hazardous Waste No. F008	(z)
-99076	A	Hazardous Waste No. F009	(z)
-99075	A	Hazardous Waste No. F010	(z)
-99074	A	Hazardous Waste No. F011	(z)
-99073	A	Hazardous Waste No. F012	(z)
-99072	A	Hazardous Waste No. F019	(z)
-99185	A	Hazardous Waste No. F020	(z)
-99184	A	Hazardous Waste No. F021	(z)
-99183	A	Hazardous Waste No. F022	(z)
-99182	A	Hazardous Waste No. F023	(z)
-99181	A	Hazardous Waste No. F024	(z)
-98180	A	Hazardous Waste No. F025	(z)
-99179	A	Hazardous Waste No. F026	(z)
-99178	A	Hazardous Waste No. F027	(z)
-99177	A	Hazardous Waste No. F028	(z)
-99176	A	Hazardous Waste No. F032	(z)
-99175	A	Hazardous Waste No. F034	(z)
-99174	A	Hazardous Waste No. F035	(z)
-99173	A	Hazardous Waste No. F037	(z)
-99172	A	Hazardous Waste No. F038	(z)
-99171	A	Hazardous Waste No. K001	(z)
-99170	A	Hazardous Waste No. K002	(z)
-99169	A	Hazardous Waste No. K003	(z)
-99168	A	Hazardous Waste No. K004	(z)
-99167	A	Hazardous Waste No. K005	(z)
-99166	A	Hazardous Waste No. K006	(z)
-99165	A	Hazardous Waste No. K007	(z)

-99164	A	Hazardous Waste No. K008	(z)
-99163	A	Hazardous Waste No. K009	(z)
-99162	A	Hazardous Waste No. K010	(z)
-99161	A	Hazardous Waste No. K011	(z)
-99160	A	Hazardous Waste No. K013	(z)
-99159	A	Hazardous Waste No. K014	(z)
-99158	A	Hazardous Waste No. K015	(z)
-99157	A	Hazardous Waste No. K016	(z)
-99156	A	Hazardous Waste No. K017	(z)
-99155	A	Hazardous Waste No. K018	(z)
-99154	A	Hazardous Waste No. K019	(z)
-99153	A	Hazardous Waste No. K020	(z)
-99152	A	Hazardous Waste No. K021	(z)
-99151	A	Hazardous Waste No. K022	(z)
-99150	A	Hazardous Waste No. K023	(z)
-99149	A	Hazardous Waste No. K024	(z)
-99148	A	Hazardous Waste No. K025	(z)
-99147	A	Hazardous Waste No. K026	(z)
-99146	A	Hazardous Waste No. K027	(z)
-99145	A	Hazardous Waste No. K028	(z)
-99144	A	Hazardous Waste No. K029	(z)
-99143	A	Hazardous Waste No. K030	(z)
-99135	A	Hazardous Waste No. K031	(z)
-99134	A	Hazardous Waste No. K032	(z)
-99133	A	Hazardous Waste No. K033	(z)
-99132	A	Hazardous Waste No. K034	(z)
-99131	A	Hazardous Waste No. K035	(z)
-99130	A	Hazardous Waste No. K036	(z)
-99129	A	Hazardous Waste No. K037	(z)
-99128	A	Hazardous Waste No. K038	(z)
-99127	A	Hazardous Waste No. K039	(z)
-99126	A	Hazardous Waste No. K040	(z)
-99125	A	Hazardous Waste No. K041	(z)
-99071	A	Hazardous Waste No. K042	(z)
-99070	A	Hazardous Waste No. K043	(z)
-99102	A	Hazardous Waste No. K044	(z)
-99142	A	Hazardous Waste No. K045	(z)
-99067	A	Hazardous Waste No. K046	(z)

-99141	A	Hazardous Waste No. K047	(z)
-99086	A	Hazardous Waste No. K048	(z)
-99087	A	Hazardous Waste No. K049	(z)
-99090	A	Hazardous Waste No. K050	(z)
-99092	A	Hazardous Waste No. K051	(z)
-99065	A	Hazardous Waste No. K052	(z)
-99083	A	Hazardous Waste No. K060	(z)
-99064	A	Hazardous Waste No. K061	(z)
-99084	A	Hazardous Waste No. K062	(z)
-99063	A	Hazardous Waste No. K064	(z)
-99062	A	Hazardous Waste No. K065	(z)
-99061	A	Hazardous Waste No. K066	(z)
-99060	A	Hazardous Waste No. K069	(z)
-99059	A	Hazardous Waste No. K071	(z)
-99058	A	Hazardous Waste No. K073	(z)
-99057	A	Hazardous Waste No. K083	(z)
-99091	A	Hazardous Waste No. K084	(z)
-99056	A	Hazardous Waste No. K085	(z)
-99093	A	Hazardous Waste No. K086	(z)
-99089	A	Hazardous Waste No. K087	(z)
-99055	A	Hazardous Waste No. K088	(z)
-99054	A	Hazardous Waste No. K090	(z)
-99088	A	Hazardous Waste No. K091	(z)
-99053	A	Hazardous Waste No. K093	(z)
-99052	A	Hazardous Waste No. K094	(z)
-99051	A	Hazardous Waste No. K095	(z)
-99050	A	Hazardous Waste No. K096	(z)
-99049	A	Hazardous Waste No. K097	(z)
-99048	A	Hazardous Waste No. K098	(z)
-99047	A	Hazardous Waste No. K099	(z)
-99046	A	Hazardous Waste No. K100	(z)
-99045	A	Hazardous Waste No. K101	(z)
-99044	A	Hazardous Waste No. K102	(z)
-99043	A	Hazardous Waste No. K103	(z)
-99042	A	Hazardous Waste No. K104	(z)
-99041	A	Hazardous Waste No. K105	(z)
-99085	A	Hazardous Waste No. K106	(z)
-99040	A	Hazardous Waste No. K107	(z)

-99039	A	Hazardous Waste No. K108	(z)
-99038	A	Hazardous Waste No. K109	(z)
-99037	A	Hazardous Waste No. K110	(z)
-99036	A	Hazardous Waste No. K111	(z)
-99035	A	Hazardous Waste No. K112	(z)
-99034	A	Hazardous Waste No. K113	(z)
-99033	A	Hazardous Waste No. K114	(z)
-99032	A	Hazardous Waste No. K115	(z)
-99031	A	Hazardous Waste No. K116	(z)
-99030	A	Hazardous Waste No. K117	(z)
-99029	A	Hazardous Waste No. K118	(z)
-99028	A	Hazardous Waste No. K123	(z)
-99027	A	Hazardous Waste No. K124	(z)
-99026	A	Hazardous Waste No. K125	(z)
-99025	A	Hazardous Waste No. K126	(z)
-99024	A	Hazardous Waste No. K131	(z)
-99023	A	Hazardous Waste No. K132	(z)
-99022	A	Hazardous Waste No. K136	(z)
118741	AC	HCB	2.14
77474	ABC	HCP	15.20
76448	AC	Heptachlor	0.66
1024573	AC	Heptachlor epoxide	1.65
-99186	C	Heptachlorodibenzo-p-dioxins	(t(.01))
-99187	C	Heptachlorodibenzofurans	(t(.01))
118741	AC	Hexachlorobenzene	2.14
87683	AC	Hexachlorobutadiene	17.50
608731	A	Hexachlorocyclohexane	0.66
319846	A	Hexachlorocyclohexane (alpha)	0.66
319857	A	Hexachlorocyclohexane (beta)	0.66
319868	A	Hexachlorocyclohexane (delta)	[25]
58899	ABC	Hexachlorocyclohexane (gamma)	0.66
77474	ABC	Hexachlorocyclopentadiene	15.20
19408743	C	Hexachlorodibenzo-p-dioxins	1.90E-03
-99188	C	Hexachlorodibenzofurans	(t(0.1))
67721	AC	Hexachloroethane	9.99
465736	ABC	Hexachlorohexahydro-endo, endo-dimethanonaphthalene	DL(P)
70304	AC	Hexachlorophene	25.00
1888717	AC	Hexachloropropene	[1000]

757584	AC	Hexaethyltetraphosphate	DL (P)
10124568	A	Hexametaphosphate, sodium salt	[1000]
110827	A	Hexamethylene	20.00
4835114	B	Hexamethylenediamine, N,N'-Dibutyl-	[25]
124049	A	Hexanedioic acid	DL/.006
302012	ABC	Hydrazine	DL/4E-5
57147	ABC	Hydrazine, 1,1-dimethyl	4.60
1615801	AC	Hydrazine, 1,2-diethyl-	[100]
540738	AC	Hydrazine, 1,2-dimethyl	0.32
122667	AC	Hydrazine, 1,2-diphenyl	7.20
79196	ABC	Hydrazinecarbothioamide	DL(P)
122667	AC	Hydrazobenzene	7.20
7647010	AB	Hydrochloric acid	(v)
74908	ABC	Hydrocyanic acid	(r)
7664393	ABC	Hydrofluoric acid	(v)
7647010	AB	Hydrogen chloride (gas only)	(v)
74908	ABC	Hydrogen cyanide	(r)
7664393	ABC	Hydrogen fluoride	(v)
7722841	B	Hydrogen Peroxide (Conc 52%)	[25]
7803512	ABC	Hydrogen phosphide	DL(P)
7783075	B	Hydrogen Salenide	(L)
7783064	ABC	Hydrogen sulfide	[1000]
80159	A	Hydroperoxide, 1-methyl-1-phenylethyl-	[100]
123319	B	Hydroquinone	[25]
7783064	ABC	Hydrosulfuric acid	[1000]
108952	ABC	Hydroxybenzene	50.00
75605	AC	Hydroxydimethylarsine oxide	(a)
1300716	A	Hydroxydimethylbenzene	307.64
7778543	A	Hypochlorous acid, calcium salt	[100]
7681529	A	Hypochlorous acid, sodium salt	[1000]
10022705	A	Hypochlorous acid, sodium salt, pentahydrate	[1000]
193395	AC	Indeno(1,2,3-cd)pyrene	5.00
74884	AC	Iodomethane	[1000]
7758943	A	Iron chloride	[1000]
7758943	A	Iron dichloride	[1000]
10421484	A	Iron nitrate	[1000]
13463406	B	Iron pentacarbonyl	[25]
7705080	A	Iron trichloride	[1000]

110190	A	iso-Butyl acetate	[1000]
78819	A	iso-Butylamine	[1000]
79312	A	iso-Butyric acid	[1000]
123922	A	Isoamyl acetate	[1000]
297789	B	Isobenzan	[25]
78831	AC	Isobutyl alcohol	DL/.07
78820	B	Isobutyronitrile	[25]
624839	ABC	Isocyanic acid, methyl ester	DL(P)
102363	B	Isocyanic acid, 3,4-Dichlorophenyl Ester	[25]
465736	ABC	Isodrin	DL(P)
55914	ABC	Isofluorphate	DL(P)
78591	A	Isophorone	DL/.19
4098719	B	Isophorone Diisocyanate	[25]
78795	A	Isoprene	[1000]
42504461	A	Isopropanolamine dodecylbenzene sulfonate	[1000]
108236	B	Isopropyl Chloroformate	[25]
98828	A	Isopropylbenzene	21.88
119380	B	Isopropylmethylpyrazolyl dimethylcarbamate	[25]
120581	AC	Isosafrole	[1000]
115322	A	Kelthane	1/BG
143500	AC	Kepone	10.00
148823	AC	L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-	10.00
115026	AC	L-Serine, diazoacetate (ester)	[25]
3164292	A	L-Tartaric acid ammonium salt	[1000]
78977	B	Lactonitrile	§
303344	A	Lasiocarpine	[100]
303341	C	Lasiocarpine	[100]
7439921	AC	Lead	400.00
301042	AC	Lead acetate	(i)
7784409	A	Lead acid arsenate	(a)
7645252	A	Lead arsenate	(a)
7758954	A	Lead chloride	(i)
-99189	AC	Lead compounds, N.O.S.	(i)
7783462	A	Lead difluoride	(i)
13814965	A	Lead fluoborate	(i)
7783462	A	Lead fluoride	(i)
10101630	A	Lead iodide	(i)
10099748	A	Lead nitrate	(i)

7446277	AC	Lead phosphate	(i)
1072351	A	Lead stearate	(i)
7428480	A	Lead stearate	(i)
52652592	A	Lead stearate	(i)
56189094	A	Lead stearate	(i)
1335326	AC	Lead subacetate	(i)
7446142	A	Lead sulfate	(i)
15739807	A	Lead sulfate	(i)
1314870	A	Lead sulfide	(i)
592870	A	Lead sulfocyanate	(i)
78002	ABC	Lead tetraethyl	DL/(P)
592870	A	Lead thiocyanate	(i)
1335326	AC	Lead, bis(acetato-O) tetrahydroxytri-	(i)
56189094	A	Lead, bis(octadecanoato dioxodi-	(i)
21609905	B	Leptophos	[25]
541253	B	Lewisite	[25]
58899	ABC	Lindane	0.66
14307358	A	Lithium chromate	(f)
7580678	B	Lithium Hydride	[25]
108394	A	m-Cresol	3.80
541731	AC	m-Dichlorobenzene	2.22
99650	A	m-Dinitrobenzene	1.05
554847	A	m-Nitrophenol	[1000]
99081	A	m-Nitrotoluene	[1000]
108383	A	m-Xylene	20.00
121755	A	Malathion	1/BG
110167	A	Maleic acid	[1000]
108316	AC	Maleic anhydride	[1000]
123331	AC	Maleic hydrazide	DL/5E-4
109773	ABC	Malononitrile	10.25
12108133	B	Manganese, tricarbonyl methylcyclopentadienyl	[25]
51752	B	Mechlorethamine	[25]
78933	AC	MEK	0.79
148823	AC	Melphalan	10.00
72208	ABC	Mendrin	10.00
950107	B	Mephosfolan	[25]
108985	ABC	Mercaptobenzene	DL(P)
96457	AC	Mercaptoimidazoline	19.94

74931	ABC	Mercaptomethane	[1000]
1600277	B	Mercuric Acetate	DL
7487947	B	Mercuric Chloride	(j)
10045940	A	Mercuric nitrate	(j)
21908532	B	Mercuric Oxide	(j)
7783359	A	Mercuric sulfate	(j)
592858	A	Mercuric sulfocyanide	[100]
592858	A	Mercuric thiocyanate	[100]
10415755	A	Mercurous nitrate	(j)
7782867	A	Mercurous nitrate, monohydrate	(j)
10415755	A	Mercurous protonitrate	(j)
7439976	AC	Mercury	17.00
-99190	AC	Mercury compounds, N.O.S.	(j)
592041	A	Mercury cyanide	(j)
628864	AC	Mercury fulminate	DL
62384	ABC	Mercury, (acetato-O) phenyl-	DL/.024
108463	AC	meta-Dihydroxybenzene	DL/.030
10124568	A	Metaphosphoric acid, hexasodium salt	[1000]
7785844	A	Metaphosphoric acid, trisodium salt	[1000]
10476956	B	Methacrolein Diacetate	[25]
760930	B	Methacrylic Anhydride	[25]
126987	ABC	Methacrylonitrile	DL/.016
920467	B	Methacryloyl Chloride	[25]
30674807	B	Methacryloyloxyethyl Isocyanate	[25]
10265926	B	Methamidophos	25.64
74895	A	Methanamine	[1000]
124403	A	Methanamine, N-methyl-	[1000]
107302	ABC	Methane, chloromethoxy-	DL/.012
109773	ABC	Methane, dicyano-	10.25
624839	ABC	Methane, isocyanato-	DL(P)
542881	ABC	Methane, oxybis[chloro-	DL(P)
509148	ABC	Methane, tetranitro-	DL(P)
594423	AB	Methanesulfonyl chloride, trichloro-	[1000]
62500	AC	Methanesulfonic acid, ethyl ester	[25]
558258	B	Methanesulfonyl Fluoride	[25]
74931	ABC	Methanethiol	[1000]
64186	AC	Methanoic acid	[1000]
67561	A	Methanol	1.37

91805	AC	Methapyrilene	[1000]
950378	B	Methidathion	[25]
2032657	AB	Methiocarb	10.00
16752775	ABC	Methomyl	10.00
72435	AC	Methoxychlor	10.00
151382	B	Methoxyethylmercuric Acetate	DL
80637	B	Methyl 2-Chloroacrylate	[25]
67561	A	Methyl alcohol	1.37
74839	ABC	Methyl bromide	0.80
74873	AC	Methyl chloride	0.04
79221	ABC	Methyl chlorocarbonate	[1000]
71556	AC	Methyl chloroform	5.44
79221	ABC	Methyl chloroformate	[1000]
75058	AC	Methyl cyanide	DL/.04
78933	AC	Methyl ethyl ketone	0.79
1338234	AC	Methyl ethyl ketone peroxide	[100]
74884	AC	Methyl iodide	[1000]
624839	ABC	Methyl isocyanate	DL(P)
556616	B	Methyl Isothiocyanate	[25]
74931	ABC	Methyl mercaptan	[1000]
80626	AC	Methyl methacrylate	DL/.17
66273	C	Methyl methanesulfonate	[25]
298000	ABC	Methyl parathion	DL(P)
3735237	B	Methyl Phenkapton	[25]
676971	B	Methyl Phosphonic Dichloride	[25]
77781	ABC	Methyl sulfate	DL/.12
556649	B	Methyl Thiocyanate	[25]
78944	B	Methyl Vinyl Ketone	[25]
79094	A	Methylacetic acid	[1000]
123626	A	Methylacetic anhydride	[1000]
74895	A	Methylamine	[1000]
108883	AC	Methylbenzene	14.40
74953	AC	Methylene bromide	[1000]
75092	AC	Methylene chloride	0.08
50000	ABC	Methylene oxide	DL/.010
60344	ABC	Methylhydrazine	DL(P)
108101	A	Methylisobutylketone	3.30
502396	B	Methylmercuric Dicyanamide	(j)

25376458	AC	Methylphenylene diamine	[100]
56042	AC	Methylthiouracil	[100]
75796	B	Methyltrichlorosilane	[25]
1129415	B	Metolcarb	[25]
7786347	AB	Mevinphos	10.00
108101	A	MIBK	3.30
50077	ABC	Mitomycin C	[100]
70257	AC	MNNG	[100]
101144	AC	MOCA	25.00
107302	ABC	Monochlorodimethyl ether	DL/.012
6923224	B	Monocrotophos	[25]
75047	A	Monoethylamine	[1000]
74895	A	Monomethylamine	[1000]
60344	ABC	Monomethylhydrazine	DL(P)
7647010	AB	Muriatic acid	(v)
2763964	ABC	Muscimol	DL(P)
505602	BC	Mustard gas	[25]
1615801	AC	N,N'-Diethylhydrazine	[100]
494031	AC	N,N-Bis(2-chloroethyl)-naphthylamine	[1000]
107926	A	n-Butanoic acid	[1000]
123864	A	n-Butyl acetate	[1000]
71363	A	n-Butyl alcohol	DL/.54
109739	A	n-Butylamine	[1000]
759739	AC	N-Nitroso-N-ethylurea	DL
684935	AC	N-Nitroso-N-methylurea	[25]
615532	AC	N-Nitroso-N-methylurethane	[25]
924163	AC	N-Nitrosodi-n-butylamine	DL/.40
621647	AC	N-Nitrosodi-n-propylamine	1.71
1116547	AC	N-Nitrosodiethanolamine	4.27
55185	AC	N-Nitosodiethylamine	DL/.014
62759	ABC	N-Nitrosodimethylamine	0.66
86306	A	N-Nitrosodiphenylamine	6.46
10595956	C	N-Nitrosomethylethylamine	DL
4549400	AC	N-Nitrosomethylvinylamine	DL(P)
59892	C	N-Nitrosomorpholine	[25]
16543558	C	N-Nitrosornicotine	[25]
100754	AC	N-Nitrosopiperidine	[100]
930552	AC	N-Nitrosopyrrolidine	DL/.14

13256229	C	N-Nitrososarcosine	[25]
122394	C	N-Phenylbenzeneamin	[25]
103855	ABC	N-Phenylthiourea	DL(P)
107108	AC	n-Propylamine	[1000]
300765	A	Naled	[100]
91203	AC	Naphthalene	100.00
91587	AC	Naphthalene, 2-chloro-	25.00
1338245	A	Naphthenic acid	[1000]
12125018	A	Neutral ammonium fluoride	[1000]
72571	AC	Niagara blue	[100]
7440020	AC	Nickel	420.00
7718549	A	Nickel (II) chloride	(k)
557197	AC	Nickel (II) cyanide	(r)
15699180	A	Nickel ammonium sulfate	(k)
13463393	ABC	Nickel carbonyl	(k)
37211055	A	Nickel chloride	(k)
-99191	AC	Nickel compounds, N.O.S.	(k)
12054487	A	Nickel hydroxide	(k)
14216752	A	Nickel nitrate	(k)
7786814	A	Nickel sulfate	(k)
13463393	ABC	Nickel tetracarbonyl	(k)
7718549	A	Nickelous chloride	(k)
54115	ABC	Nicotine	DL(P)
-99192	C	Nicotine salts	[25]
65305	B	Nicotine Sulfate	[25]
7697372	AB	Nitric acid	(v)
7787555	A	Nitric acid, beryllium salt, trihydrate	(d)
7782867	A	Nitric acid, mercury(1+) salt, monohydrate	(j)
7761888	A	Nitric acid, silver (1+) salt	(m)
10102451	AC	Nitric acid, thallium (1+) salt	(n)
10102439	AC	Nitric oxide	DL(P)
98953	ABC	Nitrobenzene	0.70
1122607	B	Nitrocyclohexane	[25]
10102440	ABC	Nitrogen dioxide (NO2)	DL(P)
10544726	A	Nitrogen dioxide, di-	[100]
51752	C	Nitrogen mustard	[25]
126852	C	Nitrogen mustard N-oxide	[25]
-99194	C	Nitrogen mustard, hydrochloride salt	[25]

-99193	C	Nitrogen mustard, N-oxide, hydrochloride salt	[25]
10544726	A	Nitrogen oxide	[100]
10102439	ABC	Nitrogen oxide (NO)	DL(P)
10102440	ABC	Nitrogen oxide (N02)	DL(P)
10102440	ABC	Nitrogen peroxide	DL(P)
10102439	ABC	Nitrogen(II) oxide	DL(P)
55630	AC	Nitroglycerin	DL(P)
25154556	A	Nitrophenols	[1000]
-99326	AC	Nitrosamines, N.O.S.	[25]
1321126	A	Nitrotoluene	[1000]
991424	B	Norbormide	[25]
126681	C	O,O,O-Triethyl phosphorothioate	[25]
297972	ABC	O,O-Diethyl-O-(2-pyrazinyl)phosphorothioate	DL(P)
95487	AB	o-Cresol	3.80
95487	AB	o-Cresylic acid	3.80
95501	AC	o-Dichlorobenzene	25.00
528290	A	o-Dinitrobenzene	205.10
88755	A	o-Nitrophenol	[1000]
88722	A	o-Nitrotoluene	[1000]
119937	AC	o-Tolidine	1.30
95534	AC	o-Toluidine	49.85
636215	AC	o-Toluidine hydrochloride	[1000]
95476	A	o-Xylene	20.00
152169	ABC	Octamethylpyrophosphoramide	DL(P)
2312358	A	Omite	[100]
7778394	AC	Orthoarsenic acid	(a)
7664382	A	Orthophosphoric acid	(v)
20816120	AC	Osmic acid anhydride	DL(P)
20816120	AC	Osmium oxide (OsO4), (T-4)-	DL(P)
20816120	AC	Osmium tetroxide	DL(P)
630604	B	Ouabain	[25]
110009	AB	Oxacyclopentadiene	512.74
2944674	A	Oxalic acid, ammonium iron (3+) salt (3:3:1)	[1000]
14258492	A	Oxalic acid, ammonium salt	[1000]
23135220	B	Oxamyl	10.00
78717	B	Oxetane, 3,3-Bis(Chloromethyl)-	[25]
75218	ABC	Oxirane	11.73
106898	ABC	Oxirane, (chloromethyl)	DL/.003

765344	AC	Oxiranecarboxyaldehyde	DL/.07
2497076	B	Oxydisulfoton	[25]
10028156	B	Ozone	§
106514	AC	p-Benzoquinone	[100]
59507	AC	p-Chloro-m-cresol	13.20
106478	AC	p-Chloroaniline	DL(P)
106445	A	p-Cresol	3.80
106467	AC	p-Dichlorobenzene	6.84
60117	AC	p-Dimethylaminoazobenzene	[100]
100254	A	p-Dinitrobenzene	205.10
123911	AC	p-Dioxane	DL/.13
100016	AC	p-Nitroaniline	DL(P)
100027	AC	p-Nitrophenol	3.30
99990	A	p-Nitrotoluene	1.12
106503	A	p-Phenylenediamine	[25]
106490	AC	p-Toluidine	62.97
106423	A	p-Xylene	20.00
30525894	A	Paraform	[1000]
30525894	A	Paraformaldehyde	[1000]
123637	AC	Paraldehyde	[1000]
311455	AC	Paraoxon	DL(P)
1910425	B	Paraquat	10.00
2074502	B	Paraquat Methosulfate	10.00
56382	ABC	Parathion	DL(P)
56382	ABC	Parathion-ethyl	DL(P)
298000	ABC	Parathion-methyl	DL(P)
12002038	AB	Paris green	(a)
12674112	A	PCB-1016	(s)
11104282	A	PCB-1221	(s)
11141165	A	PCB-1232	(s)
53469219	A	PCB-1242	(s)
12672296	A	PCB-1248	(s)
11097691	A	PCB-1254	(s)
11096825	A	PCB-1260	(s)
1336363	A	PCBs	1.55
82688	AC	PCNB	1/BG
87865	AC	PCP	3.30
19624227	B	Pentaborane	[25]

608935	AC	Pentachlorobenzene	25.00
-99195	C	Pentachlorodibenzo-p-dioxins	(t(0.5))
-99196	C	Pentachlorodibenzofurans	(t(0.5))
76017	AC	Pentachloroethane	5.37
82688	AC	Pentachloronitrobenzene	1/BG
87865	AC	Pentachlorophenol	3.30
2570265	B	Pentadecylamine	[25]
7758294	A	Pentasodium triphosphate	[1000]
79210	B	Peracetic Acid	[25]
77474	ABC	Perchlorocyclopentadiene	15.20
127184	AC	Perchloroethylene	0.18
56235	AC	Perchloromethane	0.17
594423	AB	Perchloromethylmercaptan	[1000]
62442	AC	Phenacetin	[1000]
85018	A	Phenanthrene	110.00
108952	ABC	Phenol	50.00
70304	AC	Phenol, 2,2'-methylenebis[3,4,6-trichloro-	25.00
15950660	A	Phenol, 2,3,4-trichloro-	[100]
933788	A	Phenol, 2,3,5-trichloro-	25.00
933755	A	Phenol, 2,3,6-trichloro-	10.05
95954	AC	Phenol, 2,4,5-trichloro-	4.56
88062	AC	Phenol, 2,4,6-trichloro-	0.66
131748	A	Phenol, 2,4,6-Trinitro-, ammonium salt	DL(P)
120832	AC	Phenol, 2,4-dichloro-	0.96
105679	AC	Phenol, 2,4-dimethyl-	1.51
51285	AC	Phenol, 2,4-dinitro	3.30
87650	AC	Phenol, 2,6-dichloro-	[1000]
88857	ABC	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	0.66
131895	AC	Phenol, 2-cyclohexyl-4,6-dinitro-	DL(P)
534521	ABC	Phenol, 2-methyl-4,6-dinitro-	DL(P)
88755	A	Phenol, 2-nitro-	[1000]
609198	A	Phenol, 3,4,5-trichloro-	19.60
64006	B	Phenol, 3-(1-Methylethyl)-, methylcarbamate	[25]
108394	A	Phenol, 3-methyl-	3.80
315184	AB	Phenol, 4-(di-methylamino)-3,5-dimethyl, methylcarbamate (ester)	10.00
106445	A	Phenol, 4-methyl-	3.80
100027	AC	Phenol, 4-nitro-	3.30

1319773	AC	Phenol, methyl-	3.80
87865	AC	Phenol, pentachloro-	3.30
25167822	A	Phenol, trichloro- (N.O.S)	[100]
4418660	B	Phenol, 2,2'-Thiobis(4-Chloro-6-Methyl)-	[25]
58366	B	Phenoxarsine, 10,10'-Oxydi-	(a)
122098	AC	Phentermine	DL(P)
100470	A	Phenyl cyanide	DL/.17
108985	ABC	Phenyl mercaptan	DL(P)
62533	ABC	Phenylamine	DL/.038
696286	ABC	Phenyldichloroarsine	(a)
25265763	C	Phenylenediamine	[25]
100414	A	Phenylethane	20.00
100425	A	Phenylethylene	14.00
59881	B	Phenylhydrazine Hydrochloride	[25]
62384	ABC	Phenylmercuric acetate	DL/.024
2097190	B	Phenylsilatrane	[25]
103855	ABC	Phenylthiocarbamide	DL(P)
298022	ABC	Phorate	DL(P)
62442	AC	Phorazetim	[1000]
4104147	B	Phosacetim	[25]
947024	B	Phosfolan	[25]
75445	ABC	Phosgene	DL(P)
732116	B	Phosmet	[25]
13171216	B	Phosphamidon	[25]
7803512	ABC	Phosphine	DL(P)
50782699	B	Phosphonothioic acid, methyl-, S-(2-(bis(1-methylethyl)amino) O-ethyl ester	[25]
2665307	B	Phosphonothioic acid, methyl-,O-(4-nitrophenyl) O-phenyl ester	[25]
2703131	B	Phosphonothioic acid, methyl-,O-ethyl O-(4-(methylthio)phenyl) ester	[25]
7664382	A	Phosphoric acid	(v)
300765	A	Phosphoric acid, 1,2-dibromo-2,2-dichloroethyl dimethyl ester	[100]
62737	AB	Phosphoric acid, 2,2-dichlorovinyl dimethyl ester	1/BG
311455	AC	Phosphoric acid, diethyl-4-nitrophenyl ester	DL(P)
3254635	B	Phosphoric acid, dimethyl 4-(methylthio phenyl) ester	[25]
7558794	A	Phosphoric acid, disodium salt	[1000]
10039324	A	Phosphoric acid, disodium salt, dodecahydrate	[1000]
10140655	A	Phosphoric acid, disodium salt, hydrate	[1000]

7446277	AC	Phosphoric acid, lead (2+) salt	(i)
7601549	A	Phosphoric acid, trisodium salt	[1000]
10361894	A	Phosphoric acid, trisodium salt, decahydrate	[1000]
10101890	A	Phosphoric acid, trisodium salt, dodecahydrate	[1000]
2104645	B	Phosphorodithioc acid, phenyl-o-ethyl-o(...	[25]
3288582	AC	Phosphorodithioic acid, O,O-diethyl S-methyl ester	[1000]
298022	ABC	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio) methyl] ester	DL(P)
298044	ABC	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio) ethyl ester	DL(P)
55914	ABC	Phosphorofluoridic acid, bis(1-methylethyl)ester	DL(P)
297972	ABC	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	DL(P)
298000	ABC	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	DL(P)
2587908	ABC	Phosphorothioic acid, O,O-dimethyl-S(2-methylthio) ethyl ester	[25]
7719122	AB	Phosphorus chloride	[1000]
10025873	AB	Phosphorus oxychloride	[1000]
10026138	B	Phosphorus Pentachloride	[25]
1314803	A	Phosphorus pentasulfide	[1000]
1314563	B	Phosphorus Pentoxide	[25]
1314803	A	Phosphorus persulfide	[1000]
1314803	A	Phosphorus sulfide	[1000]
7719122	AB	Phosphorus trichloride	[1000]
7723140	AB	Phosphorus, elemental	10.25
10025873	AB	Phosphoryl chloride	[1000]
121755	A	Phosphothion	1/BG
-99197	AC	Phthalic acid esters, N.O.S.	[25]
85449	AC	Phthalic anhydride	[1000]
117806	A	Phygon	[25]
57476	B	Physostigmine	[25]
57647	B	Physostigmine, Salicylate (1:1)	[25]
124878	B	Picrotoxin	[25]
110894	B	Piperidine	[25]
100754	AC	Piperidine, 1-Nitroso-	[100]
23505411	B	Pirimifos-Ethyl	[25]
1336363	AC	Polychlorinated biphenyls, N.O.S.	(s)
130498292	A	Polynuclear aromatic hydrocarbons	5.00
30525894	A	Polyoxymethylene	[1000]
53467111	A	Poly[oxy(methyl-1,2-ethanediyl)] alpha-[2,4-dichloro- phenoxy)acetyl]-n-butoxy-	[25]
28300745	A	Potassium antimony d-tartrate	(b)

7784410	A	Potassium arsenate	(a)
10124502	AB	Potassium arsenite	(a)
7778509	A	Potassium bichromate	(f)
7789006	A	Potassium chromate	(f)
151508	ABC	Potassium cyanide	(r)
7778509	A	Potassium dichromate	(f)
1310583	A	Potassium hydrate	(v)
1310583	A	Potassium hydroxide	(v)
10124502	AB	Potassium metaarsenite	(a)
7722647	A	Potassium permanganate	[1000]
506616	ABC	Potassium silver cyanide	(r)
2631370	B	Promecarb	[25]
23950585	AC	Pronamide	[1000]
2312358	A	Prop-2-ynyl 2-(4-tert-butylphenoxy) sulfite	[100]
96184	C	Propane, 1,2,3-trichloro-	0.54
108601	AC	Propane, 2,2'-oxybis[1-chloro-	170.91
109773	ABC	Propanedinitrile	10.25
107120	ABC	Propanenitrile	DL(P)
75865	ABC	Propanenitrile, 2-hydroxy-2-methyl-	§
542767	ABC	Propanenitrile, 3-chloro-	DL(P)
79094	A	Propanoic acid	[1000]
123626	A	Propanoic anhydride	[1000]
2312358	A	Propargite	[100]
107197	AC	Propargyl alcohol	DL(P)
106967	B	Propargyl Bromide	[25]
75569	AB	Propene oxide	[1000]
542756	AC	Propene, 1,3-dichloro-	0.20
57578	B	Propiolactone, Beta-	[25]
79094	A	Propionic acid	[1000]
123626	A	Propionic anhydride	[1000]
107120	ABC	Propionitrile	DL(P)
70699	B	Propiophenone, 4-Amino-	[25]
109615	B	Propyl Chloroformate	[25]
4170303	ABC	Propylene aldehyde	[1000]
26638197	AC	Propylene dichloride	[1000]
78875	AC	Propylene dichloride	0.02
75569	AB	Propylene oxide	[1000]
51525	C	Propylthiouracil	[25]

2275185	B	Prothoate	[25]
74908	ABC	Prussic acid	(r)
129000	AB	Pyrene	500.00
121211	A	Pyrethrin I	10.00
121299	A	Pyrethrin II	10.00
8003347	A	Pyrethrins and Pyrethroids	10.00
8003347	A	Pyrethrum	10.00
121211	A	Pyrethrum I	10.00
110861	AC	Pyridine	DL/.038
109068	AC	Pyridine, 2-methyl-	[1000]
140761	B	Pyridine, 2-Methyl-5-Vinyl-	[25]
91805	AC	Pyridine, 2-[(2-(dimethylamino)ethyl)-2-thienylamino]-	[1000]
504245	ABC	Pyridine, 4-amino-	DL(P)
1124330	B	Pyridine, 4-Nitro-, 1-Oxide	[25]
100754	AC	Pyridine, hexahydro-N-nitroso-	[100]
53558251	B	Pyriminil	[25]
98011	A	Pyromucic aldehyde	DL/.012
107493	ABC	Pyrophosphoric acid, tetraethyl ester	DL(P)
8014957	A	Pyrosulfuric acid	(v)
930552	AC	Pyrrole, tetrahydro-N-nitroso-	DL/.14
930552	AC	Pyrrolidine, 1-nitroso-	DL/.14
91225	A	Quinoline	DL/.51
106514	AC	Quinone	[100]
82688	AC	Quintozene	1/BG
-99198	A	Radionuclides	(y)
7723140	AB	Red phosphorus	10.25
50555	AC	Reserpine	[1000]
108463	AC	Resorcin	DL/.030
108463	AC	Resorcinol	DL/.030
2303164	AC	S-(2,3-Dichloroallyl) diisopropyl-thiocarbamate	196.13
81072	AC	Saccharin (and salts)	§
94597	AC	Safrole	[1000]
14167181	B	Salcomine	[25]
107448	B	Sarin	[25]
626380	A	sec-Amyl acetate	[1000]
94791	A	sec-Butyl 2,4-dichlorophenoxyacetate	[1000]
105464	A	sec-Butyl acetate	[1000]
13952846	A	sec-Butylamine	[1000]

513495	A	sec-Butylamine, (S)-	[1000]
7783008	ABC	Selenious acid (H ₂ SeO ₃)	(L)
10102188	AB	Selenious acid (H ₂ SeO ₃), disodium salt	(L)
12039520	AC	Selenious acid, dithallium(1+) salt	DL(P)
7782823	A	Selenious acid, monosodium salt	(L)
7782492	AC	Selenium	36.00
-99199	AC	Selenium compounds, N.O.S.	(L)
7446084	A	Selenium dioxide	(L)
7488564	AC	Selenium disulfide	(L)
7446084	A	Selenium oxide	(L)
7791233	B	Selenium Oxychloride	(L)
630104	AC	Selenourea	DL(P)
7783008	ABC	Selenous acid	(L)
563417	B	Semicarbazide Hydrochloride	[25]
63252	A	Sevin	1/BG
3037727	B	Silane, (4-Aminobutyl) Diethoxymethyl-	[25]
7440224	AC	Silver	10/BG
-99200	AC	Silver compounds, N.O.S.	(m)
506649	AC	Silver cyanide (AgCN))	(r)
7761888	A	Silver nitrate	(m)
93721	AC	Silvex	10.00
1310732	A	Soda lye	(v)
7440235	A	Sodium (elemental)	§
7631905	A	Sodium acid sulfite	[1000]
7631892	AB	Sodium arsenate	(a)
7784465	AB	Sodium arsenite	(a)
26628228	AB	Sodium azide (Na(N ₃))	DL(P)
10588019	A	Sodium bichromate	(f)
1333831	A	Sodium bifluoride	[1000]
7631905	A	Sodium bisulfite	[1000]
124652	B	Sodium cacodylate	(a)
7775113	A	Sodium chromate	(f)
143339	ABC	Sodium cyanide (NaCN)	(r)
10588019	A	Sodium dichromate	(f)
25155300	A	Sodium dodecylbenzene sulfonate	[1000]
7681494	A	Sodium fluoride	[1000]
62748	ABC	Sodium fluoroacetate	DL(P)
10124568	A	Sodium hexametaphosphate	[1000]

16721805	A	Sodium hydrogen sulfide	[1000]
7631905	A	Sodium hydrogen sulfite	[1000]
16721805	A	Sodium hydrosulfide	[1000]
1310732	A	Sodium hydroxide	(v)
7681529	A	Sodium hypochlorite	[1000]
10022705	A	Sodium hypochlorite pentahydrate	[1000]
7784465	AB	Sodium metaarsenite	(a)
124414	A	Sodium methoxide	[1000]
124414	A	Sodium methylate	[1000]
7632000	A	Sodium nitrite	[1000]
10101890	A	Sodium phosphate dodecahydrate	[1000]
7558794	A	Sodium phosphate, dibasic	[1000]
10039324	A	Sodium phosphate, dibasic, dodecahydrate	[1000]
10140655	A	Sodium phosphate, dibasic, hydrate	[1000]
7601549	A	Sodium phosphate, tribasic	[1000]
7758294	A	Sodium phosphate, tribasic	[1000]
10124568	A	Sodium phosphate, tribasic	[1000]
7785844	A	Sodium phosphate, tribasic	[1000]
10101890	A	Sodium phosphate, tribasic, dodecahydrate	[1000]
13410010	B	Sodium Selenate	(L)
10102188	AB	Sodium selenite, disodium salt	(L)
7782823	A	Sodium selenite, monosodium salt	(L)
10102202	B	Sodium Tellurite	[25]
7785844	A	Sodium trimetaphosphate	[1000]
7758294	A	Sodium tripolyphosphate	[1000]
900958	B	Stannane, Acetoxytriphenyl-	[25]
56531	AC	Stilbestrol	DL
18883664	AC	Streptozocin	[25]
18883664	AC	Streptozotocin	[25]
7789062	A	Strontium chromate	(f)
57249	ABC	Strychnidin-10-one	DL(P)
357573	AC	Strychnidin-10-one, 2,3-dimethoxy-	DL(P)
57249	ABC	Strychnine and salts	DL(P)
60413	B	Strychnine sulfate	[25]
100425	A	Styrene	14.00
7773060	A	Sulfamic acid monoammonium salt	[1000]
3689245	ABC	Sulfotepp	DL(P)
3569571	B	Sulfoxide, 3-chloropropyl Octyl	[25]

12771083	A	Sulfur chloride	[1000]
7446095	B	Sulfur Dioxide	(v)
7783064	ABC	Sulfur hydride	[1000]
12771083	A	Sulfur monochloride	[1000]
1314803	A	Sulfur phosphide	[1000]
7488564	AC	Sulfur selenide	(L)
7783600	B	Sulfur Tetrafluoride	[25]
7446119	B	Sulfur Trioxide	(v)
7664939	AB	Sulfuric acid	(v)
7446186	ABC	Sulfuric acid, dithallium (1+) salt	(n)
7782630	A	Sulfuric acid, iron (2+) salt (1:1), heptahydrate	[1000]
7446142	A	Sulfuric acid, lead (2+) salt (1:1)	(i)
8014957	A	Sulfuric acid, mixture with sulfur trioxide	(v)
10031591	AB	Sulfuric acid, thallium (I) salt	(n)
7790945	A	Sulfuric chlorohydrin	[1000]
121755	A	Sumitox	1/BG
99354	AC	sym-Trinitobenzene	DL/.07
77816	B	Tabun	[25]
14307438	A	Tartaric acid ammonium salt	[1000]
1746016	AC	TCDD, 2,3,7,8-	8.00E-05
79016	AC	TCE	0.13
72548	AC	TDE	0.66
13494809	B	Tellurium	[25]
7783804	B	Tellurium Hexafluoride	[25]
116063	ABC	Temik	DL(P)
107493	ABC	TEPP	DL(P)
13071799	B	Terbufos	12.82
82688	AC	Terraclor	1/BG
625161	A	tert-Amyl acetate	[1000]
540885	A	tert-Butyl acetate	[1000]
75649	A	tert-Butylamine	[1000]
-99201	C	Tetrachlorodibenzo-p-dioxins	(t)
-99202	C	Tetrachlorodibenzofurans	(t(0.1))
72548	AC	Tetrachlorodiphenylethane	0.66
25322207	C	Tetrachloroethane, N.O.S.	[1000]
127184	AC	Tetrachloroethene	0.18
127184	AC	Tetrachloethylene	0.18
56235	AC	Tetrachloromethane	0.17

3689245	ABC	Tetraethyldithiopyrophosphate	DL(P)
78002	ABC	Tetraethyllead	DL(P)
107493	ABC	Tetraethylpyrophosphate	DL(P)
597648	B	Tetraethyltin	[25]
109999	A	Tetrahydrofuran	DL/.014
75741	B	Tetramethyllead	(i)
509148	ABC	Tetranitromethane	DL(P)
757584	AC	Tetraphosphoric acid, hexaethyl ester	DL(P)
1314325	AC	Thallic oxide (Tl ₂ O ₃)	(n)
7440280	AC	Thallium	10/BG
563688	AC	Thallium (I) acetate	(n)
6533739	ABC	Thallium (I) carbonate	(n)
7791120	ABC	Thallium (I) chloride	(n)
10102451	AC	Thallium (I) nitrate	(n)
7446186	ABC	Thallium (I) sulfate	(n)
1314325	AC	Thallium (III) oxide	DL(P)
-99203	AC	Thallium compounds, N.O.S.	(n)
12039520	AC	Thallium selenite	DL(P)
10031591	AB	Thallium sulfate	(n)
12039520	AC	Thallium (I) selenide	DL(P)
7791120	ABC	Thallos chloride	(n)
2757188	B	Thallos Malonate	(n)
10031591	AB	Thallos sulfate	(n)
7446186	ABC	Thallos sulfate	(n)
298022	ABC	Thimet	DL(P)
62555	AC	Thioacetamide	[100]
2231574	B	Thiocarbazide	[25]
1762954	A	Thiocyanic acid ammonium salt	[1000]
115297	ABC	Thiodan	3.30
39196184	ABC	Thiofanox	DL(P)
541537	ABC	Thiomidocarbonic diamide	DL(P)
74931	ABC	Thiomethanol	[1000]
297972	ABC	Thionazin	DL(P)
137268	AC	Thioperoxydicarbon diamide, tetramethyl	10.00
108985	ABC	Thiophenol	DL(P)
1314803	A	Thiophosphoric anhydride	[1000]
3689245	ABC	Thiopyrophosphoric acid ([(HO)2P(S)]2O), tetraethyl	DL(P)
79196	ABC	Thiosemicarbazide	DL(P)

62566	AC	Thiourea	[100]
5344821	ABC	Thiourea, (2-chlorophenyl)-	DL(P)
614788	B	Thiourea, (2-Methylphenyl)-	[25]
86884	ABC	Thiourea, 1-naphthalenyl-	DL(P)
103855	ABC	Thiourea, phenyl-	DL(P)
137268	AC	Thiram	10.00
137268	AC	Thiuram	10.00
7550450	B	Titanium Tetrachloride	[25]
75503	A	TMA	[1000]
509148	ABC	TNM	DL(P)
108883	AC	Toluene	14.40
91087	AB	Toluene diisocyanate	[1000]
95807	AC	Toluene, 2,4-diamino-	3.74
26471625	AC	Toluene-1,3-diisocyanate	[1000]
584849	AB	Toluene-2,4-diisocyanate	[1000]
25376458	AC	Toluenediamine	[100]
8001352	ABC	Toxaphene	10.88
57749	ABC	Toxichlor	9.20
156605	AC	trans-1,2-Dichloroethene	0.53
110178	A	trans 1,2-Ethylenedicarboxylic acid	[1000]
110576	B	trans-1,4-Dichlorobutene	[25]
1031476	B	Triamiphos	[25]
24017478	B	Triazofos	[25]
75252	AC	Tribromomethane	1.00
7778441	AB	Tricalcium orthoarsenate	(a)
52686	A	Trichlorfon	10.00
1558254	B	Trichloro(Chloromethyl)Silane	[25]
27137855	B	Trichloro(Dischlorophenyl)Silane	[25]
75876	AC	Trichloroacetaldehyde	[1000]
76028	B	Trichloroacetyl Chloride	[25]
79016	AC	Trichloroethene	0.13
79016	AC	Trichloroethylene	0.13
115219	B	Trichloroethylsilane	[25]
75694	AC	Trichlorofluoromethane	0.70
67663	ABC	Trichloromethane	0.68
594423	AB	Trichloromethanesulfenyl chloride	[1000]
75707	C	Trichloromethanethiol	DL(P)
327980	B	Trichloronate	[25]

25167822	A	Trichlorophenol, N.O.S.	[100]
98135	B	Trichlorophenylsilane	[25]
25735299	C	Trichloropropane, N.O.S.	[25]
27323417	A	Triethanolamine dodecylbenzenesulfonate	[1000]
998301	B	Triethoxysilane	[25]
121448	A	Triethylamine	[1000]
75503	A	Trimethylamine	[1000]
75774	B	Trimethylchlorosilane	[25]
824113	B	Trimethylolpropane Phosphite	[25]
1066451	B	Trimethyltin Chloride	[25]
639587	B	Triphenyltin Chloride	[25]
7758294	A	Triphosphoric acid, pentasodium salt	[1000]
52244	C	Tris(1-aziridiny)phosphine sulfide	[25]
126727	AC	Tris(2, 3-dibromopropyl)phosphate	25.00
555771	B	Tris(2-Chloroethyl) Amine	[25]
7601549	A	Trisodium phosphate	[1000]
10361894	A	Trisodium phosphate decahydrate	[1000]
7785844	A	Trisodium trimetaphosphate	[1000]
72571	AC	Trypan blue	[100]
57147	ABC	UDMH	4.60
66751	AC	Uracil mustard	[100]
66751	AC	Uracil, 5-[bis(2-chloroethyl)amino]-	[100]
36478769	A	Uranium, bis(nitrato-O,O')dioxo-	[1000]
541093	A	Uranyl acetate	[1000]
10102064	A	Uranyl nitrate	[1000]
36478769	A	Uranyl nitrate, 1,1'-dioxo-	[1000]
759739	AC	Urea, N-ethyl-N-nitroso-	DL
684935	AC	Urea, N-methyl-N-nitroso-	[25]
51796	AC	Urethane	[1000]
2001958	B	Valinomycin	[25]
1314621	ABC	Vanadic acid anhydride	(p)
7803556	AC	Vanadic acid, amonium salt	(p)
1314621	ABC	Vanadic anhydride	(p)
27774136	A	Vanadic sulfate	(p)
1314621	ABC	Vanadium oxide (V ₂ O ₅)	(p)
1314621	ABC	Vanadium pentoxide	(p)
27774136	A	Vanadium sulfate	(p)
-99000		Vanadium (reference only, not a regulated substance)	100/BG

27774136	A	Vanadyl sulfate	(p)
7681494	A	Villaumite	[1000]
108054	AB	Vinyl acetate	0.51
107186	ABC	Vinyl carbinol	DL(P)
75014	AC	Vinyl chloride	0.04
107131	ABC	Vinyl cyanide	1.37
4549400	AC	Vinylamine, N-methyl-N-nitroso-	DL(P)
100425	A	Vinylbenzene	14.00
75354	AC	Vinylidene chloride	0.36
7723140	AB	Violet phosphorus	10.25
81812	ABC	Warfarin and salts	DL(P)
129066	B	Warfarin Sodium	10.00
7723140	AB	White phosphorus	10.25
1330207	A	Xylene (total)	20.00
1330207	A	Xylenes	20.00
1300716	A	Xylenol	307.64
28347139	B	Xylylene Dichloride	[25]
1303339	A	Yellow arsenic sulfide	(a)
7723140	AB	Yellow phosphorus	10.25
7440666	A	Zinc	2800.00
557346	A	Zinc acetate	(q)
14639986	A	Zinc ammonium chloride	(q)
14639975	A	Zinc ammonium chloride	(q)
52628258	A	Zinc ammonium chloride	(q)
-99206	A	Zinc and compounds	(q)
1332076	A	Zinc borate	(q)
7699458	A	Zinc bromide	(q)
3486359	A	Zinc carbonate	(q)
7646857	A	Zinc chloride	(q)
557211	AC	Zinc cyanide	(r)
7783495	A	Zinc fluoride	(q)
16871719	A	Zinc fluosilicate	(q)
557415	A	Zinc formate	(q)
7779864	A	Zinc hydrosulfite	(q)
7779886	A	Zinc nitrate	(q)
127822	A	Zinc p-phenolsulfonate	(q)
1314847	ABC	Zinc phosphide (Zn3P2)	DL(P)
16871719	A	Zinc silicofluoride	(q)

7733020	A	Zinc sulfate	(q)
127822	A	Zinc sulfocarbolate	(q)
7733020	A	Zinc vitriol	(q)
58270089	B	Zinc, dichloro (4,4-dimethyl-5(((methylamino)carbonyl)oxy)imino)pentanenitrile)-, (T-4)-.	[25]
14639975	A	Zincate(2-), tetrachloro, diammonium, (T-4)-	(q)
14639986	A	Zincate(3-), pentachloro, triammonium	(q)
297972	ABC	Zinophos	DL(P)
13746899	A	Zirconium nitrate	[1000]
16923958	A	Zirconium potassium fluoride	[1000]
14644612	A	Zirconium sulfate	[1000]
10026116	A	Zirconium tetrachloride	[1000]

LEGEND:

aE-b Scientific notation for a number, e.g. "4E-5" means 4×10^{-5} , which equals 0.00004.

[] Default value based on federal reportable quantities from Sources A and B.

DL An NC for the substance shall be the detection limit as defined in this chapter.

DL(P) An NC for the substance shall be the detection limit as defined in this chapter because the substance is elsewhere classified as an acute hazardous waste.

DL/ The detection limit as defined in this chapter shall be an NC, unless the detection limit is lower than the number following the slash, in which case the numerical value shall supplant the detection limit as an NC.

/BG The numerical value preceeding the slash shall be an NC, unless the background concentration is greater, in which case the background value shall supplant the numerical value as an NC.

§ An NC for this substance has not been established either because a hazard of exposure to the substance is improbable from a contaminated soil context or because a hazard exists only the contexts covered by Rule [391-3-19-.04\(3\)\(c\)](#).

(a)-(q) Applicable NCs shall be the NC for the elemental form of each metal given below. For those substances which are compounds meeting more than one listing (e.g., lead arsenate) or which are not specifically listed in the table but which are described by one or more general categories (e.g., mercuric dichromate -- "mercury compounds, n.o.s." and "chromium compounds, n.o.s."), all applicable NCs must be considered.

(a) arsenic 41 (mg/kg)

(b) antimony 10/BG

(c) barium 500/BG

(d) beryllium 3/BG

(e) cadmium 39

(f) chromium 1200

(g) cobalt 25/BG

(h) copper 1500

(i) lead 400

(j) mercury 17

(k) nickel 420

(L) selenium 36

(m) silver 10/BG

(n) thallium 10/BG

(p) vanadium 100/BG

(q) zinc 2800

(r) NCs shall be that for "Cyanides {CN anion}" and that for any other applicable listing.

(s) The NC for this substance shall be that given for "PCBs".

(t) The NC for this substance shall be the 2,3,7,8-TCDD Toxic Equivalent, which is the NC for 2,3,7,8-TCDD divided by the Toxic Equivalency Factor shown in braces.

(u) Releases shall be reported if the concentration of the substance in the soil is such that the soil meets the ignitability criteria of [40 CFR 261.21\(a\)\(2\)](#).

(v) Releases shall be reported if the concentration of this substance in the soil is such that the soil exhibits a pH less than 2 or greater than 12.5 respectively.

(w) Releases shall be reported if a contaminated soil has any of the properties by which solid wastes are determined to exhibit the characteristic of reactivity in [40 CFR 261.23\(a\)](#).

(x) An NC shall be that for the substance in parentheses.

(y) For radionuclides, releases shall be reported if the direct ionizing radiation (exposure rate), as measured one (1) meter above the soil surface, is greater than fifty (50) microrentgens per hour ($\mu\text{R/hr}$) above the local background level, or the measured radionuclide concentration in soil is sufficient to deliver a dose to any individual of 25 millirem per year (mrem/yr) Committed Effective Dose Equivalent (CEDE) or 75 mrem/yr Committed Dose Equivalent (CDE) to any organ.

(z) NCs for this hazardous waste shall be all NCs for each hazardous constituent which is a basis for listing the waste, as defined by 40 CFR Part 261 Appendix VII.

Cite as Ga. Comp. R. & Regs. R. 391-3-19 app (391-3-19) I

Appendix (391-3-19) II. REPORTABLE QUANTITIES SCREENING METHOD.

This Appendix describes the method that will be used by the Director to determine if a release exceeds a reportable quantity. If the Reportable Quantities Screening Method (RQSM) indicates that a release exceeds a reportable quantity, the property owner will be required to report the release in accordance with Rule [391-3-19-.05](#) and the site will be listed on the Hazardous Site Inventory.

Sites that exceed a threshold score for either or both of the two pathways are considered to have had a release that exceeds a reportable quantity. The threshold score for the "groundwater" pathway is 10.0 and the threshold score for the "on-site-exposure" pathway is 20.0.

GEORGIA ENVIRONMENTAL PROTECTION DIVISION

REPORTABLE QUANTITIES SCREENING METHOD

FOR

(Name of Site)

(City) (State)

SCORED BY: _____ ON: _____

Threshold

GROUNDWATER PATHWAY SCORE () 10

ON-SITE PATHWAY SCORE () 20

GROUNDWATER

A. Has a release to groundwater occurred? KnownSuspectedPotential Future

(45) (10) (5)

If A=45, then go to D

B. Route Characteristics

1b. Susceptibility Rating: HigherAverageLower

(6) (3) (0)

2b. Physical State: Stable Unstable Powder, Liquid, Gas,

Solid Solid Ash Sludge

(0) (1) (2) (3)

C. Containment: Very GoodGoodFairPoor

(0) (1) (2) (3)

D. Release Characteristics

1d. Regulated Substance:

2d. Toxicity: None (0) Low (1) (2) (4) (8) (16) High

3d. Quantity: Threshold (1) (2) (3) (4) (5) (6) (7) (8) Very Large

E. Targets

1e. Exposure to groundwater release:

Known release MCL, and known human exposure MCL.....(25)

Known release MCL, and suspected human exposure.....(20)

Known release, no MCL exists, and known human exposure.....(18)

Known release, MCL, and known human exposure MCL.....(15)

Known release, no MCL exists, and suspected human exposure.....(12)

Suspected release and human exposure suspected.....(8)

Known release MCL, but no human exposure suspected.....(4)

Known release, no MCL exists, and no human exposure suspected.....(3)

Suspected release but no human exposure suspected.....(2)

Potential future release.....(1)

Known release less than MCL.....(0)

(only one choice allowed)

2e. Distance to well or spring (miles): 1/2 1/2 to 11 to 22 to 33

(16) (9) (4) (1) (0)

THE GROUNDWATER PATHWAY SCORE (S_{gw}) IS CALCULATED AS FOLLOWS:

$$S_{gw} = M \times (2d + 3d) \times (1e + 2e) / 442.8$$

Where: $M = A + ((1b + 2b) \times C)$

If A = 45 then M = 45

If 2d is unknown, then 2d=4

If 3d is unknown, then 3d=4

If 1e includes known or suspected human exposure, 2e = 16

If 1e = 0 then 2e = 1

Note: The denominator of 442.8 normalizes the groundwater score to a value between 0 and 100.

ON-SITE EXPOSURE

A. Access to site: Inaccessible Limited Access Unlimited Access

(0) (2) (4)

B. Has there been a release: Yes Suspected No

(25) (15) (0)

C. Containment

Very GoodPoor

Soil Releases: (0) (1) (2) (3) (4) (5)

or

Aboveground releases: (0) (1) (2) (3)

D. Release Characteristics

1d. Regulated Substance: _____

2d. Toxicity: None (0) Low (1) (2) (4) (8) (16) High

3d. Quantity: Threshold (1) (2) (3) (4) (5) (6) (7) (8) Very Large

E. Targets

1e. Distance (feet) to 300301 to 10001001 to 30003001 to 52801 mile nearest resident (8) (6) (4) (2) (1)

individual

2e. Is there an on-site sensitive environment? YesNo

(1) (0)

THE ON-SITE PATHWAY SCORE (S_0) IS CALCULATED AS FOLLOWS:

$$S_0 = A \times (B + C) \times (2d + 3d) \times (1e + 2e) / 259.2$$

If A or B = 0, the $S_0 = 0$

If 2d is unknown, then 2d = 4

If 3d is unknown, then 3d = 4

Note: The denominator of 259.2 normalizes the score to a value between 0 and 100.

Cite as Ga. Comp. R. & Regs. R. 391-3-19 app (391-3-19) II

Appendix (391-3-19) III. MEDIA TARGET CONCENTRATIONS AND STANDARD EXPOSURE ASSUMPTIONS.

Table 1. Groundwater Criteria

CAS #	Regulated Substance/Analyte	Concentration (mg/L)
83329	Acenaphthene	0.54
67641	Acetone	14
75058	Acetonitrile	0.13
98862	Acetophenone	1.9
107028	Acrolein	0.00004
79061	Acrylamide	0.0005
107131	Acrylonitrile	0.0005
116063	Aldicarb	0.003
309002	Aldrin	0.000009
7664417	Ammonia	30
62533	Aniline	0.13
7440360	Antimony	0.006
7440382	Arsenic	0.010
1332214	Asbestos (fibers longer than 10 μm)	7 million/liter
7440393	Barium	2
56553	Benz(a)anthracene	0.0003
71432	Benzene	0.005
92875	Benzidine	0.000001
50328	Benzo(a)pyrene	0.0002
205992	Benzo(b)fluoranthene	0.0025
207089	Benzo(k)fluoranthene	0.025
100447	Benzyl chloride	0.0009
7440417	Beryllium	0.004
111444	Bis(2-chloroethyl)ether	0.0001
75252	Bromoform	See Trihalomethanes
85687	Butyl benzyl phthalate	0.16
7440439	Cadmium	0.005
63252	Carbaryl	1.9
1563662	Carbofuran	0.04
75150	Carbon disulfide	0.81
56235	Carbon tetrachloride	0.005
12789036	Chlordane	0.002
126998	Chloro-1,3-butadiene, 2-	0.0002

106478	Chloroaniline, p-	0.0037
108907	Chlorobenzene	0.1
510156	Chlorobenzilate	0.0031
124481	Chlorodibromomethane	see Trihalomethanes
67663	Chloroform	see Trihalomethanes
95578	Chlorophenol, 2-	0.091
2921882	Chlorpyrifos	0.0084
7440473	Chromium	0.1
218019	Chrysene	0.25
7440508	Copper	1.3
4319773	Cresols	1.5
57125	Cyanide	0.2
110827	Cyclohexane	12.5
72548	DDD	0.0003
72559	DDE	0.0005
50293	DDT	0.0023
75990	Dalapon	0.2
117840	Di-n-octyl phthalate	0.2
2303164	Diallate	0.0054
333415	Diazinon	0.01
53703	Dibenz(a,h)anthracene	0.0003
96128	Dibromochloropropane	0.0002
84742	Dibutyl phthalate	0.9
1918009	Dicamba	0.57
95501	Dichorobenzene, 1,2-	0.6
106467	Dichorobenzene, 1,4-	0.075
91941	Dichlorobenzidine, 3,3'-	0.0013
75274	Dichlorobromomethane	see Trihalomethanes
75718	Dichlorodifluoromethane	0.2
75343	Dichloroethane, 1,1-	0.028
107062	Dichloroethane, 1,2-	0.005
75354	Dichloroethylene, 1,1-	0.007
156592	Dichloroethylene, cis 1,2	0.070
156605	Dichloroethylene, trans-1,2-	0.1
108601	Dichloroisopropyl ether	0.71
120832	Dichlorophenol, 2,4-	0.046
94757	Dichlorophenoxyacetic acid, 2,4-	0.07
78875	Dichloropropane, 1,2-	0.005

542756	Dichloropropene, 1,3-	0.0047
60571	Dieldrin	0.00002
84662	Diethyl phthalate	15
117817	Diethylhexyl phthalate	0.006
60515	Dimethoate	0.044
119904	Dimethoxybenzidine, 3,3'-	0.0005
119937	Dimethylbenzidine, 3,3'-	0.00007
105679	Dimethylphenol, 2,4-	0.36
99650	Dinitrobenzene, m-	0.002
51285	Dinitrophenol, 2,4-	0.039
121142	Dinitrotoluene, 2,4-	0.0024
606202	Dinitrotoluene, 2,6-	0.0005
88857	Dinoseb	0.007
123911	Dioxane, 1,4-	0.0046
122394	Diphenylamine	1.3
122667	Diphenylhydrazine, 1,2-	0.0008
85007	Diquat dibromide	0.02
298044	Disulfoton	0.0005
115297	Endosulfan (mixed isomers)	0.1
145733	Endothall	0.1
72208	Endrin	0.002
106898	Epichlorohydrin	0.002
110805	Ethoxyethanol, 2-	0.34
75003	Ethyl Chloride (Chloroethane)	21
60297	Ethyl ether	3.9
97632	Ethyl methacrylate	0.63
100414	Ethylbenzene	0.7
106934	Ethylene dibromide	0.00005
22224926	Fenamiphos	0.0044
206440	Fluoranthene	0.8
86737	Fluorene	0.29
7782414	Fluoride, Soluble	4
944229	Fonofos	0.025
50000	Formaldehyde	0.0043
64186	Formic acid	0.00063
110009	Furan	0.019
76448	Heptachlor	0.0004
1024573	Heptachlor epoxide	0.0002

118741	Hexachlorobenzene	0.001
87683	Hexachlorobutadiene	0.0014
319846	Hexachlorocyclohexane (alpha)	0.00007
319857	Hexachlorocyclohexane (beta)	0.0003
608731	Hexachlorocyclohexane, Technical	0.0003
77474	Hexachlorocyclopentadiene	0.05
67721	Hexachloroethane	0.0033
70304	Hexachlorophene	0.006
193395	Indeno (1,2,3-cd)pyrene	0.0025
78831	Isobutyl alcohol	5.9
78591	Isophorone	0.78
98828	Isopropylbenzene (Cumene)	0.45
143500	Kepone	0.00004
7439921	Lead	0.015
58899	Lindane	0.0002
121755	Malathion	0.39
7439976	Mercury (inorganic)	0.002
126987	Methacrylonitrile	0.0019
67561	Methanol	20
16752775	Methomyl	0.5
72435	Methoxychlor	0.04
74839	Methyl bromide	0.0076
74873	Methyl chloride	0.19
78933	Methyl ethyl ketone	5.6
80626	Methyl methacrylate	1.4
298000	Methyl parathion	0.0045
74953	Methylene bromide	0.0083
75092	Methylene chloride	0.005
108101	Methyl isobutyl ketone	6.3
924163	N-Nitrosodi-n-butylamine	0.00003
621647	N-Nitrosodi-n-propylamine	0.0001
55185	N-Nitrosodiethylamine	0.000002
62759	N-Nitrosodimethylamine	0.000001
10595956	N-Nitrosomethylethylamine	0.000007
100754	N-Nitrosopiperidine	0.00008
930552	N-Nitrosopyrrolidine	0.0004
91203	Naphthalene	0.0061
91598	Naphthylamine, 2-	0.0004

7440020	Nickel	0.39
98953	Nitrobenzene	0.0014
1336363	PCBs	0.0005
1910425	Paraquat	0.09
56382	Parathion	0.086
608935	Pentachlorobenzene	0.0032
82688	Pentachloronitrobenzene	0.0012
87865	Pentachlorophenol	0.001
108952	Phenol	5.8
298022	Phorate	0.003
7723140	Phosphorus, elemental	0.0004
129000	Pyrene	0.12
110861	Pyridine	0.02
94597	Safrole	0.001
7782492	Selenium	0.05
7440224	Silver	0.1
93721	Silvex	0.05
100425	Styrene	0.1
1746016	TCDD,2,3,7,8- [Dioxin]	3×10^{-8} (a)
13071799	Terbufos	0.0002
95943	Tetrachlorobenzene, 1,2,4,5-	0.0017
630206	Tetrachloroethane, 1,1,1,2-	0.0057
79345	Tetrachloroethane, 1,1,2,2-	0.0008
127184	Tetrachloroethylene	0.005
58902	Tetrachlorophenol, 2,3,4,6-	0.24
3689245	Tetraethyldithiopyrophosphate	0.0071
7440280	Thallium	0.002
108883	Toluene	1
95534	Toluidine, o-	0.047
106490	Toluidine,p-	0.025
8001352	Toxaphene	0.003
76131	Trichloro-1,2,2-trifluoroethane, 1,1,2-	10
120821	Trichlorobenzene, 1,2,4-	0.07
71556	Trichloroethane, 1,1,1-	0.2
79005	Trichloroethane, 1,1,2-	0.005
79016	Trichloroethylene	0.005
75694	Trichlorofluoromethane	5.2
95954	Trichlorophenol, 2,4,5-	1.2

88062	Trichlorophenol, 2,4,6-	0.012
93765	Trichlorophenoxyacetic acid, 2,4,5-	0.16
96184	Trichloropropane, 1,2,3-	0.000007
	Trihalomethanes, total	0.08
99354	Trinitrobenzene, 1,3,5-	0.59
126727	Tris(2,3-dibromopropyl)phosphate	0.00007
75014	Vinyl chloride	0.002
1330207	Xylenes (total)	10
7440666	Zinc	6

(a) For the purposes of Rule [391-3-19-.07](#), all polychlorinated dibenzodioxins and dibenzofurans are collectively considered as one substance, expressed as an equivalent concentration of 2,3,7,8-tetrachlorodibenzo-*p*-dioxin (TCDD), based on the Toxicity Equivalency Factor approach described in "Recommended Toxicity Equivalence Factors (TEFs) for Human Health Risk Assessments of 2,3,7,8-Tetrachlorodibenzo-*p*-dioxin and Dioxin-Like Compounds", U.S. Environmental Protection Agency, December 2010. Where concentrations only of homologous groups are known (isomer-specific data are not available), the Division must be consulted to determine an appropriate method for determining 2,3,7,8-TCDD equivalents.

Table 2. Type 1 Soil Criteria

Regulated Substance Analyte	Concentration (mg/kg)
Antimony	5.4
Arsenic	20
Barium	1600
Beryllium	63
Cadmium	7.5
Chromium	100
Copper	920
Lead	270
Mercury	2.1
Nickel	510
Selenium	5.2
Silver	16
Thallium	1
Zinc	7500

Table 3: Standard Default Exposure Factors for Risk Reduction Standard Calculations

The default exposure factors presented in this table must be utilized for Type 1 and Type 3 risk reduction standard (RRS) calculations. For toxicity assessment, EPD adopts EPA's Office of Solid Waste and Emergency Response (OSWER) recommended hierarchy of toxicity information (OSWER Directive 9285.7-53, 2003). Note that EPA uses this toxicity data hierarchy for the Regional Screening Level (RSL) tables. If a value for only one of the two variables in a variable pair (RfD_o/RfC or SF_o/IUR) is not available for a substance, the term containing that variable in an equation can be omitted or equated to zero. If neither value is available for a variable pair, a concentration cannot be calculated with the RAGS equations unless an appropriate surrogate compound is available for use in assessing its risk. Appropriately selected surrogate compounds may be utilized for regulated substances without toxicity values as accepted by the Division. Dermal toxicity values are to be derived in accordance with the methods described in this table. The risk equations and methodology for deriving the RRS are prescribed in the U.S. EPA's RSL User's Guide.

Exposure Parameter	Symbol	Units	Default Values	Reference ^a
Risk Thresholds:				
Target Risk Level (Cancer Effects)	TR	unitless	1E-05	EPD
Target Hazard Quotient (Non-cancer Effects)	THQ	unitless	1	EPD
Averaging Time:				
Averaging Time for Carcinogens	AT _c	days	25,550	EPA 1991 (70 years x 365 days/year)
Averaging Time for Non-Carcinogens	AT _{nc}		ED x 365	EPA 1989, 1991
Body Weight:				
Resident Child	BW	kg	15	EPA 2011, 2014
Resident Adult			80	EPA 2011, 2014
Non-resident			80	EPA 2011, 2014
Exposure Duration:				
Resident Child	ED	years	6	EPA 1991
Resident Adult			20	EPA 2011, 2014
Commercial/Industrial Worker			25	EPA 1991
Excavation Worker			1	EPA 2002
Mutagenic Exposure Duration:				
Resident - Mutagenic Exposure Duration (0-2 years)	ED _{mut}	years	2	EPA 2005
Resident - Mutagenic Exposure Duration (2-6 years)			4	EPA 2005

Resident - Mutagenic Exposure Duration (6-16 years)			10	EPA 2005
Resident - Mutagenic Exposure Duration (16-26 years)			10	EPA 2005
Mutagenic Age-Dependent Adjustment Factors ^b :				
Resident - Mutagenic Age-Dependent Adjustment Factor (0-2 years)	ADAF	unitless	10	EPA 2005
Resident - Mutagenic Age-Dependent Adjustment Factor (2-6 years)			3	EPA 2005
Resident - Mutagenic Age-Dependent Adjustment Factor (6-16 years)			3	EPA 2005
Resident - Mutagenic Age-Dependent Adjustment Factor (16 years)			1	EPA 2005
Exposure Frequency:				
Resident Child	EF	days/year	350	EPA 1991
Resident Adult			350	EPA 1991
Commercial/Industrial Worker			250	EPA 1991
Excavation Worker			130	5 days/week for 26 weeks/year
Drinking Water Ingestion Rate:				
Resident Child	IR _w	L/day	0.78	EPA 2011, 2014
Resident Adult			2.5	EPA 2011, 2014
Commercial/Industrial Worker			1	EPA 2011, 2014
Skin Surface Area for Dermal Contact with Water:				
Resident Child	SA _{water}	cm ²	6,365	EPA 2011 (Table 7-9); 2014
Resident Adult			19,652	EPA 2011 (Table 7-9); 2014
Non-resident			3,527	EPA 2011 (Table 7-2); 2014
Exposure Time for Dermal Contact with Water ^c :				
Resident Child	t _{event}	hours/event	0.54	EPA 2011, 2014
Resident Adult			0.71	EPA 2011, 2014
Non-resident			0.54	Professional judgement

Event Frequency for Dermal Contact with Soil and Water:				
Resident and Non-residents	<i>EV</i>	unitless	1	EPA 2002 (Exhibit 1-2); 2004
Soil Ingestion Rate:				
Resident Child	<i>IR_s</i>	mg/day	200	EPA 2011 (Table 5-1); 2014
Resident Adult			100	EPA 1991
Commercial/Industrial Worker			100	EPA 1991
Excavation Worker			330	EPA 2002 (Exhibit 1-2)
Skin Surface Area for Dermal Contact with Soil:				
Resident Child	<i>SA_{soil}</i>	cm ²	2,373	EPA 2011 (Table 7-2 and 7-8); 2014
Resident Adult			6,032	EPA 2011 (Tables 7-2 and 7-12); 2014
Non-resident			3,527	EPA 2011 (Table 7-2); EPA 2014
Soil-to-Skin Adherence Factor:				
Resident Child	<i>AF</i>	mg/cm ²	0.2	EPA 2004 (Exhibit 3-5)
Resident Adult			0.07	EPA 2004 (Exhibit 3-5)
Non-resident			0.12	EPA 2004 (Exhibit 3-5)
Excavation Worker			0.3	EPA 2002 (Exhibit 1-2)
Gastrointestinal Absorption Factor:				
Residential and Non-residential	<i>GI_{ABS}</i>	unitless	chemical-specific	RSL Table
Dermal Absorption Factor:				
Residential and Non-residential	<i>ABS_d</i>	unitless	chemical-specific	RSL Table
Relative Bioavailability Factor ^d :				
Arsenic and Lead	<i>RBA</i>	unitless	0.6	EPA 2007
Exposure Time for Indoor/Outdoor Inhalation Rate:				
Resident	<i>ET</i>	hours/day	24	Upper bound of time spent at a residence

Non-resident			8	Average length of work day
Wind Particulate Emission Factor:				
Residential and Non-residential	<i>PEF</i>	m ³ /day	1.36E+09	EPA 2002 (Exhibit D-2)
Volatilization Factor for Domestic Water Use (K):				
Residential and Non-residential	<i>K</i>	L/m ³	0.5	Andelman 1990
Toxicity Values:				
Oral Cancer Slope Factor	<i>SF_o</i>	(mg/kg-day) ⁻¹	chemical-specific	EPA 2003; RSL Table (as revised)
Inhalation Unit Risk	<i>IUR</i>	(µg/m ³) ⁻¹	chemical-specific	EPA 2003; RSL Table (as revised)
Oral chronic reference dose	<i>RfD_o</i>	mg/kg-day	chemical-specific	EPA 2003; RSL Table (as revised)
Reference Concentration	<i>RfC</i>	mg/m ³	chemical-specific	EPA 2003; RSL Table (as revised)
Dermal Cancer Slope Factor	<i>SF_d</i>	(mg/kg-day) ⁻¹	chemical-specific	SF _d = CSF _o x GI _{abs} ; EPA 2004
Dermal chronic Reference Dose	<i>RfD_d</i>	mg/kg-day	chemical-specific	RfD _d = RfD _o / GI _{abs} ; EPA 2004

^a Source:

U.S. EPA 1989. Risk Assessment Guidance for Superfund: Volume I - Human Health Evaluation Manual (RAGS Part A), EPA/540/1-89/002, December 1989

Andelman, J.B. 1990. Total Exposure to Volatile Organic Compounds in Potable Water. Significance and Treatment of Volatile Organic Compounds in Water Supplies, Lewis Publishers: Chelsea, MI, USA, Chapter 20, pp. 485-504

U.S. EPA 1991. Human Health Evaluation Manual, Supplemental Guidance: Standard Default Exposure Factors. OSWER Directive 9285.6-03, March 1991

U.S. EPA 2002. Supplemental Guidance for Developing Soil Screening Levels for Superfund Sites. OSWER 9355.4-24, December 2002

U.S. EPA 2003. Human Health Toxicity Values in Superfund Risk Assessments. OSWER Directive 9285.7-53, December 2003

U.S. EPA 2004. Risk Assessment Guidance for Superfund: Volume I - Human Health Evaluation Manual (Part E, Supplemental Guidance for Dermal Risk Assessment) (RAGS Part E) Final. OSWER 9285.7-02EP, July 2004

U.S. EPA 2005. Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, March 2005

U.S. EPA 2007. Guidance for Evaluating the Oral Bioavailability of Metals in Soils for Use in Human Health Risk Assessment. OSWER 9285.7-80, May 2007 (as amended)

U.S. EPA 2011. Exposure Factors Handbook: 2011 Edition. EPA/600/R-090/052F, September 2011

U.S. EPA 2014. Human Health Evaluation Manual, Supplemental Guidance: Update of Standard Default Exposure Factors. OSWER Directive 9200.1-120, February 2014

U.S. EPA. Regional Screening Levels (RSL) for Chemical Contaminants at Superfund Sites. Generic Tables (as amended)

^b Age-Dependent Adjustment Factors (ADAFs) are to be applied to all regulated substances having a mutagenic mode of action for carcinogenesis when assessing cancer risks from early life exposures (16 years of age). Such substances are denoted by "M" in the "Mutagen" column of U.S. EPA's Regional Screening Level (RSL) table. For a child resident (0-6 years), the appropriate ADAF adjustment factor for cancer risk estimation is 32 {i.e., $ED_{mut} \times ADAF$ or $[(2 \text{ years} \times 10) + (4 \text{ years} \times 3)]$ }. For adults, the ADAF adjustment factor is 40 {i.e., $[10 \text{ years (age 6-16 years)} \times 3] + [10 \text{ years (age 16-26 years)} \times 1]$ }.

^c For the commercial/industrial worker, the dermal exposure time while bathing/showering was assumed to be equivalent to that of the child resident given the infrequent occurrence of this event in an occupational setting.

^d Use of EPA's default oral relative bioavailability factors must be utilized when deriving the Type 1 and 3 RRS for soil and does not apply to groundwater. For groundwater, the oral bioavailability factor is 1 (assumed bioavailability of 100%). Site-specific bioavailability assessments for arsenic, lead and other compounds (e.g., PAHs) may be conducted as part of the Type 2 and Type 4 RRS for soil using in vitro and/or in vivo bioavailability test methods approved by EPA. However, note that in the absence of in vivo data, in vitro bioaccessibility on a subset of soil samples is required prior to use in risk assessment. For lead, EPA assumes a default RBA value of 0.6 (60%) in both the ALM and IEUBK models. RBA should not substitute or be confused with the absolute bioavailability values in these models.

Table 4: Equation and Default Values for Calculating Soil Concentrations Pursuant to Rule [391-3-19-.07\(6\)\(c\)\(1\)](#) and [391-3-19-.07\(8\)\(d\)\(1\)](#)

Equation 10 USEPA Soil Screening Guidance: User's Guide (USEPA 1996)		$C_S = C_L \left(K_d + \frac{\theta_w + \theta_a H'}{\rho_b} \right)$		
Parameter	Symbol	Units	Default Value	Source

soil concentration pursuant to Rule 391-3-19-.07(6)(c)(1)(ii) and 391-3-19-.07(8)(d)(1)	C _s	mg/kg	calculated	Equation 10 USEPA 1996
target leachate concentration	C _L	mg/L	calculated	<i>for Rule 391-3-19-.07(6)(c)(1): C_L = (DAF) x (Type 1 RRS GW)</i> <i>for Rule 391-3-19-.07(8)(d)(1): C_L = (DAF) x (Type 3 RRS GW)</i>
dilution attenuation factor	DAF	unitless	20	Rule 391-3-19-.07(6)(c)(1)(ii) USEPA 1996
Type 1 Risk Reduction Standard for Groundwater	Type 1 RRS GW	mg/L	chemical-specific	Rule 391-3-19-.07(6)(b)
Type 3 Risk Reduction Standard for Groundwater	Type 3 RRS GW	mg/L	chemical-specific	Rule 391-3-19-.07(8)(c)
soil-water partition coefficient	K _d	L/kg	chemical-specific	<i>for organics: K_d = K_{oc} x f_{oc}</i> <i>for inorganics: USEPA RSL Tables (as amended)</i>
soil organic carbon-water partition coefficient	K _{oc}	L/kg	chemical-specific	USEPA RSL Tables (as amended)
fraction of soil organic carbon	f _{oc}	kg/kg	0.002	USEPA 1996
water-filled soil porosity	[THETA] _w	L _{water} /L _{soil}	0.3	USEPA 1996
air-filled soil porosity	[THETA] _a	L _{air} /L _{soil}	0.13	USEPA 1996
dimensionless Henry's Law Constant	H'	unitless	chemical-specific	USEPA RSL Tables (as amended)
dry soil bulk density	[ALPHA] _b	kg/L	1.5	USEPA 1996

References:

USEPA. 1996. Soil Screening Guidance: User's Guide. USEPA Publication 9355.4-23. July.

USEPA. Regional Screening Levels (RSL) for Chemical Contaminants at Superfund Sites. Generic Tables (as amended).

Cite as Ga. Comp. R. & Regs. R. 391-3-19 app (391-3-19) III
History. Amended: F. Sept. 5, 2018; eff. Sept. 25, 2018.

Appendix (391-3-19) IV. STANDARD ADULT LEAD MODEL (ALM) FOR SOIL.

U.S. EPA's Adult Lead Model provided in this appendix applies to the protection of industrial workers at nonresidential sites at which it can be demonstrated that children are not now exposed, nor will become exposed, to lead in soil or soil-derived dust at the site. U.S. EPA's ALM attempts to protect against elevated blood lead (PbB) levels in the unborn fetus of women who spend considerable time at the site. Protection of the PbB of a hypothetical fetus ensures that any other human receptor at the site will be adequately protected.

The ALM ultimately involves two equations. Equation 1 establishes the average adult PbB level that is protective of the fetus, which is an input to Equation 2. Equation 2 calculates the target soil cleanup level for no more than 5% probability that fetal PbB exceeds the target PbB and the concentration that would generate the average adult PbB level indicated in Equation 1.

EQUATION 1

$$\text{PbB} = \text{PbB}_{\text{fetal},0.95} / R * \text{GSD}^{1.645}$$

EQUATION 2

$$\text{Cs} = [([[\text{PbB}_{\text{fetal},0.95}/(R * (\text{GSD}_i^{1.645})] * \text{PbB}_o) - (\text{IR}_s * \text{AF}_s)^{-1} / \text{BKSF} * (\text{EF}/\text{AT})]$$

Exposure Variable	Description of Exposure Variable	Units	GSD _i and PbB _o from Analysis of NHANES 2007-2012
PbB _{fetal, 0.95}	95 th percentile PbB in fetus	µg/dL	5
R _{fetal/maternal}	Fetal/maternal PbB ratio	--	0.9
BKSF	Biokinetic Slope Factor	µg/dL per µg/day	0.4
GSD _i	Geometric standard deviation PbB	--	1.8
PbB _o	Baseline PbB	µg/dL	0.6
IR _s	Soil ingestion rate (including soil-derived indoor dust)	g/day	0.05 ^a
AF _{s, D}	Absorption fraction (same for soil and dust)	--	0.12
EF _{s, D}	Exposure frequency (same for soil and dust)	days/year	219 ^a
AT _{s, D}	Averaging time (same for soil and dust)	days/year	365
Cs	Soil Lead Target Concentration where PbBt = 5 µg/dL	mg/kg	calculated

^a Any proposed site-specific value is subject to approval by the Division and should be protective of current and future exposure conditions at a site.

Shaded cells - Based on U.S. EPA May 17, 2017 GSDi and PbB₀ updated estimates (using data from NHANES 2009-2014) for the ALM and IEUBK. These values should be amended based on updates by the U.S. EPA Technical Review Workgroup for Lead - Adult Lead Committee.

Cite as Ga. Comp. R. & Regs. R. 391-3-19 app (391-3-19) IV

History. Amended: F. Sep. 5, 2018; eff. Sept. 25, 2018.

Subject 391-3-20. ENHANCED INSPECTION AND MAINTENANCE.

Rule 391-3-20-.01. Definitions.

The following terms as used in these rules shall have the meaning hereinafter respectively ascribed, except that to the extent terms are not defined in these rules, the Act's definitions control; and provided that definitions within any subsequent rule or subdivision thereof, which are expressly made applicable to the rule or subdivision within which they appear, shall apply for purposes of such specific rule or subdivision thereof.

- (a) "Act" means O.C.G.A. § [12-9-40](#) et seq., as amended, "The Georgia Motor Vehicle Emission Inspection and Maintenance Act."
- (b) "Calibration" means, in the case of the Georgia Analyzer System (GAS), the process of establishing or verifying that the test values of the GAS emissions bench are accurate by using the applicable calibration gases. In the case of a fuel cap tester, "calibration" means the process of verifying that the measured pressure drop over time is between the upper and lower control limits.
- (c) "Certificate" means the license issued by the Director to a person authorizing him or her to perform emission inspections in accordance with the requirements of the Act and this Chapter.
- (d) "Certificate of Authorization" means a certificate issued by the Director to each establishment or location designated as an official emission inspection station.
- (e) "Certificate of Emissions Inspection" means an official certificate that exhaust emissions, evaporative emissions, emission control equipment, and on-board diagnostic equipment have been inspected and approved in accordance with the Act and this Chapter. Such certificates will be furnished to official emission inspection stations by EPD to be completed and issued by such stations to the owner or operator of a responsible motor vehicle upon inspection and approval certifying that such responsible motor vehicle has been inspected and complies with the inspection and maintenance required by the Act and this Chapter.

- (f) "DLC" means the data or diagnostic link connector for a vehicle's on-board diagnostic system.
- (g) "Dedicated data transmission line" means a unique communication line identifiable by a transmitted digital identification number which allows the Vehicle Information Database or (VID) to identify the Georgia Analyzer System (GAS) unit communicating with the VID.
- (h) "Department" means the Department of Natural Resources.
- (i) "Diagnostic Trouble Codes (DTC)" means that for vehicles equipped with on-board diagnostic (OBD) computer systems, a five digit code that is associated with a specific test of the OBD system.
- (j) "Director" means the Director of the Environmental Protection Division of the Department of Natural Resources.
- (k) "E-Certs" means blank Electronic Certificates of Emission Inspection that are pre-purchased by official emissions inspection stations for the purpose of performing emission inspections.
- (l) "Emission Inspection" means all tests and inspections required by the Act and this Chapter, including an on-board diagnostic system check, a fuel cap test, a tampering inspection, and an exhaust emissions test where applicable.
- (m) "Emissions Inspector Certification Training Program Manual", means the manual supplied to inspectors during their initial and re-certification classes; the most current version of this manual is available on the Georgia Clean Air Force website at www.cleanairforce.com.
- (n) "Emission Recall Compliance Check" means determining whether a recall campaign has been issued by the original equipment manufacturer of a vehicle.
- (o) "E-VIN" means the Electronic Vehicle Identification Number embedded in the OBD computer system on 1996 and later model year vehicles.
- (p) "EPD" means the Environmental Protection Division of the Georgia Department of Natural Resources.
- (q) "Exhaust Emission Test" means the determination of the amount of specified gases in a vehicle's exhaust by use of the 2-speed idle (TSI) test.
- (r) "Fleet Vehicle" means a motor vehicle owned or leased by a person engaged in a commercial activity, utility service, or government service; or a motor vehicle offered for sale, rent, or lease at a business which is licensed to sell, rent, or lease motor vehicles.

- (s) "Fuel Cap Test" means the determination of the ability of the fuel cap(s) to retain pressure.
- (t) "Gas Calibration" means the calibration of the Georgia Analyzer System (GAS) by the use of a manufactured calibration gas.
- (u) "Georgia Analyzer System" (GAS) means the test systems approved by EPD for use in performing emission inspections in Georgia in accordance with the Act and this Chapter.
- (v) "Georgia Analyzer System Hardware and Software Specifications" (GAS Specs) means the Georgia Analyzer System Hardware and Software Specifications, Phase V, August 31, 2016, which contains the hardware and software requirements for a GAS.
- (w) "Georgia's Clean Air Force" (GCAF) means the partnership between EPD and the Management Contractor to implement Georgia's Enhanced Motor Vehicle Emission Inspection and Maintenance Program (I/M Program).
- (x) "Grandfathered Vehicle" means a vehicle manufactured outside of the United States and certified to meet foreign emission standards, but which has subsequently been legally imported into the United States and is subject to the provisions of the Act and this Chapter. Such vehicles are approved by EPD to comply with alternative tail pipe emission standards for that Model Year vehicle.
- (y) "Gray Market Vehicle" means vehicles which are manufactured for use outside of, and imported into, the United States.
- (z) "GVWR" means the gross vehicle weight rating, i.e., the weight of the vehicle and contents when loaded to its maximum capacity, as established by the vehicle manufacturer.
- (aa) "Hot Rod" means a vehicle in which the original engine has been replaced with an engine from another manufacturer, or with a different type of engine from the same manufacturer which was never installed in that model vehicle. For the purposes of this definition, a different type of engine will include engines with a different number of cylinders from any engine which was originally installed in that make of vehicle. It will not include engines of the same family, e.g., Chevrolet V8s of 283, 305, 327, 350 and 400 cubic inch displacement, nor will it include engines different from the original, but which were also installed in that make of vehicle, e.g., gasoline for diesel engine swaps in General Motors or Volkswagen vehicles, or V8 for V6 swaps where both engines were installed in that model vehicle by the manufacturer for retail sale.
- (bb) "Idle RPM" means for vehicles equipped with a manual transmission, the manufacturer's recommended engine speed with the transmission in neutral or with the clutch disengaged. For vehicles equipped with an automatic transmission, idle revolutions per minute (RPM) means the manufacturer's recommended engine speed with the transmission in neutral or park.

- (cc) "Inspection Term" means the period of time a certificate of emission inspection shall be considered valid. The specific period of an inspection term is established in this Chapter.
- (dd) "Inspector" means a person certified by the Director to perform emission inspections in accordance with the requirements of the Act and this Chapter.
- (ee) "Kit Car" means a motor vehicle which does not utilize a chassis from a vehicle certified by the manufacturer to meet emission control standards or for which the original manufacturer's identification has been eliminated due to the replacement of the vehicle's body with one of a different make and/or style.
- (ff) "Light Duty Truck" means any motor vehicle with a GVWR of 8500 pounds or less which has a vehicle curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:
 - 1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
 - 2. Designed primarily for transportation of persons and has a capacity of more than 12 persons, or
 - 3. Available with special features enabling off-street or off-highway operation and use.
- (gg) "Light Duty Vehicle" means a passenger car or passenger car derivative, capable of seating 12 passengers or less with a GVWR of 8500 pounds or less.
- (hh) "Management Contractor" means the person, corporation or entity under contract to design and operate the data management system and to perform other functions for the I/M Program.
- (ii) "Malfunction Indicator Light (MIL)" means a light on the dashboard of OBD equipped vehicles that notifies the driver that an emission related fault has been detected and the vehicle should be repaired as soon as possible.
- (jj) "Non-conforming Vehicle" means vehicles that were not built to standards set by the EPA.
- (kk) "On-Board Diagnostic (OBD) System" means a computer system installed on 1996 or later model year vehicles as required by Section 202(m) of the Clean Air Act ([42 U.S.C. 7521](#)) which is designed to identify engine or primary emission control component problems which cause excess emissions.
- (ll) "On-Board Diagnostic (OBD) System Check" means the determination of readiness codes and diagnostic trouble codes stored within the memory of the on-board diagnostic system.

- (mm) "Primary Emission Control Component" means the catalytic converter, air injection system, exhaust gas recirculation system or other major component, as determined by the Director, which is installed on a vehicle primarily for the purpose of emission control.
- (nn) "Public Vehicle" means a motor vehicle that is not a fleet vehicle.
- (oo) "Recognized Repair Technician" means any person professionally engaged in vehicle repair, employed by an ongoing business whose purpose is vehicle repair or possessing a nationally recognized certification for vehicle emission related diagnosis and repair.
- (pp) "Responsible Motor Vehicle" means any motor vehicle defined as a light duty vehicle or a light duty truck, excluding any motor vehicle exempted from the Act and this Chapter such as vehicles not in a Covered County as defined in [391-3-20-.02](#).
- (qq) "Revolutions per Minute" (RPM) means the number of times the crankshaft of an engine makes a complete 360 degree turn in one minute (60 seconds).
- (rr) "State-Certified Emissions Inspection Station" means a facility that has met all the qualifications of this Act and this Chapter and is certified by the Director.
- (ss) "Station Owner" means the individual, partnership, firm, corporation, association, municipality, governmental agency, lessee, or other entity having ownership of or control of the daily operation of an inspection station.
- (tt) "Tampering Inspection" means the determination of whether the catalytic converter(s) as installed by the original manufacturer has been removed from the vehicle or modified.
- (uu) "Time Extension" means any time extension as defined in section "Extensions and Reciprocal Inspections." of these rules and issued by EPD, the Management Contractor or an authorized agent of EPD to the owner of a responsible motor vehicle certifying that such owner and vehicle have met the requirements in the Act and this Chapter for extending the time to comply with the emission inspection requirement.
- (vv) "Vehicle" means a motor vehicle.
- (ww) "Vehicle Information Database" (VID) means the data collection and management system for Georgia's Enhanced Motor Vehicle Emission Inspection and Maintenance Program (I/M Program) that contains current and historical program data. The VID is comprised of data collection tables, including the table of inspection records. The term "VID" is used to refer to the VID as a whole or to any part, e.g., Enforcement database, Audit database, Emission Inspections database, and Waiver database.
- (xx) "Waiver" means the official form issued by EPD, the Management Contractor or an authorized agent of EPD to the owner of a responsible motor vehicle certifying that such owner and vehicle have met the requirements in the Act and this Chapter for obtaining a waiver of the emission inspection requirement.

(yy) "2-speed idle (TSI) test" means an exhaust emission test where the vehicle under test is run at an idle revolutions per minute (RPM) speed and a higher RPM speed as defined in the GAS Specs.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.01

Authority: O.C.G.A. § [12-9-40](#), *et seq.*

History. Original Rule entitled "Definitions" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: F. May 24, 1994; eff. June 13, 1994.

Amended: F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule of same title adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.01 adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. June 3, 1997; eff. June 23, 1997.

Amended: ER. 391-3-20-0.38-.01 adopted. F. Dec. 5, 1997; eff. Dec. 3, 1997, the date of adoption.

Amended: F. Dec. 5, 1997; eff. Dec. 25, 1997.

Amended: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Amended: F. Oct. 23, 1998; eff. Nov. 12, 1998.

Amended: F. June 18, 1999; eff. July 8, 1999.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.

Amended: F. June 28, 2001; eff. July 18, 2001.

Amended: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Amended: F. Dec. 5, 2003; eff. Dec. 25, 2003.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Dec. 21, 2006; eff. Jan. 10, 2007.

Amended: F. May 30, 2014; eff. June 19, 2014.

Amended: F. Nov. 2, 2016; eff. Nov. 22, 2016.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.

Amended: F. Mar. 24, 2021; eff. Apr. 13, 2021.

Amended: F. Mar. 30, 2022; eff. Apr. 19, 2022.

Rule 391-3-20-.02. Covered Counties.

The requirements of this Chapter apply to responsible motor vehicles in the following designated counties:

- (a) Cherokee;
- (b) Clayton;
- (c) Cobb;
- (d) Coweta;
- (e) DeKalb;
- (f) Douglas;

- (g) Fayette;
- (h) Forsyth;
- (i) Fulton;
- (j) Gwinnett;
- (k) Henry;
- (l) Paulding; and
- (m) Rockdale.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.02

Authority: O.C.G.A. Sec. [12-9-40](#), et. seq., as amended.

History. Original Rule entitled "Covered Counties" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: F. May 24, 1994; eff. June 13, 1994.

Amended: F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule of same title adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: Er. 391-3-20-0.33-.02 was f. Jun. 4, 1996; eff. May 29, 1996, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. is adopted, as specified by the Agency.

Amended: F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Rule 391-3-20-.03. Covered Vehicles; Exemptions.

- (1) The requirements of this Chapter apply to the following classes of gasoline-powered responsible motor vehicles, as defined by the Act, registered or required to be registered in Covered Counties:
 - (a) All light duty vehicles 24 model years old and newer.
 - (b) All light duty trucks 24 model years old and newer with a gross vehicle weight rating of 8500 pounds or less.
- (2) The requirements of this Chapter also apply to the following vehicles in the classes listed above which are operated in Covered County:
 - (a) Vehicles which are owned and operated by a federal or state agency, municipality or other political subdivision in a Covered County.
 - (b) Vehicles which are operated for 60 days or more per year on federal installations located in whole or in part in a Covered County.

- (3) Vehicles which are capable of being operated on both gasoline and any alternate fuel are covered by the inspection requirements, and shall be tested on gasoline.
- (4) New vehicles are exempt from the emission inspection requirement until the inspection term three years following the model year of the vehicle.
- (5) EPD may require that any vehicle registered or operated in the Covered Counties but which is claimed to be not subject to the requirements of the State Inspection Program, be presented for verification that the vehicle is not subject.
- (6) For vehicles which do not have the original engine, the model year of the chassis will be considered the model year of the vehicle.
- (7) For kit cars, the model of the vehicle shall be deemed to be the model year of the vehicle as established in the vehicle registration database maintained by the Georgia Department of Revenue, Motor Vehicle Division or its successor agency.
- (8) Provisions for grandfathered vehicles, i.e., gray market vehicles, kit cars, hot rods, and non-conforming vehicles are described in this subparagraph. Owners of vehicles which qualify as gray market or non-conforming vehicles may request special inspection standards as described in Rule [391-3-20-.05\(2\)](#). Such vehicles will be subject to the special inspection standards at subsequent inspections. Kit cars and hot rods which are newly registered in the Covered Counties after December 31, 1998, are not eligible for the special standards.
- (9) A vehicle which is otherwise subject to the provisions of this Chapter is exempt from inspection if it is driven less than 5,000 miles per year, is 10 model years old or older and the current primary registered owner is a person 65 years old or older.
- (10) No responsible motor vehicle shall be registered in a Covered County unless it has received a valid passing Certificate of Emission Inspection, a time extension or a waiver meeting all requirements of the Act and this Chapter.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.03

Authority: O.C.G.A. § [12-9-40](#), et seq., as amended.

History. Original Rule entitled "Covered Vehicles; Exemptions" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule of same title adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.03 adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. June 3, 1997; eff. June 23, 1997.

Amended: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.

Amended: F. June 28, 2001; eff. July 18, 2001.

Amended: F. June 27, 2002; eff. July 17, 2002.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. May 30, 2014; eff. June 19, 2014.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.

Rule 391-3-20-.04. Emission Inspection Procedures.

- (1) Prior to performing an emission inspection, the inspector shall determine whether the vehicle has leaking fluids, is overheating, or is otherwise unsafe to inspect. The inspector shall not perform an emission inspection on any vehicle which is unsafe to inspect.
- (2) Inspectors shall perform a complete emission inspection on any responsible motor vehicle presented for an initial inspection, in accordance with the requirements of the Act and this Chapter and the procedures as prompted by the GAS, including the following:
 - (a) For OBD equipped vehicles.
 1. A tampering inspection.
 2. An OBD system check. On occasion, when activated by EPD, the GAS will prompt the inspector at the conclusion of the OBD system check to perform the 2-speed idle test to collect exhaust emission data. The exhaust emission data will not be used to determine Pass/Fail results of the vehicle.
 3. A fuel cap test.
 - (b) For non-OBD equipped vehicles.
 1. A tampering inspection.
 2. An exhaust emission test. The inspector may perform a 2-speed idle test on vehicles as prompted by the GAS.
 3. A fuel cap test.
 - (c) For grandfathered vehicles.
 1. A tampering inspection. The inspector shall perform a tampering inspection only for those vehicles given grandfathered status by EPD that were originally equipped with a catalytic converter by the vehicle manufacturer or that have been subsequently equipped with a catalytic converter.
 2. An exhaust emission test. The inspector shall perform a 2-speed idle test on all vehicles that have been given grandfathered status by EPD.
 3. A fuel cap test.
- (3) The station owner and inspector shall take all reasonable precautions to avoid damage to vehicles during the emission inspection.

- (4) EPD may require alternate procedures for certain types or classes of vehicles when it determines that such alternate procedures are necessary to safely and effectively inspect such vehicles.
- (5) Emission inspections may be performed on any vehicle when done "at motorist's request," for reasons such as performing a reciprocal inspection for a motorist to meet the emission inspection requirements in his or her state of residence, as allowed by the Georgia Analyzer System software. The inspection procedure to be performed by certified inspectors shall be as prompted by the GAS.
- (6) Inspectors shall perform a reinspection of the portions previously failed during an emission inspection on any vehicle presented for an after repairs inspection, in accordance with the requirements of the Act and this Chapter and the procedures as prompted by the GAS.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.04

Authority: O.C.G.A. § [12-9-40](#), *et seq.*

History. Original Rule entitled "Emission Inspection Procedures" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: F. May 24, 1994; eff. June 13, 1994.

Amended: F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule of same title adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.04 adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. June 3, 1997; eff. June 23, 1997.

Amended: ER. 391-3-20-0.36-.04 adopted. F. Oct. 17, 1997; eff. Oct. 15, 1997, the date of adoption.

Amended: ER. 391-3-20-0.38-.04 adopted. F. Dec. 5, 1997; eff. Dec. 3, 1997, the date of adoption.

Amended: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.

Amended: F. June 28, 2001; eff. July 18, 2001.

Amended: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. May 30, 2014; eff. June 19, 2014.

Amended: F. Nov. 2, 2016; eff. Nov. 22, 2016.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. Mar. 24, 2021; eff. Apr. 13, 2021.

Amended: F. Mar. 30, 2022; eff. Apr. 19, 2022.

Rule 391-3-20-.05. Emission Standards.

- (1) An inspector shall not perform a tampering inspection, an exhaust emission test, a fuel cap test, or an OBD system check on a vehicle which:
 - (a) has a missing exhaust system, or
 - (b) is unsafe to inspect.

(2) The inspector shall not issue a Certificate of Emission Inspection indicating an overall passing result for the emission inspection unless the inspector has inspected the vehicle in accordance with the requirements of the Act and this Chapter and the vehicle has passed the tampering inspection, the OBD system check, the fuel cap test, and the exhaust emissions test where applicable.

(a) The vehicle shall pass the tampering inspection if:

1. the catalytic converter(s) has not been removed or disconnected;
2. no catalytic converter was installed by the original equipment manufacturer as determined from the vehicle emission control label;
3. in the case of a vehicle which has been converted from a single exhaust system to a dual exhaust system and a catalytic converter(s) was part of the original single exhaust system configuration, a catalytic converter has been installed in each pipe of the dual exhaust system;
4. in the case of a hot rod for which either the original vehicle or the replacement engine was equipped with a catalytic converter(s), a catalytic converter(s) has been installed; or
5. a catalytic converter(s) installed by the original equipment manufacturer has been removed and replaced with another catalytic converter(s).

(b) The vehicles shall pass the OBD system check if:

1. the Georgia Analyzer System (GAS) is able to communicate with the vehicle's OBD system;
2. the MIL illuminates with the ignition key in the "on" position and the engine not running, which is known as Key On Engine Off (KOEO);
3. the OBD system does not command the MIL to illuminate with the ignition key in the on position with the engine running;
4. all nonexempt OBD system monitors, as specified in the GAS, are set to "ready";
5. the OBD system does not contain any fault codes which command the MIL to illuminate, as specified by the vehicle manufacturer, indicating problems with the emissions control parameters monitored by the OBD system; and
6. the MIL does not illuminate with the ignition key in the "on" position and the engine running, which is known as Key On Engine Running (KOER).

(c) The vehicle shall pass the fuel cap test if:

1. the vehicle's primary fuel cap and, when equipped, one secondary fuel cap, holds pressure in accordance with the standard established by the GAS; and
 2. where a vehicle has two or more fuel caps, each fuel cap is present.
- (d) The vehicle shall pass the exhaust emission test if:
1. in the case of a vehicle subject to a 2-speed idle test any simultaneous pair of values for hydrocarbons and carbon monoxide, in each mode, do not exceed the exhaust levels established in the GAS, and the combined value for carbon monoxide and carbon dioxide is equal to or more than the minimum combined value established in the GAS; or
 2. in the case of a gray market vehicle, kit car, hot rod, or non-conforming vehicle that has been given grandfathered status by EPD under this Chapter, any simultaneous pair of values for hydrocarbon and carbon monoxide, in each mode of the 2-speed idle test, do not exceed the exhaust levels established in the GAS for 1975 model year vehicles, or for the model year of the vehicle, and the combined value for carbon monoxide and carbon dioxide is equal to or more than the minimum combined value established in the GAS.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.05

Authority: O.C.G.A. § [12-9-40](#), *et seq.*

History. Original Rule entitled "Emission Standards" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule of same title adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.05 adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. June 3, 1997; eff. June 23, 1997.

Amended: ER. 391-3-20-0.38-.05 adopted. F. Dec. 5, 1997; eff. Dec. 3, 1997, the date of adoption.

Amended: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Amended: F. June 18, 1999; eff. July 8, 1999.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.

Amended: F. June 28, 2001; eff. July 18, 2001.

Amended: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. May 30, 2014; eff. June 19, 2014.

Amended: F. Nov. 2, 2016; eff. Nov. 22, 2016.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. Mar. 24, 2021; eff. Apr. 13, 2021.

Amended: F. Mar. 30, 2022; eff. Apr. 19, 2022.

Rule 391-3-20-.06. On-Road Testing of Exhaust Emissions by Remote Sensing Technology or Other Means.

- (1) Covered vehicles are expected to meet emission standards at all times. EPD may use on-road testing measures such as remote sensing technology or other methods established by the Director to evaluate at least 0.5% of the vehicle population or 20,000 vehicles, whichever is less, for the on-road testing and high emitter requirement. Covered vehicles that appear to be producing exhaust emissions in excess of the applicable emission standards may be presumed to be high emitting vehicles. If EPD identifies a vehicle as a high emitter, EPD shall notify the owner of an identified vehicle to present his or her vehicle for an emission inspection under Rules [391-3-20-.04](#) and [391-3-20-.05](#). An owner so notified by EPD must present his or her vehicle for an emission inspection within thirty (30) days. Vehicles which fail such inspection shall be required to be reinspected and pass such reinspection as required by Rule [391-3-20-.15](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.06

Authority: O.C.G.A. § [12-9-40](#), et seq., as amended.

History. Original Rule entitled "On-Road Testing" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: Rule Reserved. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.06 entitled "On-Road Testing" adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. June 3, 1997; eff. June 23, 1997.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Dec. 2, 1999; eff. Dec. 22, 1999.

Amended: F. June 28, 2001; eff. July 18, 2001.

Amended: F. June 27, 2002; eff. July 17, 2002.

Amended: New title "Testing of Exhaust Emissions by Remote Sensing Technology or Other Means." F. May 30, 2014; eff. June 19, 2014.

Amended: New title "On-Road Testing of Exhaust Emissions by Remote Sensing Technology or Other Means." F. Jan. 28, 2019; eff. Feb. 17, 2019.

Rule 391-3-20-.07. Inspection Equipment System Specifications.

- (1) Georgia Analyzer Systems (GAS) Approval.
 - (a) EPD shall approve a test system which meets all specifications established in the Georgia Analyzer System Hardware and Software Specifications, Phase V, August 31, 2016 (GAS Specs) as a Georgia Analyzer System (GAS). Station owners may select from any GAS approved by EPD for their class of station.
 - (b) Regular inspection station owners shall acquire an EPD-approved GAS which meets the OBD and TSI requirements of this Chapter.
 - (c) Fleet inspection station owners that inspect vehicles shall acquire an EPD-approved GAS which meets the OBD and TSI requirements of this Chapter.

- (2) EPD-approved GAS shall contain features to prevent tampering by unauthorized personnel. No unauthorized person shall override or circumvent or attempt to override or circumvent said anti-tampering features.
- (3) No person shall modify or install parts in a GAS unless such modification or installation of parts has been approved in writing by EPD.
- (4) Station owners shall acquire all available fuel cap adapters and the most recent Fuel Cap Testing Application Chart, as published by the fuel cap manufacturers: Stant and/or Hickok Waekon, for the adapters being used for those model year vehicles that are subject to this Chapter and are authorized to be inspected at that station.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.07

Authority: O.C.G.A. § [12-9-40](#), et seq., as amended.

History. Original Rule entitled "Inspection Equipment System Specifications" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule of same title adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.07 adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. June 3, 1997; eff. June 23, 1997.

Amended: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.

Amended: F. June 28, 2001; eff. July 18, 2001.

Amended: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. May 30, 2014; eff. June 19, 2014.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. Mar. 24, 2021; eff. Apr. 13, 2021.

Rule 391-3-20-.08. Quality Control and Equipment Calibration Procedures.

- (1) All Georgia Analyzer Systems (GAS) shall, at a minimum, be calibrated according to the procedures and schedules as prompted by the GAS.
- (2) No person shall operate a GAS for the purpose of performing an emissions inspection unless the Georgia Analyzer System:
 - (a) has passed all calibrations, audits, and leak checks as prompted by the GAS;
 - (b) in the case of a GAS that is not a mobile GAS, is connected to the dedicated data transmission line as described in [391-3-20-.09\(2\)\(i\)](#); and
 - (c) in the case of a GAS that is a mobile GAS, is connected to the dedicated data transmission line within 72 hours of any inspection performed at a fleet or car

dealer location and at all times when the mobile GAS is located at the inspection station location identified on the Certificate of Authorization.

- (3) Any station or GAS that has not performed an inspection in more than 90 days, shall not resume performing inspections until the Management Contractor has been contacted and a passing audit has been performed by the Management Contractor on the station's GAS(s).

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.08

Authority: O.C.G.A. § [12-9-40](#), et seq., as amended.

History. Original Rule entitled "Quality Control and Equipment Calibration Procedures" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule of same title adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.08 adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. May 30, 2014; eff. June 19, 2014.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Rule 391-3-20-.09. Inspection Station Requirements.

- (1) Classes of stations - There shall be two classes of inspection stations: regular inspection stations and fleet inspection stations. Regular inspection stations shall be public inspection stations and may inspect no more than ten (10) vehicles per year which are owned incidental to the operation of the business.
 - (a) Regular Inspection Stations
 1. A regular inspection station is authorized to inspect any vehicle subject to the I/M Program.
 - (b) Fleet Inspection Stations
 1. Vehicle owners who operate a fleet vehicle may apply for a Certificate of Authorization under this Chapter to inspect their own fleet vehicles, but must meet certain additional requirements beyond those established for public regular inspection stations. Fleet inspection stations are only allowed to inspect fleet vehicles that they own or operate. No inspection of public vehicles is allowed by a fleet inspection station.
- (2) General Requirements for Inspection Stations

- (a) Persons wishing to obtain or renew a Certificate of Authorization to operate one or more inspection stations shall apply to EPD in a format established by EPD. One application must be submitted for each inspection station. Each application shall include all information required by the Director to determine that the proposed inspection station will meet the requirements of the Act and this Chapter and shall identify all persons having any ownership, financial and/or operational interest in the station. Additional information that may be requested includes, but is not limited to:
1. Explicit permission of all persons having any financial or operational interest in the station, as named in the application, authorizing the director to conduct a background check, including criminal history, on the named individuals;
 2. Facility purchase or lease agreement(s);
 3. Georgia Analyzer System (GAS) purchase or lease agreement(s);
 4. Proof of a filed bond or a copy of accepted certificate of liability insurance;
 5. Copy of approved business license or application for same showing signature(s) of the business owner(s); and
 6. Other documents as deemed necessary by EPD to determine all persons having any ownership, financial and/or operational interest in the inspection station.
- (b) A station owner shall obtain all permits and licenses necessary for the establishment of each inspection station. The station shall conform to all applicable federal, state and local code requirements including, but not limited to, planning and building codes, carbon monoxide levels, ventilation, safety, and fire regulations. All permits, licenses, leases, and/or other requirements for the station shall be maintained for the duration of the Certificate of Authorization. An update shall be filed with the Management Contractor, in a format approved by EPD, no later than the next business day for any change in the information in or submitted with the application and/or any change in the permits, licenses and/or other requirements for the station.
- (c) Mobile Georgia Analyzer Systems (GAS)
1. EPD may approve a station owner to operate a mobile GAS only at a fleet or car dealer location for the purpose of performing emission inspections only on fleet vehicles subject to the I/M Program that are owned or operated by that fleet or car dealer. A public inspection station owner with an approved mobile test system shall make all invoices submitted to fleet owners and/or

car dealers for emission inspections using a mobile test system available to EPD or the Management Contractor.

2. A station owner that has been approved to operate a mobile GAS at a fleet or car dealer location shall comply with all requirements for mobile inspecting as established in these rules. A station owner that has been approved to operate a mobile GAS shall provide the Management Contractor and EPD, if directed to do so by EPD, with advance notice of scheduled emission inspections of fleet or car dealer locations by 2 PM of the previous business day and shall update such notice as the schedule is changed. The station owner may delete locations from the schedule of fleet or car dealer locations after 2 PM of the previous business day, but may not add fleet or car dealer locations to the schedule. EPD may approve an alternate procedure that provides equivalent quality assurance in lieu of a submitted schedule.
 3. A public inspection station owner that has received an approval to operate a mobile GAS shall not perform emission inspections on public vehicles at a location other than at the public inspection station location identified on the Certificate of Authorization.
- (d) Public inspection station owners shall provide an area adequate to allow four (4) vehicles per inspection lane to wait for an emissions inspection.
 - (e) A public inspection station owner shall display a sign approved by EPD that indicates that the facility is a State-Certified Emissions Inspection Station and that shows the fee charged for performing the emission inspection. The station owner shall erect the sign in a location visible to the motoring public. All sign locations must meet State and local code requirements. Signs that are illegible, damaged or contain unapproved modifications shall be replaced with an approved sign.
 - (f) Lanes at each inspection station must be of adequate length, width, and height to accommodate all normal-sized vehicles which are presented for inspection.
 - (g) A station owner shall provide adequate protection for the GAS to allow it to operate within specifications in all weather conditions. Any component of the GAS, which could affect the emission inspection results, shall not be subjected to temperatures outside the manufacturer's specifications. The station owner shall maintain all GAS in fully operational condition.
 - (h) A public inspection station owner shall provide to its customers:
 1. a public waiting area, which will allow the motorist to observe the emissions inspection of his or her vehicle;

2. a response to inquiries and complaints in person and over the telephone during business hours;
3. EPD public information materials:
 - (i) The current, quarterly RepairWatch Public Report provided by EPD or the Management Contractor on repair facilities that have a documented history of emission related repairs on vehicles which have failed the emission inspection;
 - (ii) The program Motorist Rights Poster provided at the time of station certification; and
 - (iii) The program Q&A brochure.
 - (iv) The station owner shall maintain such item(s) in legible condition and either posted or made available for motorists' uninhibited viewing.

(i) A station owner shall:

1. be responsible for all emission inspections conducted at the inspection station(s);
2. be responsible for providing adequate oversight to ensure the station and station personnel comply with the requirements of the Act and this Chapter;
3. obtain and maintain in working order a secure static internet connection for each GAS at the station to connect to the VID;
4. transmit all vehicle inspection data and quality assurance data that is collected to the VID;
5. ensure that the GAS is connected to the secure static internet connection at all times, except in the case of a mobile or mobile capable GAS operating offsite at a fleet or car dealer location which shall be connected to the data transmission line within 72 hours of any emission inspection;
 - (i) Mobile capable GAS shall have the GAS connected at all times to a secure static internet connection while being used as a non-mobile GAS.
6. collect, store and submit to the Management Contractor all Emission Repair Forms for each reinspection performed at the inspection station;

7. obtain and maintain in legible condition any published OBD DLC Location Chart available or copy which is available on the GCAF website-
www.cleanairforce.com, at each station;
 8. obtain and maintain at all times in legible condition a current copy of the Emissions Inspector Certification Training Program Manual, Version 1.4 or later provided during inspector certification or copy which is available on the GCAF website-www.cleanairforce.com, at each station; and
- (j) The station owner shall pay a per-paid-inspection program administration fee. This fee will be collected through the sale of E-Certs or other method determined by the Director. This fee will cover the cost to administer the program, including:
1. the services of the Management Contractor,
 2. the cost of EPD administration,
 3. the cost to affected county tax offices of monitoring vehicle registrations,
and
 4. any other costs allowed by the Act.
- (k) Liability Insurance
1. Inspection station owners, except fleet inspection station owners, conducting inspections on vehicles as defined in this Chapter shall provide proof of \$100,000 bond or liability insurance for the period of the Certificate of Authorization.
 2. Inspection station owners shall notify the Management Contractor no later than the next business day upon termination of or any change in insurance coverage.
- (l) Hours of Operation
1. Public inspection station owners shall post the inspection station hours of operation, including hours regularly closed for meals if applicable, on the inspection station's State-Certified Emissions Inspection Station sign. Inspection station owners shall provide emissions inspections at all times during the posted hours. Public inspection station owners may provide inspections by appointment only but shall notify the Management Contractor and indicate such on the station's State-Certified Emissions Inspection Station sign.

2. The station owner shall post a "Closed" sign over the station's State-Certified Emissions Inspection Station sign when the inspection station is closed and unstaffed during posted hours.
- (m) A public inspection station owner shall display the Certificate of Authorization issued to the inspection station pursuant to this Chapter at said inspection station in a convenient location visible to the public.
 - (n) Whenever an inspector ceases employment with an inspection station, either through resignation, termination, or by other means, the station owner shall notify the Management Contractor, in a format approved by EPD, within three (3) business days of the inspector ceasing employment.
 - (o) No station owner, facility owner, station personnel, or facility personnel shall interfere with EPD or the Management Contractor when they are conducting an audit of the inspection station or GAS(s), or when they are conducting an investigation of the emission inspection activities at a station or at any facility claiming or appearing to be an emission inspection station.
 - (p) During an audit of the inspection station or GAS(s) by EPD or the Management Contractor, or during an investigation of the emission inspection activities at a station, the station owner shall:
 1. provide prompt access to the premises, at reasonable times, where inspections are performed and to the GAS(s);
 2. provide prompt access to all station related documents and materials necessary to complete the audit or investigation; and
 3. provide prompt assistance in operating and calibrating the GAS(s) as necessary to facilitate the audit or investigation, or sign a release of liability that allows EPD or the Management Contractor to operate and calibrate the GAS(s) during the audit or investigation.
 - (q) The station owner shall maintain a current mailing address, telephone number, email address and other contact information on file with EPD so that EPD may communicate with the owner on all matters regarding the station, including compliance and enforcement issues. The station owner may designate, in the station application or a written update thereto, another person to receive such communication from EPD. In that case, the station owner shall also provide that person's contact information, including email address, will be presumed to have received all communications from EPD through the person he or she has designated, and remains responsible for compliance with the requirements of the Act and this Chapter.

(3) Additional Requirements for Fleet Inspection Stations.

- (a) The administrative fee charged to fleet inspection stations shall be at least as much as the fee charged to public inspection stations. This fee may be increased to cover any additional cost of increased monitoring requirements for fleet inspection stations.

(4) Quality Assurance for Fleet Vehicles.

- (a) EPD or the Management Contractor may require fleet inspection stations and mobile inspection stations while on-site to re-inspect randomly selected fleet or car dealer vehicles to verify that emissions inspections are being performed properly.
- (b) EPD may require fleet inspection stations and mobile inspection stations to install a video camera surveillance system on the GAS to record all emissions inspections.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.09

Authority: O.C.G.A. § [12-9-40](#), *et seq.*

History. Original Rule entitled "Inspection Stations" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: F. May 24, 1994; eff. June 13, 1994.

Amended: Rule re-titled "IM240 Program Inspection Station Requirements." F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule entitled "Inspection Stations Requirements" adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.09 adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. June 3, 1997; eff. June 23, 1997.

Amended: ER. 391-3-20-0.36-.09 adopted. F. Oct. 17, 1997; eff. Oct. 15, 1997, the date of adoption.

Amended: ER. 391-3-20-0.38-.09 adopted. F. Dec. 5, 1997; eff. Dec. 3, 1997, the date of adoption.

Amended: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Dec. 2, 1999; eff. Dec. 22, 1999.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.

Amended: F. June 28, 2001; eff. July 18, 2001.

Amended: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. May 30, 2014; eff. June 19, 2014.

Amended: F. Nov. 2, 2016; eff. Nov. 22, 2016.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.

Amended: F. Mar. 24, 2021; eff. Apr. 13, 2021.

Amended: F. Mar. 30, 2022; eff. Apr. 19, 2022.

Rule 391-3-20-.10. Certificates of Authorization.

- (1) The Director shall issue a Certificate of Authorization to the station owner if the station owner has demonstrated to EPD that the inspection station for which the application has been submitted meets all requirements of the Act and this Chapter.
- (2) The Certificate of Authorization shall allow the station owner to operate an inspection station as described in its application.
- (3) The Director may suspend or revoke a Certificate of Authorization as authorized by the Act.
- (4) Unless suspended, revoked, or the station is closed-out, the Certificate of Authorization shall be valid for two years. For station owners intending to renew their certificate, a station owner must apply for renewal of the Certificate by submitting a complete application at least 30 days prior to the expiration of the existing Certificate.
- (5) Upon the sale of an inspection station, or the discontinuation of emission inspections, the station owner named on the Certificate of Authorization shall:
 - (a) provide not less than five (5) days notice to the Management Contractor prior to the change in ownership or the discontinuation of emissions inspections;
 - (b) maintain the dedicated data transmission line(s) to the VID and electrical power to the GAS until such time as the Management Contractor performs a close-out audit; and
 - (c) make arrangements to provide a free reinspection to motorists which are eligible for a free reinspection under this Chapter.
- (6) A Certificate of Authorization is only valid for the owner and location for which it is issued. A Certificate of Authorization shall not be assigned, transferred, or used by any other person, business or entity, other than as shown on the Certificate of Authorization. A Certificate of Authorization shall not be assigned, transferred, or used at any location other than the location shown on the Certificate of Authorization. Upon a change in ownership of an inspection station, the new owner(s) must apply for and receive a new Certificate of Authorization prior to operating the station.
- (7) The Director may deny issuance or renewal of a Certificate of Authorization for cause including, but not limited to the compliance history of the inspection station, its inspectors, its employees and all persons having any ownership, financial and/or operational interest in the station.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.10

Authority: O.C.G.A. § [12-9-40](#), *et seq.*

History. Original Rule entitled "Inspector Qualifications and Certification" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: Rule retitled "RG240 Program Inspection Station Requirements." F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule entitled "Certificates of Authorization" adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.10 adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. June 3, 1997; eff. June 23, 1997.

Amended: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. May 30, 2014; eff. June 19, 2014.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. Mar. 30, 2022; eff. Apr. 19, 2022.

Rule 391-3-20-.11. Inspector Qualifications and Certification.

- (1) No person shall perform an emission inspection, or any part of an emission inspection, or issue a Certificate of Emission Inspection, unless he or she:
 - (a) has submitted an Inspector Certification Application to EPD in a format established by EPD. The application shall include all information required by the Director to determine that the applicant meets the requirements of the Act and this Chapter. An update shall be filed with the Management Contractor, in a format approved by EPD, no later than the next business day for any change in the information in or submitted with the application.
 - (b) has obtained the age of 18 prior to attending the inspector training class;
 - (c) has completed the appropriate EPD-approved training program for the type of inspection he or she will be performing;
 - (d) has obtained training on the proper operation of inspection equipment from the manufacturer of the GAS that will be used to perform the emission inspections;
 - (e) has passed a written and practical test of proficiency, and,
 - (f) holds a valid Certificate as a certified emission inspector issued by the Director.
- (2) The EPD-approved training program will include information on:
 - (a) air pollution, its causes and effects;
 - (b) the purpose and functions of the I/M Program;
 - (c) inspection regulations and procedures, including technical details and the rationale for their design;
 - (d) emission control devices, their functions, configuration, identification and inspection;
 - (e) Georgia Analyzer System (GAS) operation, calibration and maintenance;

- (f) quality control procedures and their purpose;
 - (g) public relations; and
 - (h) safety and health issues related to inspections.
- (3) Inspectors must demonstrate knowledge and proficiency in proper inspection procedures. Inspectors must pass (with 80% correct answers) a written test on all aspects of the training. Inspectors must also pass a practical test by demonstrating that they have knowledge about conducting all parts of the inspection correctly.
- (4) The Director shall issue a Certificate and one Inspector picture ID badge to inspectors who satisfactorily complete the EPD-approved training program and pass the written and hands-on tests. Certificates may be suspended or revoked at any time, after notice and offer of a hearing, for failure to conduct inspections properly or to otherwise comply with the Act or this Chapter.
- (5) Unless suspended, revoked or voluntarily surrendered, a Certificate issued by the Director is valid for two years from the date of issuance.
- (a) For inspectors intending to renew their Certificate, a complete application for renewal of an inspector's Certificate must be submitted at least 30 calendar days prior to the expiration of the existing Certificate.
 - (b) The Director shall renew the Certificate upon timely receipt of a renewal application, determination that there is no cause to deny the renewal in accordance with the Act or Chapter 391-3-20 of the Rules, the inspector successfully completing an EPD approved retraining program, and the inspector passing the written test.
- (6) No inspector shall perform an emissions inspection unless he or she is wearing his or her EPD-issued Inspector picture ID badge so the picture is clearly visible on his or her front upper body area. Replacement of a lost, missing, damaged or illegible ID badge is the responsibility of the inspector at a cost of twenty-five dollars (\$25.00) paid to the Management Contractor.
- (7) No inspector shall hold, or attempt to fraudulently obtain two (2) or more valid Certificates.
- (8) Whenever an inspector, after applying for and receiving a Certificate, moves from the address listed in his or her application, the inspector shall notify the Management Contractor of his or her change of address no later than the next business day. The address in the application or as updated by the inspector shall serve as the address for any and all notice required by law.

- (9) No unauthorized person shall use a certified emission inspector's personal access code to perform any part of an emission inspection. No certified emission inspector shall use the personal access code of another certified emission inspector to perform any part of an emission inspection.
- (10) An inspector shall not divulge or authorize the use of his or her personal access code by any other person(s). An inspector shall be held responsible for all inspections performed by any person using his or her personal access code.
- (11) Before an inspector may perform emissions inspections at a station, the Management Contractor must allow the inspector access to the test system(s) at the station. Inspectors must notify the Management Contractor at least three (3) business days before they begin employment at a given station, and no later than the next business day when they cease employment at a station.
- (12) The Director may deny issuance or renewal of a Certificate for cause, including, but not limited to, the inspector's compliance history.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.11

Authority: O.C.G.A. § [12-9-40](#), *et seq.*

History. Original Rule entitled "Schedules for Emission Tests" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: Rule retitled "Inspector Qualifications and Certification." F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule of same title adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.11 adopted. F. June 4, 1996; eff. May 29, 1996.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. June 3, 1997; eff. June 23, 1997.

Amended: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Dec. 2, 1999; eff. Dec. 22, 1999.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.

Amended: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. May 30, 2014; eff. June 19, 2014.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.

Amended: F. Mar. 24, 2021; eff. Apr. 13, 2021.

Amended: F. Mar. 30, 2022; eff. Apr. 19, 2022.

Rule 391-3-20-.12. Schedules for Emission Tests.

- (1) The inspection term shall be annual.
- (2) All covered vehicles must have a current passing Certificate of Emission Inspection, time extension, or waiver to obtain a vehicle registration each year. A passing Certificate of Emission Inspection, time extension, or waiver shall be valid for no more than twelve (12) months and shall be used for no more than one registration renewal by the same owner, except as provided herein.

- (3) Vehicles not subject to [391-3-20-.18](#), which are purchased or obtained by a resident of a covered county, must receive a passing Certificate of Emission Inspection, time extension, or waiver prior to being registered in a covered county. This inspection shall be performed within thirty (30) days of purchasing or obtaining the vehicle. Persons newly establishing residence in a covered county must receive a passing Certificate of Emission Inspection, time extension, or waiver for their covered vehicle(s) within thirty (30) days of establishing residence in the covered county.
- (4) For vehicles which are inspected under paragraph (3), if the vehicle's next registration renewal date is less than 12 months after the date of the passing Certificate of Emission Inspection, time extension, or waiver, that Certificate, time extension, or waiver shall be valid for the current registration and for the next registration renewal by the same owner.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.12

Authority: O.C.G.A. Section [12-9-40](#)*et seq.*

History. Original Rule entitled "Certificate of Emission Inspection" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: Rule retitled "Schedules for Emission Tests". F. Aug. 31, 1994; eff. Sept. 20, 1994.

Amended: F. Apr. 28, 1995; eff. May 18, 1995.

Repealed: New Rule of same title adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.12 adopted. F. June 4, 1996; eff. May 29, 1996.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. June 3, 1997; eff. June 23, 1997.

Amended: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Dec. 2, 1999; eff. Dec. 22, 1999.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.

Amended: F. June 28, 2001; eff. July 18, 2001.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. May 30, 2014; eff. June 19, 2014.

Rule 391-3-20-.13. Certificate of Emission Inspection.

- (1) Inspectors shall provide the motorist or owner of a vehicle which has received an emission inspection a Certificate of Emission Inspection. The Certificate shall be in a form approved by EPD and printed by the GAS such that the information on the Certificate is sharp, clear, legible, and suitable for copying. The Certificate shall include:
 - (a) the Vehicle Identification Number;
 - (b) the license plate number and state;
 - (c) the vehicle make and model year;
 - (d) the inspection date and time;
 - (e) the inspection type (initial, after-repairs reinspection);

- (f) the inspection fee;
 - (g) vehicle odometer reading;
 - (h) fuel type;
 - (i) the inspection results for the on-board diagnostic check or the exhaust emission test with engine RPM, fuel cap test, and tampering inspection;
 - (j) the applicable standards;
 - (k) the pass or fail status for each test, and for the complete emission inspection;
 - (l) the vehicle engine size and number of cylinders;
 - (m) the inspection station's name, physical address, public access telephone number, and Certificate of Authorization number;
 - (n) Certificate of Emission Inspection number;
 - (o) the inspector's Certificate number, name, and signature; and
 - (p) any other information required by EPD.
- (2) In the case of a vehicle that fails the emission inspection, in addition to the failing Certificate of Emission Inspection, the inspector shall provide to the vehicle owner:
- (a) information on the possible availability of warranty emission system repairs and information provided by EPD or the Management Contractor on repairs which may be useful in repairing failed vehicles. Subject to the availability of this information supplied by the EPA, and revised test system software, EPD may modify or waive this requirement;
 - (b) an Emissions Repair Form. This form, provided by EPD or the Management Contractor (via the GCAF website at www.cleanairforce.com) or the GAS shall include a checklist of common repairs and spaces for the repair technician to insert: his or her name; the business name, address, and telephone number; and the cost of repairs; and
 - (c) access to the current, quarterly Repair Watch Public Report provided by EPD or the Management Contractor on repair facilities that have a documented history of emission related repairs on vehicles which have failed the emission inspection.
- (3) Station owners shall purchase E-Certs from EPD or the Management Contractor at a price established by this Chapter. The method for fee collection and E-Cert distribution shall be as established by EPD.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.13

Authority: O.C.G.A. § [12-9-40](#), *et seq.*

History. Original Rule entitled "Emission Inspection Sticker" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: Rule retitled "Certificate of Emission Inspection." F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule, same title adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.13 adopted. F. June 4, 1996; eff. May 29, 1996.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Repealed: New Rule entitled "Certificate of Emissions Inspection" adopted. F. Mar. 27, 1998; eff. Apr. 16, 1998.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Dec. 2, 1999; eff. Dec. 22, 1999.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.

Amended: F. June 28, 2001; eff. July 18, 2001.

Amended: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. May 30, 2014; eff. June 19, 2014.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. Mar. 30, 2022; eff. Apr. 19, 2022.

Rule 391-3-20-.14. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.14

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.*

History. Original Rule entitled "Repairs and Retests" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: Rule retitled "Emission Inspection Sticker". F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule, same title adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-33-.14 0. adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: Rule retitled "Emissions Inspection Sticker". F. Mar. 27, 1998; eff. Apr. 16, 1998.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Repealed: Rule Reserved. F. Dec. 2, 1999; eff. Dec. 22, 1999.

Rule 391-3-20-.15. Repairs and Retests.

- (1) Owners of vehicles which fail any portion of the emission inspection shall have necessary maintenance and repairs performed. Vehicles which are brought to an inspection station operated by the same owner as the station which performed the original inspection within 30 days of an inspection failure, will be given one reinspection at no additional charge. If any additional reinspections are required to pass the inspection requirement, another inspection fee shall be charged. This fee will cover one reinspection and, if required, one additional reinspection.
- (2) Owners of vehicles presented for reinspection shall present a completed Emissions Repair Form. No reinspection, whether paid or unpaid, shall be performed unless the repair information form has been completed and submitted to the inspection station. The repair information form should be completed by the repair facility which repaired the vehicle or by the vehicle owner. The information from the form shall be entered into the VID by the inspector performing the reinspection.

- (3) Repairs by the owner or other persons who are not recognized repair technicians are permitted; however, the cost of such repairs, except repairs to primary emission control components, shall not be counted toward a waiver for any 1980 or newer model year vehicle.
- (4) Except as noted, reinspections shall consist only of the failed portions of the previous inspection, i.e., exhaust, fuel cap, tampering, OBD, provided the previous inspection results are retrieved electronically by the GAS. For an exhaust emission reinspection, the vehicle must pass the inspection for all required pollutants (HC, CO). For an OBD system reinspection, the vehicle must pass the complete OBD system check.
- (5) Vehicles which pass the reinspection will receive a passing Certificate of Emission Inspection.
- (6) A station owner that is not the owner of the inspection station which performed the previous initial inspection or paid after-repairs reinspection may perform a free after-repairs reinspection provided the free after-repairs reinspection is performed within 30 days of the previous inspection, and the previous inspection was a paid inspection.
- (7) When the inspector is presented with a vehicle for a reinspection, the inspector shall verify that the vehicle being submitted for the reinspection matches the vehicle specified on the previous failing Certificate of Emission Inspection and on the Emissions Repair Form.
- (8) No station owner or inspector shall charge the motorist or vehicle owner for an after-repairs reinspection, unless a new E-Cert is used and a new Certificate of Emission Inspection is issued containing a new number. The number of any previously issued Certificate of Emission Inspection shall be used only for a reinspection that is free of charge to the motorist or vehicle owner and only in accordance with the requirements of this Chapter.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.15

Authority: O.C.G.A. § [12-9-40](#), *et seq.*

History. Original Rule entitled "Extensions, Reciprocal Tests" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: Rule retitled "Repairs and Retests." F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule, same title adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-33-.150. adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Dec. 2, 1999; eff. Dec. 22, 1999.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.

Amended: F. June 28, 2001; eff. July 18, 2001.

Amended: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. May 30, 2014; eff. June 19, 2014.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. Mar. 30, 2022; eff. Apr. 19, 2022.

Rule 391-3-20-.16. Extensions and Reciprocal Inspections. Amended.

- (1) Owners of vehicles which are temporarily stationed in a location which is outside the covered counties, and which cannot obtain a reciprocal inspection by another State's emission inspection program, or be easily brought to the covered counties for inspection may request an extension of time to comply. Each request for an extension shall include current proof that the vehicle and owner are stationed outside the covered counties, e.g., military orders, school registration or other documentation acceptable to EPD. Extensions may be granted for up to one year.
- (2) Vehicles stationed outside the covered counties may comply with the inspection requirement by passing a reciprocal emission inspection from an inspection program approved by the U.S. Environmental Protection Agency.
- (3) Extensions may be granted by EPD, the Management Contractor or an authorized agent of EPD.
- (4) Extensions are valid for no more than one inspection term and shall be used for no more than one registration renewal.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.16

Authority: O.C.G.A. Section [12-9-40](#)*et seq.*

History. Original Rule entitled "Waivers" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: Rule retitled "Extensions, Reciprocal Tests." F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule, same title, adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.16 adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. June 3, 1997; eff. June 23, 1997.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Dec. 2, 1999; eff. Dec. 22, 1999.

Amended: F. June 28, 2001; eff. July 18, 2001.

Repealed: New Rule entitled "Extensions and Reciprocal Inspections" adopted. F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. May 30, 2014; eff. June 19, 2014.

Note: Correction of typographical error in Rule 391-3-20-.16 title on SOS Rules and Regulations website, as requested by the Agency. "Extensions, Reciprocal Inspections" corrected to "Extensions and Reciprocal Inspections. Amended", as amended by filing May 30, 2014; eff. Jun. 19, 2014. Effective February 7, 2019.

Rule 391-3-20-.17. Waivers.

- (1) Vehicles which fail a reinspection despite expenditures over a set dollar amount on appropriate repairs and which have met certain other criteria may be granted a waiver from complying with the inspection requirements for that registration period. Expenditures must be reasonable costs as determined by the Director.
- (2) In order to obtain a waiver the following criteria must have been met:
 - (a) Repair Costs:

1. A yearly expenditure, as required by OCGA [12-9-48\(d\)\(2\)](#), must have been made on qualifying repairs after the vehicle fails the initial inspection. The amount will be adjusted each year to reflect the change in the Consumer Price Index after 1989, which was \$450. At the start of each inspection term, EPD will determine the new effective amount in accordance with these requirements and will make that information available at the GCAF website, www.cleanairforce.com. For vehicles which otherwise qualify for waivers based on a prior calendar inspection term, the waiver limit shall be that prior year's level of qualifying repairs.
 2. No cost for labor performed by a vehicle owner in the repair of his or her own vehicle shall be applied toward the repair waiver amount, except that a fleet owner may apply the actual cost of labor and parts, excluding any and all overhead costs, toward the waiver amount.
- (b) Receipts for these expenditures shall be submitted by the vehicle owner. Vehicle owners shall present the vehicle for which the waiver is requested to an authorized waiver inspection facility for verification of waiver eligibility. This verification shall include an inspection of the vehicle to confirm that reported repairs have been performed and to assess possible reasons for the vehicle's failure to meet the emission inspection requirements.
- (c) Receipts for parts and labor expenditures being considered for a repair waiver shall be submitted from a licensed business that performs emissions repairs to qualify. Repair forms shall adequately describe the vehicle by indicating, at a minimum, the VIN of the vehicle and shall also indicate date of service.
1. Vehicles must have qualifying repair receipts that are dated not more than 30 days prior to the initial failing inspection for the current registration cycle;
 2. Repair receipts shall only be used to obtain a single waiver.
- (d) Qualifying repairs do not include:
1. repair or replacement of tampered emissions control equipment;
 2. repairs performed by persons other than a recognized repair technician, except for repairs to primary emissions control components;
 3. repairs that are unrelated to emissions performance or are inappropriate for the type of test failure.
- (e) Motorists must utilize emission performance warranty coverage. If the vehicle is within the age and mileage limitations of the federal Clean Air Act warranty

provisions contained in Section 207(b), the owner must present a written denial of warranty coverage from the manufacturer or authorized dealer.

- (f) Repairs shall address the OBD system failure or have produced a reduction in tailpipe emission of pollutants which failed during the previous initial inspection. Reinspection exhaust emission levels for pollutants which originally passed shall not exceed the relevant standards.
 - (g) Waivers shall be issued by EPD, the Management Contractor or an authorized agent of EPD. Before issuing a waiver, the issuer shall verify that receipts for qualifying repairs equaling or exceeding the established waiver amount have been submitted, verify the repairs have been made by presenting the vehicle for a visual inspection and that the vehicle is otherwise qualified to receive a waiver.
- (3) Waivers are valid for no more than twelve (12) months and shall be used for no more than one registration.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.17

Authority: O.C.G.A. § [12-9-40](#), *et seq.*

History. Original Rule entitled "Sale of Vehicles" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: Rule retitled "Waivers". F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: Rule reserved. F. Apr. 28, 1995; eff. May 18, 1995.

Amended: New Rule entitled "Waivers" adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.17 adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. June 3, 1997; eff. June 23, 1997.

Amended: F. Dec. 5, 1997; eff. Dec. 25, 1997.

Amended: F. Mar. 27, 1998; eff. Apr. 16, 1998.

Amended: F. Oct. 23, 1998; eff. Nov. 12, 1998.

Amended: F. Dec. 2, 1999; eff. Dec. 22, 1999.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.

Amended: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Dec. 5, 2003; eff. Dec. 25, 2003.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Dec. 21, 2005; eff. Jan. 10, 2006.

Amended: F. Dec. 21, 2006; eff. Jan. 10, 2007.

Amended: F. Dec. 7, 2007; eff. Dec. 27, 2007.

Amended: F. Dec. 8, 2008; eff. Dec. 28, 2008.

Amended: F. May 30, 2014; eff. June 19, 2014.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.

Amended: F. Mar. 30, 2022; eff. Apr. 19, 2022.

Rule 391-3-20-.18. Sale of Vehicles.

- (1) No person may sell a responsible motor vehicle intended for highway use unless that vehicle has a current valid passing certificate of emissions inspection if, after purchase, the vehicle will be registered in one of the Covered Counties listed in rule [391-3-20-.02](#).
- (2) A current valid passing Certificate of Emission Inspection is not required for any motor vehicle that might otherwise be subject to a pre-sale emission inspection, but is sold for salvage or for parts rather than for use as a motor vehicle on the streets and highways, provided that said vehicle is not in fact operated on the streets and highways, but is towed or hauled by some other vehicle. The purpose for which the vehicle is sold shall be indicated by the seller on the bill of sale.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.18

Authority: O.C.G.A. § [12-9-40](#), et seq., as amended.

History. Original Rule entitled "Program Contractor" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: F. May 24, 1994; eff. June 13, 1994.

Amended: Rule retitled "Sale of Vehicles." F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule of same title adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.18 adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. June 3, 1997; eff. June 23, 1997.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Dec. 2, 1999; eff. Dec. 22, 1999.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. May 30, 2014; eff. June 19, 2014.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Rule 391-3-20-.19. Management Contractor.

- (1) The Director, on behalf of the Board of Natural Resources, may contract with any person, corporation or entity as necessary to implement and adequately enforce and ensure compliance with the State Inspection Program. The Department may contract for the design and operation of a centralized data system and other functions as determined by the Director.
- (2) The Management Contractor will be responsible for designing and maintaining an inspection database that will include all vehicles subject to inspection in the covered counties. This database will include all inspection-related information required by the Act and this Chapter or by the management contract. Access to the information in this database shall be made available to EPD for oversight, data analysis and other purposes, and to the Georgia Department of Revenue, Motor Vehicle Division or its successor agency for the purpose of determining compliance with the inspection requirement for vehicles which are to be registered. Data in this database may not be used for any other purpose unless specifically authorized by the Director.

- (3) The Management Contractor, and its employees, shall not be engaged in, or have any financial interest in, the repair of motor vehicles, or in the operation of any emission inspection station. Financial interest in the repair of vehicles shall include the ownership or operation of repair facilities or the sale of motor vehicles or motor vehicle parts.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.19

Authority: O.C.G.A. Section [12-9-40](#) *et seq.*

History. Original Rule entitled "Alternate Inspection Stations" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: Rule retitled "IM240 Program Contractor." F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule entitled "Management Contractor" adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.19 adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. June 3, 1997; eff. June 23, 1997.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.

Amended: F. June 27, 2002; eff. July 17, 2002.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. May 30, 2014; eff. June 19, 2014.

Rule 391-3-20-.20. Referee Program.

- (1) Should a vehicle owner question the emission inspection procedures, GAS accuracy or validity of the inspection results, the owner may request that a referee inspection be performed on the vehicle, provided no repairs have been made on the vehicle since the inspection in question. The owner must request the referee inspection within fifteen (15) business days of the inspection in question.
- (2) Referee inspections shall be observed by EPD or the Management Contractor at a mutually agreed upon time at the inspection station where the inspection in question was performed.
- (3) Prior to any referee inspection, EPD or the Management Contractor will review all calibration records to ensure that the GAS at the applicable station are meeting the appropriate specifications. EPD or the Management Contractor will then observe the referee inspection performed by station personnel to ensure that it is properly performed.
- (4) If the vehicle passes the referee test, the vehicle will be given a passing Certificate of Emission Inspection.
- (5) EPD may request that a referee inspection be performed on a vehicle at any reasonable time.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.20

Authority: O.C.G.A. § [12-9-40](#), *et seq.*, as amended.

History. Original Rule entitled "Certificates of Authorization; Station Contract" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: Rule retitled "Alternate IM240 Program Inspection Stations." F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule entitled "Referee Program" adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.20 adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. Dec. 2, 1999; eff. Dec. 22, 1999.

Amended: F. June 28, 2001; eff. July 18, 2001.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. May 30, 2014; eff. June 19, 2014.

Amended: F. Mar. 8, 2018; eff. Mar. 28, 2018.

Rule 391-3-20-.21. Inspection Fees.

- (1) The emission inspection fee shall be due from the motorist or vehicle owner when the vehicle starts the inspection process. Vehicles which are rejected prior to the start of the inspection process for being unsafe to inspect shall not be charged a fee.
- (2) The emission inspection fee paid by the motorist or vehicle owner to the inspection station owner shall consist of the program administration fee plus a fee for performing the inspection. The emission inspection fee shall be established by the inspection station owner but shall be no less than \$10.00 and no more than \$25.00. The fee will cover an initial inspection, plus one free reinspection. Another reinspection fee will be charged for subsequent re-inspections; this fee will cover one reinspection and, if required, one additional reinspection.
- (3) Program Administration Fees.
 - (a) Each inspection station owner shall remit to the Director a program administration fee of four dollars and two cents (\$4.02) for each E-Cert purchased.
 - (b) Each owner of a fleet inspection station where EPD has required the installation and operation of a video camera surveillance system, shall remit to the Director a program administration fee of five dollars and two cents (\$5.02) for each E-Cert purchased.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.21

Authority: O.C.G.A. Section [12-9-40](#)*et seq.*

History. Original Rule entitled "Referee Program and Program Evaluation" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: F. May 24, 1994; eff. June 13, 1994.

Amended: Rule retitled "RG240 Program Inspection Stations." F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule entitled "Inspection Fees" adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.21 adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. June 3, 1997; eff. June 23, 1997.

Amended: F. Oct. 23, 1998; eff. Nov. 12, 1998.

Amended: F. June 18, 1999; eff. July 8, 1999.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.

Amended: F. Mar. 1, 2001; eff. Mar. 21, 2001.

Amended: F. June 28, 2001; eff. July 18, 2001.

Amended: F. June 27, 2002; eff. July 17, 2002.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.
Amended: F. Sept. 6, 2007; eff. Sept. 26, 2007.
Amended: F. May 30, 2014; eff. June 19, 2014.

Rule 391-3-20-.22. Enforcement.

- (1) The administration and enforcement of this Chapter shall be as prescribed in the Act and in compliance with the minimum applicable requirements as prescribed by the Georgia Administrative Procedures Act (O.C.G.A. Section [50-13-1](#), et seq., as amended).
- (2) Suspensions and Revocations.
 - (a) Whenever a Certificate of Authorization has been suspended and that Certificate expires during the suspension period, the inspection station owner may not obtain a Certificate of Authorization until the term of the suspension has expired. Whenever a Certificate of Authorization has been revoked or surrendered as a result of enforcement action, the inspection station owner may not apply for a new Certificate of Authorization for a minimum of two years from the date of the revocation or surrender.
 - (b) Whenever an inspector's Certificate has been suspended and that Certificate expires during the suspension period, the inspector may not obtain a Certificate until the term of the suspension has expired. Whenever an inspector's Certificate has been revoked or surrendered as a result of enforcement action, the inspector shall surrender his or her Inspector picture ID badge and may not apply for a new Certificate for a minimum of two years from the date of the revocation or surrender.
- (3) Any inspection station whose Certificate of Authorization has been revoked or surrendered as a result of enforcement action will not be eligible for listing in the Repair Watch Public Report.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.22

Authority: O.C.G.A. § [12-9-40](#), et seq.

History. Original Rule entitled "Inspection Fees" adopted. F. Nov. 1, 1993; eff. Nov. 21, 1993.

Amended: F. May 24, 1994; eff. June 13, 1994.

Amended: Rule retitled "Certificates of Authorization; Station Contract." F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: New Rule entitled "Enforcement" adopted. F. Aug. 28, 1995; eff. Sept. 17, 1995.

Amended: ER. 391-3-20-0.33-.22 adopted. F. June 4, 1996; eff. May 29, 1996, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 26, 1996; eff. Sept. 15, 1996.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.

Amended: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. May 30, 2014; eff. June 19, 2014.

Amended: F. Mar. 30, 2022; eff. Apr. 19, 2022.

Rule 391-3-20-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.23

Authority: O.C.G.A. Sec. [12-9-40](#) *et seq.*, as amended.

History. Rule entitled "Violation of Law or Rules Penalty" adopted. F. Nov. 1, 1993; eff. November 21, 1993.

Amended: Rule retitled "Referee Program and Program Evaluation" adopted. F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: F. Aug. 28, 1995; eff. Sept. 17, 1995.

Rule 391-3-20-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.24

Authority: O.C.G.A. Sec. [12-9-40](#) *et seq.*, as amended.

History. Rule entitled "Hearings" adopted. F. Nov. 1, 1993; eff. November 21, 1993.

Amended: Rule retitled "Inspection Fees" adopted. F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: F. Aug. 28, 1995; eff. Sept. 17, 1995.

Rule 391-3-20-.25. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.25

Authority: O.C.G.A. Sec. [12-9-40](#) *et seq.*, as amended.

History. Rule entitled "Violation of Law or Rules: Penalty" adopted. F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: F. Aug. 28, 1995; eff. Sept. 17, 1995.

Rule 391-3-20-.26. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-20-.26

Authority: O.C.G.A. Sec. [12-9-40](#), *et seq.*

History. Original Rule entitled "Hearings" adopted. F. Aug. 31, 1994; eff. Sept. 20, 1994.

Repealed: F. Aug. 28, 1995; eff. Sept. 17, 1995.

Subject 391-3-21. GRANT PROGRAMS.

Rule 391-3-21-.01. Terminated.

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.01

Authority: O.C.G.A. Sec. [12-8-20](#) *et seq.*

History. Original grant description entitled "Scrap Tire Enforcement and Education Grant Program" submitted April 14, 1994.

Submitted: Sept. 27, 1994.

Submitted: Sept. 20, 1995.

Submitted: Oct. 2, 1997.

Submitted: Oct. 20, 1998.

Submitted: Grant description entitled "Local Government Enforcement and Education Grant Program" received May 8, 2000.

Submitted: Mar. 12, 2001.

Submitted: Nov. 28, 2001.

Terminated: July 13, 2004.

Rule 391-3-21-.02. Terminated.

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.02

Authority: O.C.G.A. Sec. [12-8-20](#)*et seq.*

History. Original grant description entitled "Scrap Tire Pile Clean Up Grant Program" submitted April 14, 1994.

Submitted: Sept. 27, 1994.

Submitted: Sept. 20, 1995.

Submitted: Oct. 2, 1997.

Submitted: Grant description entitled "Scrap Tire Pile Clean Up Program" received Oct. 20, 1998.

Terminated: July 13, 2004.

Rule 391-3-21-.03. Drinking Water Fluoridation Grant Program.

- (1) **Purpose.** The purpose of this grant is to provide funds for the purchase of and installation of fluoridation feed equipment and fluoride chemicals.
- (2) **Terms and Conditions.** A contract is awarded to provide purchase and installation of fluoridation feed equipment and fluoride chemicals. The contract period is for one year from the time of signature of contract.
- (3) **Eligible Recipients.** Incorporated communities lying wholly within the State.
- (4) **Criteria for Award.** Contracts are awarded on the request from incorporated communities lying wholly within the State based on order of request or on an emergency basis.
- (5) **Directions and Deadlines for Applying.** Requests for information should be made to the EPD, Drinking Water Program, Fluoridation Grant, 205 Butler Street, TTE - 1362, Atlanta, Georgia 30334. There are no deadlines for applying.

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.03

Authority: O.C.G.A. Sec. [12-5-175](#).

History. Original grant description entitled "Drinking Water Fluoridation Grant Program" submitted May 25, 1994.

Submitted: July 1, 1994.

Submitted: July 26, 1995.

Rule 391-3-21-.04. Section 319(h) Nonpoint Source Implementation Grant FY 2005 - FY 2011.

- (1) Statutory Basis: O.C.G.A. [28-5-120](#).

(2) General Scope and Purpose of the Grant Program: Under Section 319(h) of the Clean Water Act, the U.S. Environmental Protection Agency awards a Nonpoint Source Implementation Grant to the State to fund eligible projects which support the implementation of the Georgia Nonpoint Source Management Program (Revision - August 2000). Section 319(h) Nonpoint Source Implementation Grant funds for the prevention, control and/or abatement of nonpoint sources of pollution are made available to eligible recipients in Georgia.

(3) General Terms and Conditions of the Grant: The general terms and conditions of the grant are:

(a) Section 319(h) Nonpoint Source Implementation Grant projects must specifically identify the nonpoint sources of pollution to be addressed and the activities proposed to prevent, control and/or abate these nonpoint sources of pollution.

(b) Maximum Federal reimbursement for a Section 319(h) Nonpoint Source Implementation Grant project is 60 percent of the total project cost.

Therefore, each recipient must provide non-Federal matching funds or in-kind services for a minimum of 40 percent of the total project cost.

(c) Types of activities which are eligible include: regulatory or non-regulatory programs for enforcement, technical assistance, financial assistance, education, training, technology transfer, TMDL implementation projects, watershed restoration projects, demonstration projects, update and refinement of nonpoint source programs and assessments, monitoring to assess the success of specific nonpoint source implementation projects, urban stormwater control activities that are not specifically required by draft or final NPDES permit, and certain ground water activities. Lake protection and restoration activities are eligible provided that they are not used for "in-lake" work such as aquatic macrophyte harvesting or dredging unless the nonpoint sources of pollution will be remediated.

(d) Section 319(h) Nonpoint Source Implementation Grant projects must conform to all applicable legal requirements of Section 319, 40 CFR Part 31 and 40 CFR Part 35, Subpart A, and the requirements of OMB Circular A-87, A-102 and A-110, and must be consistent with the goals, objectives and priorities in the Georgia Nonpoint Source Management Program (Revision - August 2000).

(4) Eligible Recipients of the Grant: Eligible recipients of the Section 319(h) Nonpoint Source Implementation Grant funds include local, regional and State units of government, local authorities which operate local government service delivery programs, regional development centers, local school systems, State college and universities, and State agencies. Local governments must have Qualified Local Government status, in compliance with the requirements of the Georgia Planning Act of 1989 and Service Delivery Strategy Law of 1997.

- (5) Criteria for the Award: The Section 319(h) Nonpoint Source Implementation Grant funds are limited. Therefore, a competitive process is used to ensure that the most appropriate projects are selected for funding. Each project proposal will be evaluated to determine if the proposed project is an eligible activity and all eligible project proposals will be ranked based on the selection criteria below. Section 319(h) Nonpoint Source Implementation Grant awards are contingent upon review and approval of the U.S. Environmental Protection Agency and funding by Congress.
- (6) Key Ranking Factors for Competitive Project Selection: Project proposals must specifically identify the nonpoint sources of pollution to be addressed and the activities proposed to prevent, control and/or abate these nonpoint sources of pollution. Project proposals must also support the milestones and/or implementation activities described in the Georgia Nonpoint Source Management Program (Revision - August 2000). Finally, project proposals must include an appropriate component to evaluate the effectiveness (i.e., measure of success) of the project (e.g., water quality monitoring, beneficial use assessment, environmental indicators).

If the project is implementing structural best management practices, the project must ensure that the practices will be operated and maintained for a period of at least five to ten years. In addition, the project must annually provide (for nitrogen, phosphorus and/or sediment) an estimate of load reductions achieved by the project and (for streambank and wetlands protection or restoration projects) the linear feet of streambank, or acres of wetlands, protected or restored.

If a project proposal includes water quality monitoring, a detailed Quality Assurance Project Plan (QAPP) is required. The requirements for QAPP are contained in EPA QA/G-5, EPA Requirements for Quality Assurance Project Plans for Environmental Data Operations.

The following selection criteria apply to all Section 319(h) Nonpoint Source Implementation Grant FY2005 - FY2011 project proposals:

- (a) Priority will be given to project proposals resulting in measurable (i.e., quantitative) improvements in water quality.
- (b) Priority will be given to project proposals implementing structural best management practices to prevent, control and/or abate nonpoint sources of pollution.
- (c) Priority will be given to project proposals implementing actions to alleviate the "criterion violated" identified in the Section 303(d) and Section 305(b) lists of waters which are partially or not supporting designated or beneficial uses due to nonpoint sources of pollution. Emphasis will be placed on projects addressing waters listed for biota, habitat, and/or sediment.

- (d) Priority will be given to project proposals implementing the nonpoint source components of TMDLs that have been finalized as of November 30, 2010 under Section 303(d) of the Clean Water Act.
 - (e) Priority will be given to project proposals developing, revising and/or implementing TMDL Implementation Plans and/or Watershed Improvement Plans to prevent, control and/or abate nonpoint sources of pollution. Emphasis will be placed on projects implementing Extended Revisions of TMDL Implementation Plans, or plans developed with Section 319(h) funds.
 - (f) Priority will be given to project proposals that support a watershed management approach utilizing cooperating partnerships and/or involving multi-governmental agencies. Emphasis will be placed on projects conducted in conjunction with other nonpoint source management activities within the watershed.
 - (g) Priority will be given to projects that include structural and/or managerial improvements that prevent and/or correct the adverse hydrologic impacts of increased impervious surface in a watershed. In order to receive this priority ranking, grantees must develop and implement or have in place development ordinances, stream buffer protections wider than state minimums, or other local mechanisms to ensure long-term success in minimizing the potential future impacts of hydrologic modifications.
 - (h) Priority will be given to project proposals that address and/or implement management measures, enforceable policies and mechanisms that will result in *Georgia's Coastal Nonpoint Source Management Program* being fully approvable under Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA).
 - (i) Priority will be given to projects located in priority watersheds, as determined by GAEPD and USEPA, that are implementing watershed-based implementation, restoration and/or planning.
- (7) Directions and Deadlines for Applying: Requests for copies of the general guidelines for preparing a Section 319(h) Nonpoint Source Implementation Grant proposal should be made to:

Georgia Department of Natural Resources

Environmental Protection Division

ATTN: NonPoint Source Program

4220 International Parkway

Suite 101

Atlanta, GA 30354

Deadline for submitting proposals: **November 30, 2010.**

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.04

Authority: 40 CFR Part 31, O.C.G.A. Sec. [28-5-120](#).

History. Original grant description entitled "Non-point Source Management Grant Program" submitted June 27, 1994.

Submitted: Grant description entitled "Non-Point Source Management Grant Program - FY 1995" received Aug. 15, 1994.

Submitted: Grant description entitled "Non-point Source Management Grant Program FY 1996" received Sept. 20, 1995.

Submitted: Grant description entitled "Non-point Source Management Grant Program FY 1997" received May 20, 1996.

Submitted: Grant description entitled "Section 319(h) Nonpoint Source Implementation Grant FY 1998" received Feb. 2, 1998.

Submitted: Grant description entitled "Section 319(h) Nonpoint Source Implementation Grant FY 1999" received Nov. 3, 1998.

Submitted: Grant description entitled "Section 319(h) Nonpoint Source Implementation Grant FY 1996" received Dec. 7, 1998.

Submitted: Grant description entitled "Section 319(h) Nonpoint Source Implementation Grant FY 1995, FY 1997, FY 2000" received Dec. 28, 1999.

Submitted: Grant description entitled "Section 319(h) Nonpoint Source Implementation Grant FY 1995, FY 1998, FY 1999, FY 2001" received Oct. 5, 2000.

Submitted: Grant description entitled "Section 319(h) Nonpoint Source Implementation Grant FY 1999, FY 2000, and FY 2001" received Sept. 28, 2001.

Submitted: Grant description entitled "Section 319(h) Nonpoint Source Implementation Grant FY 1996, FY 1997, FY 1998, and FY 2002" received Sept. 28, 2001.

Submitted: Grant description entitled "Section 319(h) Nonpoint Source Implementation Grant FY 1996 - 2004" received May 29, 2003.

Submitted: Nov. 10, 2003.

Submitted: Grant description entitled "Section 319(h) Nonpoint Source Implementation Grant FY1996 - FY2005" received Mar. 2, 2004.

Submitted: Grant description entitled "Section 319(h) Nonpoint Source Implementation Grant FY1999 - FY2006" submitted Mar. 31, 2005.

Submitted: Grant description entitled "Section 319(h) Nonpoint Source Implementation Grant FY1999 - FY2007" submitted Jan. 26, 2006.

Submitted: Grant description entitled "Section 319(h) Nonpoint Source Implementation Grant FY1999 - FY2008" received Feb. 16, 2007.

Submitted: Grant description entitled "Section 319(h) Nonpoint Source Implementation Grant FY2002 - FY2009" received June 3, 2008.

Submitted: Grant description entitled "Section 319(h) Nonpoint Source Implementation Grant FY2005 - FY2011" received June 21, 2010.

Rule 391-3-21-.05. Grants to State and Local Governments from the Hazardous Waste Trust Fund.

(1) **Statutory Authority:** O.C.G.A. [12-8-90](#)*et seq.*

- (2) **General Scope and Purpose.** The purpose of this grant is to provide financing to state and local governments for their share of costs associated with the investigation, remediation, post-closure care and maintenance of sites placed on the National Priority List pursuant to the federal Comprehensive Response, Compensation, and Liability Act of 1980, as amended, or sites placed on the Hazardous Site Inventory pursuant to O.C.G.A. Section [12-8-97](#).
- (3) **Terms and Conditions.** The terms and conditions of the grant are:
- (a) For state or local governments that have been designated as a responsible party for a site, and that are not the owner of the site, the Director may pay up to 50% of the first \$500,000 of eligible costs, as described in Rule [391-3-19-.09\(4\)\(a\)](#), and up to 25% of all eligible costs exceeding \$500,000.
 - (b) For state or local governments, excluding counties or municipal corporations, that have been designated as a responsible party for a site, and that are the owner of the site, the Director may pay up to 50% of the first \$500,000 of eligible costs, as described in Rule [391-3-19-.09\(4\)\(a\)](#), and up to 25% of all eligible costs exceeding \$500,000.
 - (c) For counties or municipal corporations that have been designated as a responsible party for a site and that own or operate such site, the Director shall pay 100% of the first \$500,000 of eligible costs, as described in Rule [391-3-19-.09\(4\)\(a\)](#), and may pay up to 50% of all eligible costs exceeding \$500,000.
 - (d) In the event that the unencumbered balance of the Hazardous Waste Trust Fund falls below \$4.0 million, the Director may suspend the provision of financial assistance to state and local governments as described herein.
 - (e) Total payment of eligible costs, as described in Rule [391-3-19-.09\(4\)\(a\)](#), from the Hazardous Waste Trust Fund shall in no event exceed \$2,000,000 per site.
 - (f) Those costs set forth and described in Rule [391-3-19-.09\(4\)\(b\)](#) are not eligible for payment pursuant hereto.
- (4) **Eligible Recipients.** A state or local government that meets all the eligibility requirements described in Rule [391-3-19-.09\(2\)](#) may receive financial assistance from the Hazardous Waste Trust Fund as described in Paragraph (3) above, "**Terms and Conditions**." For purposes of this Rule, "state" means any agency, board, bureau, commission or authority of the State of Georgia. For purposes of this Rule, "local government" means any county or municipality or consolidated city-county government, any local solid waste management authority, or any regional solid waste management authority created pursuant to O.C.G.A. Section [12-8-53](#) of the Comprehensive Georgia Solid Waste Management Act.
- (5) **Criteria for the award.** There is no competitive ranking of applications for financial assistance; a state or local government that meets all the eligibility requirements

described in Rule [391-3-19-.09\(2\)](#) may receive financial assistance from the Hazardous Waste Trust Fund as described in Paragraph (3) above, "**Terms and Conditions.**"

- (6) **Directions and Deadlines for applying.** There are no deadlines for applying. Requests for information and applications should be directed to the:

Environmental Protection Division

Hazardous Sites Response Program

205 Butler Street SW, Suite 1462

Atlanta, Georgia 30334

Phone (404) 657-8600

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.05

Authority: O.C.G.A. Sec. [12-8-90](#)*et seq.*

History. Original grant description entitled "Funding to State and Local Governments from the Hazardous Waste Trust Fund" received November 30, 1995.

Submitted: Grant description entitled "Grants to State and Local Governments from the Hazardous Waste Trust Fund - FY 1997" received June 26, 1996.

Submitted: Grant description entitled "Grants to State and Local Governments from the Hazardous Waste Trust Fund - FY 1998" received June 30, 1997.

Submitted: Grant description entitled "Grants to State and Local Governments from the Hazardous Waste Trust Fund - FY 1999" received July 17, 1998.

Submitted: Grant description entitled "Grants to State and Local Governments from the Hazardous Waste Trust Fund - FY 2000" received July 9, 1999.

Submitted: Grant description entitled "Grants to State and Local Governments from the Hazardous Waste Trust Fund - FY 2001" received July 7, 2000.

Submitted: Grant description entitled "Grants to State and Local Governments from the Hazardous Waste Trust Fund" received June 26, 2001.

Rule 391-3-21-.06. Chattahoochee Basin Downstream Assistance (CBDA) Grant Program.

- (1) **Statutory Basis:** S.F.Y. 1996 - 1997 (Act No. 1037).
- (2) **General Scope and Purpose of the Grant.** The general purpose and scope of this grant program is to provide assistance to local governments in the Chattahoochee Basin downstream of the City of Atlanta to deal with water quality problems.
- (3) **General Terms and Conditions of the Grant.** The general terms and conditions of the grant are:

- (a) The grant to the local government will be used for water quality monitoring, to implement projects that mitigate documented water quality problems in the Chattahoochee River, to provide public education on Chattahoochee water quality issues, to develop and/or implement non-point source management strategies or to mitigate documented water treatment problems.
 - (b) Grant awards will range from a minimum of \$10,000 to a maximum of \$1,000,000 per project.
 - (c) The grant shall pay up to 100% of project costs, subject to maximum limitation.
- (4) **Eligible Recipients for the Grant.** Eligible recipient of competitive grants include local and regional units of government including cities, counties and local authorities which operate local government service delivery programs. To be eligible, applicants must be located in and provide services within the Chattahoochee River Basin downstream of the river's confluence with Peachtree Creek. Local governments must have QUALIFIED LOCAL GOVERNMENT STATUS, in compliance with the requirements of the Georgia Planning Act of 1989.
- (5) **Criteria for the Award.** The following minimum requirements apply to all applicants for assistance:
- (a) Applicant must describe the need, purpose and objective of the activity. Details should be provided on the specific type of activities to be carried out with grant assistance.
 - (b) Applicant must provide a detailed line budget highlighting all anticipated sources of project/grant funding as well a detailed line item estimate of all expenses.
 - (c) Applicant must provide a detailed project schedule including start date, completion date and intermediate milestones.
 - (d) Projects must be related to water quality issues involving the Chattahoochee River or direct public use of the river's resources.
- (6) **Directories and Deadlines for Applying.** For a copy of the application form contact:

Department of Natural Resources

Environmental Protection Division

205 Butler Street, S.E., Suite 1058

Atlanta, Georgia 30334

Contact: Mr. Alan Hallum, Branch Chief, Water Protection Branch 404-656-4708

Application Deadline: September 1, 1996.

(7) Selection Criteria.

Each application will be scored on the following eight Project Selection Criteria. Answers to each of the criteria will be scored from 0 to 3, 3 being the highest and most desirable, and an average of the scores determined. Bonus points will be added to the average as indicated. The maximum score possible is 30.

1. **Purpose:** Is the purpose of the project clearly stated, and will the project work achieve the stated purpose?
2. **Schedule:** Is the project appropriately phased, and can all project work reasonably be completed within the proposed schedule?
3. **Budget:** Is the budget adequate and reasonable?
4. **Management:** Has a capable project manager and fiscal manager within the applicant organization been clearly identified?
5. **Methodology:** Is there a demonstrated need for this project at this time? Would the project help meet an identified goal within a local, regional or state plan?
6. **Funding Need:** Would the project fail to be completed without CBDA grant assistance?
7. **Public Participation:** Does the project involve meaningful public participation on a large scale or will results of the project be made available widely to the public?
8. **Local Support:** Is there evidence of local support of this project?

Bonus: Six (6) points will be added to the average score if the project involves the mitigation of a water quality problem documented in the most recent report on Water Quality in Georgia [1305(b) report].

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.06

Authority: O.C.G.A. Sec. [28-5-120](#) *et seq.*

History. Original grant description entitled "Chattahoochee Basin Downstream Assistance (CBDA) Grant Program" received July 11, 1996.

Rule 391-3-21-.07. Section 319(h) Nonpoint Source Implementation Grant.

- (1) Statutory Basis: O.C.G.A. Secs. [28-5-120](#) et seq. and Secs. [12-5-20](#) et seq.
- (2) General Scope and Purpose of the Grant Program: Under Section 319(h) of the Clean Water Act, the U. S. Environmental Protection Agency awards a Nonpoint Source Implementation Grant to the State to fund eligible projects that support the implementation of the most recent revision of the Georgia Nonpoint Source Management Plan. Section 319(h) Nonpoint Source Implementation Grant funds for the prevention, control and/or abatement of nonpoint sources of pollution are made available to eligible recipients in Georgia.
- (3) General Terms and Conditions of the Grant: The general terms and conditions of the grant are:
 - (a) Section 319(h) Nonpoint Source Implementation Grant projects must specifically identify the nonpoint sources of pollution to be addressed and the activities proposed to prevent, control and/or abate these nonpoint sources of pollution.
 - (b) Maximum Federal reimbursement for a Section 319(h) Nonpoint Source Implementation Grant project is 60 percent of the total project cost.

Therefore, each recipient must provide non-Federal matching funds or in-kind services for a minimum of 40 percent of the total project cost.

- (c) Types of activities which are eligible under Federal rules include: regulatory or non-regulatory programs for enforcement, technical assistance, financial assistance, education, training, technology transfer, TMDL implementation projects, watershed restoration projects, demonstration projects, update and refinement of nonpoint source programs and assessments, monitoring to assess the success of specific nonpoint source implementation projects, urban stormwater control activities that are not specifically required by draft or final NPDES permit, and certain ground water activities. Lake protection and restoration activities are eligible provided that they are not used for "in-lake" work such as aquatic macrophyte harvesting or dredging unless the nonpoint sources of pollution will be remediated.
 - (d) Section 319(h) Nonpoint Source Implementation Grant projects must conform to all applicable legal requirements including, but not limited to, Section 319, 40 CFR Part 31, 40 CFR Part 35, Subpart A, and 2 CFR Part 200, 2 CFR Part 1500, and the requirements of OMB Circular A-87, A-102 and A-110, and must be consistent with the goals, objectives and priorities in the most recent revision of the Georgia Nonpoint Source Management Plan.
- (4) Eligible Recipients of the Grant: Eligible recipients of the Section 319(h) Nonpoint Source Implementation Grant funds include; local, regional and State units of government, local authorities which operate local government service delivery programs, regional commissions, resource conservation and development councils, local school

systems, State college and universities, and State agencies. Local government applicants must have Qualified Local Government status, in compliance with the requirements of the Georgia Planning Act of 1989 and Service Delivery Strategy Law of 1997.

- (5) **Criteria for the Award:** The Section 319(h) Nonpoint Source Implementation Grant funds are limited. Therefore, a competitive process is used to ensure that the most appropriate projects are selected for funding. Each project proposal will be evaluated to determine if the proposed project is an eligible activity, and all eligible project proposals will be ranked based on the selection criteria below. Section 319(h) Nonpoint Source Implementation Grant awards are contingent upon review and approval of the U. S. Environmental Protection Agency and funding by Congress.
- (6) **Key Ranking Factors for Competitive Project Selection:** Project proposals must specifically identify the nonpoint sources of pollution to be addressed and the activities proposed to prevent, control and/or abate these nonpoint sources of pollution. Project proposals must also demonstrate cost effectiveness. Project proposals must also support the milestones and/or implementation activities described in the most recent revision of the Georgia Nonpoint Source Management Plan. Finally, project proposals must include an appropriate component to evaluate the effectiveness (i.e., measure of success) of the project (e.g., water quality monitoring, beneficial use assessment, environmental indicators).

If the project is implementing structural best management practices, the project must ensure that the practices will be properly operated and maintained for the reasonable lifespan of the project. In addition, the project must provide (for nitrogen, phosphorus and/or sediment) estimates of load reductions achieved by the project and (for streambank and wetlands protection or restoration projects) the linear feet of streambank, or acres of wetlands, protected or restored for the life of the project.

If a project proposal includes water quality monitoring, a detailed Sampling and Quality Assurance Plan (SQAP) or Quality Assurance Project Plan (QAPP) is required. The requirements for SQAP are contained in EPD's Guidance On Submitting Water Quality Data For Use By The Georgia Environmental Protection Division In 305(b)/303(d) Listing Assessments (SQAP). The requirements for QAPP are contained in EPA QA/G-5, Guidance for Quality Assurance Project Plans.

Project applications will be considered and based on the following criteria. At a minimum, all applications must propose to implement an existing watershed based plan that addresses USEPA's 9-Elements for Watershed Planning and whose area is equal to a single Hydrologic Unit Code (HUC) 10 or smaller. Those applications that do not meet this minimum requirement will *not* be considered for funding.

- (7) **Additional criteria to be used to select projects for funding:**

The following selection criteria apply to all Section 319(h) Nonpoint Source Implementation Grant project proposals:

- (a) Project proposals implementing a watershed-based plan that adequately address USEPA's 9-Elements for Watershed Planning for waters listed as impaired under Section 303(d) of the Clean Water Act, or,
 - (b) Project proposals implementing a watershed-based plan that adequately address USEPA's 9-Elements for Watershed Planning for waters listed as Category 1 under Section 305(b) of the Clean Water Act that supports USEPA's Healthy Watersheds Initiative.
 - (c) Project proposals that implement watershed-based plans that will result in measurable (i.e., quantitative) improvements in water quality by implementing structural and/or nonstructural best management practices to prevent, control and/or abate nonpoint sources of pollution.
 - (d) Project proposals implementing actions contained within watershed-based plans that adequately address USEPA's 9-Elements for Watershed Planning to alleviate the "criterion violated" identified in the Section 303(d) and Section 305(b) lists of waters, which are not supporting designated or beneficial uses due to nonpoint sources of pollution.
 - (e) Project proposals that support a watershed management approach utilizing cooperating partnerships and/or involving multi-governmental agencies. Emphasis will be placed on projects conducted in conjunction with other nonpoint source management activities within the watershed as well as projects conducted across jurisdictional boundaries.
- (8) Additional priority will be given to projects that:
- (a) Specifically target waterbodies impaired for violating and/or addressing pathogens, dissolved oxygen, sediment, and/or nutrients;
 - (b) Projects that propose implementing management practices identified within the appropriate Regional Water Plan;
 - (c) Demonstrate environmental benefits beyond addressing NPS impairments. These benefits may include but are not limited to: environmental justice, protection of healthy streams, air quality, water conservation, energy conservation, stream flow profile, habitat connectivity, and others;
 - (d) Demonstrate a match commitment of 50% or higher;

- (e) Are located in priority watersheds, as determined by GAEPD and USEPA, and are focused on watershed-based implementation and restoration;
 - (f) Include administrative and/or managerial improvements that prevent and/or correct the adverse hydrologic impacts of increased impervious surface in a watershed. In order to receive this priority ranking, during the project period grantees must develop and implement items such as, development ordinances, stream buffer protections wider than state minimums, or other local mechanisms to ensure long-term success in minimizing the potential future impacts of hydrologic modifications; or
 - (g) Partner with local Non-Profit watershed groups established prior to the submittal of application.
- (9) Additional priority may be given to project proposals that carry out specific activities that address and/or implement management measures, enforceable policies and mechanisms included in *Georgia's Coastal Nonpoint Source Management Program*.
- (10) Projects that have *not* demonstrated successful administration of previous Section 319(h), Section 106, and/or Section 604(b) grant funded projects where applicable may receive a reduction in points during project review. Successful administration includes but is not limited to: completing all project activities during the contract period, meeting all required deadlines, completed the project on time and on budget, expending most or all grant funds requested on project activities, and providing adequate documentation as requested by GAEPD.
- (11) Applications that *do not* follow all instructions and guidelines as described in GAEPD's *General Guidelines: Section 319(h) Grant Nonpoint Source Implementation Grant*, may not be reviewed or considered for recommendation for funding.
- (12) Directions and Deadlines for Applying: Requests for copies of the general guidelines for preparing a Section 319(h) Nonpoint Source Implementation Grant proposal should be made to:

Georgia Department of Natural Resources

Environmental Protection Division

ATTN: NonPoint Source Program

2 Martin Luther King Jr. Drive

Suite 1462 East

Atlanta, Georgia 30334

Additional grant information, application materials and staff contact information may be found at the Division's website, <http://epd.georgia.gov/>.

Deadline for submitting proposals: Applications for grant award will be solicited via advertisement on the Division's website no later than January of each year and applications will be due no later than April. Specific application timeframes will be available via the Division's website.

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.07

Authority: O.C.G.A. §§ [28-5-120](#) *et seq.*, 12-5-20 *et seq.*

History. Original grant description entitled "Scrap Tire Market Development/Research & Demonstration Grant Program" received Feb. 3, 1998..

Submitted: Oct. 20, 1998.

Terminated: July 13, 2004.

Submitted: Grant description entitled "Section 319(h) Nonpoint Source Implementation Grant" received July 15, 2015.

Submitted: Apr. 18, 2019.

Rule 391-3-21-.08. Owens-Brockway Supplemental Environmental Project Georgia School Bus Retrofit Grant Program.

- (1) Owens-Brockway Glass Container, Inc. Supplemental Environmental Project (SEP) Georgia School Bus Retrofit Program Scope and Purpose: Grant funds are available to the 20-county Atlanta ozone maintenance area (Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Spalding, Rockdale, Walton) under the Federal Consent Decree (DOJ Case # 90-5-1-09678) for purchasing and installing diesel emission control devices and/or the incremental cost of purchasing vehicles that will operate on natural gas, propane, or are hybrid electric.
 - (a) General Terms and Conditions.
 1. Projects submitted for funding under this Program must:
 - (i) Identify the vehicles for installing emission control devices and type of emission control equipment to be used; and/or
 - (ii) Identify the vehicles for purchase that are hybrid electric or that will operate on propane or natural gas.
 2. Submitted projects must conform to all applicable programmatic and administrative conditions including, without limitation:
 - (i) Coordination with EPD personnel;

- (ii) Use of verified emission control technologies under the U.S. Environmental Protection Agency's (EPA's) Retrofit Program or the California Air Resources Board (CARB) for projects including emission control equipment;
 - (iii) Use of natural gas, propane, or hybrid electric engine configurations that have been certified by EPA and/or CARB to meet at a minimum the 2010 emission standards for projects including the purchase of natural gas, propane, or hybrid electric vehicles;
 - (iv) Submission of quarterly and final reports when requested;
 - (v) Compliance with applicable procurement and subgrant procedures;
 - (vi) Certification that the emission control equipment was properly installed and is in working condition when applicable;
 - (vii) Use of data-logging in accordance with manufacturer specifications of diesel vehicles that will be equipped with emission control equipment on existing routes to ensure proper exhaust temperature profiles;
 - (viii) Properly maintain vehicles and retrofit equipment and enforce warranty claims against vendors, as applicable, if a maintenance problem arises for all buses and equipment purchased as a part of this grant; and
 - (ix) Use of the emission control equipment and/or natural gas, propane, and/or hybrid electric vehicles for a minimum of four years unless the equipment is damaged beyond repair and/or the vehicle becomes inoperable and is unable to be repaired.
- (b) Eligible Recipients. Eligible applicants for this grant are school systems and municipal governments within the 20 county metro Atlanta ozone maintenance area.
- (c) Match Requirements. There are no match requirements for this supplemental environmental project.
- (d) Criteria for the Award. Grant awards will be limited to projects that include the purchase and installation of diesel emission control devices on public school or municipal government-owned and -operated diesel-powered vehicles and/or equipment; and/or the purchase of natural gas, propane, or hybrid electric vehicles. In the event that the total requested funding in the eligible projects exceed the

available funding, EPD will give preference to applications from eligible school systems. Within the preferences, EPD will rank the applications according to the cost effectiveness of each project (cost per ton of emission reduced over the lifetime of the project).

- (e) **Deadline for Submittal.** EPD will send out the first solicitation for applications within one month of notice of criteria approval. Applications will be due no later than eight weeks after release of the solicitation. Funding will be distributed based on the criteria for award between applicants that reply within the first solicitation period. If funds remain or additional funds are received after funds are awarded to all qualified projects from the first solicitation, additional solicitation(s) will be issued until all of the funds have been obligated. In the first solicitation, projects will be awarded based on the order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria stated in Subsection (d). If additional solicitations are needed, applications will be awarded based on the order in which projects rank within the criteria selection process.
- (f) **Directions For Submitting Applications for the Owens-Brockway SEP Georgia School Bus Retrofit Program.** Requests for copies of the general guidelines, proposal forms and submittal of applications for the Owens-Brockway SEP Georgia School Bus Retrofit Program should be made to:

Georgia Environmental Protection Division

Mobile and Area Sources Program

4244 International Parkway, Suite 134

Atlanta, Georgia 30354

- (g) **Award of the Owens-Brockway SEP Georgia School Bus Retrofit Program** is subject to funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally-ranked projects or to reduce the project cost to the maximum allowable distribution.

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.08

Authority: O.C.G.A. § [12-9-1](#)*et seq.*, as amended.

History. Original grant description entitled "Scrap Tire Recycle/Roadside Clean Up Event Program" received Oct. 20, 1998.

Terminated: July 13, 2004.

Submitted: Grant description entitled "Owens-Brockway Supplemental Environmental Project Georgia School Bus Retrofit Grant Program" received July 25, 2016.

Rule 391-3-21-.09. Regional Water Plan Seed Grant Program.

- (1) Statutory Basis: O.C.G.A. Secs. [28-5-120](#) et seq. and Secs. [12-5-520](#) et seq.
- (2) General Scope and Purpose of the Grant Program: The purpose of the grant program is to provide funds to eligible recipients in Georgia to support and incentivize local governments and other appropriate water users as they undertake implementation activities identified in the applicable Regional Water Plans.
- (3) Eligible Recipients of the Grant: Eligible recipients of the Regional Water Plan Seed Grant funds include local, regional and State units of government, local authorities which operate local government service delivery programs, regional commissions, resource conservation and development councils, local school systems, State college and universities, and State agencies. Local governments must have Qualified Local Government status as of the date of application, in compliance with the requirements of the Georgia Planning Act of 1989 and Service Delivery Strategy Law of 1997.
 - (a) Applications will include a letter of endorsement signed by the Council Chair or their authorized signatory from the relevant Regional Water Planning Council or Councils that at a minimum describes how the project is consistent with the Council's implementation priorities and the vision and goals articulated in their Regional Water Plan(s).
- (4) General Terms and Conditions of the Grant: The general terms and conditions of the grant are:
 - (a) Regional Water Plan Seed Grant projects must specifically identify the Regional Water Plan(s) and management practice(s) or other recommendation(s) from each plan (including data and information needs) that the project is designed to address.
 - (b) Prospective applicants must schedule and participate in a project development pre-application meeting with Division staff to ensure the application satisfies the general requirements as well as more specific criteria.
 - (c) Maximum reimbursement for a Regional Water Plan Seed Grant project is 60 percent of the total project cost. Therefore, each recipient must provide matching funds for a minimum of 40 percent of the total project cost. Of the required 40 percent match, a minimum of 10 percent of the total project cost must be in the form of a cash match. The cash match must be expended to pay for specific elements of the project budget and may not include indirect costs, equipment operation costs, or in-kind services.
 - (d) Types of activities that are eligible include:
 - i. undertaking programs to address critical information and/or data needs identified in the Regional Water Plan(s);
 - ii. tracking and analyzing available monitoring data and reporting on water resource conditions identified in the Regional Water Plan(s);

- iii. preparing and distributing technical guidance that address management practices in two or more water planning regions;
 - iv. providing technical assistance to support implementation of Regional Water Plan(s) management practices; or
 - v. undertaking other specific implementation activities identified in the Regional Water Plan(s).
 - (e) Regional Water Plan Seed Grant projects must conform to all applicable requirements of O.C.G.A. § [12-5-33\(b\)](#) and O.C.G.A. § [12-5-520](#) et seq. and must be consistent with the policies and implementation actions in the Georgia Comprehensive State-wide Water Management Plan.
- (5) Criteria for the Award: The Regional Water Plan Seed Grant funds are limited and are contingent upon available funding. Each project proposal will be evaluated by the Division to determine if the proposed project is an eligible activity, and all eligible project proposals will be ranked based on the selection criteria below. The Division funds projects starting with the highest ranking score first and will continue awarding funds to those qualifying applications until the total amount funded reaches the total available amount. The Division reserves the right to coordinate with applicants as needed to modify project scopes and budgets to allow for modified project funding.
- (a) Project proposals must specifically identify the Regional Water Plan or Plans and management practice(s) or other recommendation(s) from each plan that the project is designed to implement;
 - i. Projects that are located within the Metro Water District, or applicants who are located within the Metro Water District, are eligible to apply for a seed grant if all of the following apply:
 - 1. The project will provide benefits in one or more of the neighboring Water Planning Council regions,
 - 2. The project addresses implementation of one or more management practices or other recommendations from the Regional Water Plans for those regions, and
 - 3. The application is endorsed by the neighboring Water Planning Council(s) in those regions.
 - ii. If the project addresses data or information needs, the applicant must 1) specify the connections between the data to be collected and specific management practice(s) or other recommendation(s) in the Regional Water

Plan(s) and 2) demonstrate how the data to be collected will be applied or integrated in the Regional Water Plan(s) or plan implementation.

- (b) Project proposals must be consistent with the implementation priorities and the vision and goals articulated in the applicable Regional Water Plan(s). To ensure this consistency, proposals must demonstrate significant coordination between the applicant, Council(s), and the Division during preparation of the application and throughout the awarded project;
- (c) Project proposals must demonstrate the state, regional and/or local benefits of the project including but not limited to enhancing water supply or water quality improvements that also provide water supply benefits;
- (d) Project proposals must demonstrate how the project will enable continued and new implementation of Regional Water Plan management practices or other Regional Water Plan recommendations;
 - i. Applications that do not clearly demonstrate this will not be considered for funding.
- (e) Project proposals must demonstrate how the effectiveness of the project will be evaluated (i.e., measure of success), and numerical measures should be used where appropriate;
- (f) Project proposals should demonstrate collaboration with multiple Regional Water Planning Councils, cooperating partnerships, and/or multi-governmental agencies and local implementing actors;
- (g) Project proposals should demonstrate coordination with other water management projects and activities within the watershed as well as projects conducted across jurisdictional boundaries;
- (h) Project proposals should demonstrate additional environmental benefits including but not limited to protection of in-stream flows, water conservation, air quality and energy conservation;
- (i) Project proposals should demonstrate cost effectiveness of both grant and match funds. Cost effectiveness is defined as having the largest possible impact with the funds available;
 - i. Project proposals utilizing indirect costs as a sole source of match will not score as well due to a reduction of cost effectiveness.
- (j) If a project proposal includes water quality monitoring, a Quality Assurance Project Plan (QAPP) will be required. If the data will be submitted to the Division

for listing or delisting purposes, a Sampling and Quality Assurance Plan (SQAP) will instead be required. The requirements for a SQAP are contained in EPD's Guidance On Submitting Water Quality Data For Use By The Georgia Environmental Protection Division In 305(b)/303(d) Listing Assessments (SQAP), which can be found on the Division's website.

- (k) Project applicants who have received grant funds in past years but have *NOT* demonstrated successful administration of previous Section 319(h), Section 106, Section 604(b) or other grant funded projects may receive a reduction in points during project review. Successful administration includes but is not limited to: completing all project activities during the contract period, meeting all required deadlines, completing the project on time and on budget, expending all grant funds requested on project activities, and providing adequate documentation as requested by the Division.
- (6) Additional points may also be awarded to projects that demonstrate:
- (a) A match commitment of 50 percent of total project cost or higher; or
 - (b) A cash match commitment of 20 percent of total project cost or higher.
- (7) Directions and Deadlines for Applying: Applicants interested in applying for a Regional Water Plan Seed Grant should contact the Division's Grants Unit or visit the Division's website for specific application assistance. Any project proposal that does not satisfy all grant criteria or does not follow the Division's application requirements may not be reviewed or considered for funding.

Applications should be submitted to:

Georgia Department of Natural Resources

Environmental Protection Division

Watershed Protection Branch

ATTN: Grants Unit

2 Martin Luther King Jr. Dr.

Suite 1462 East

Atlanta, GA 30334

Additional grant information, application materials, assistance preparing an application and staff contact information may be found at the Division's website, www.epd.georgia.gov.

Deadline for submitting proposals: Applications for grant award will be solicited via advertisement on the web address above no later than July of each year; applications will be due no later than October; and selections will be made no later than February. Specific application timeframes will be available via the website above.

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.09

Authority: O.C.G.A. §§ [28-5-120](#) *et seq.*, 2-5-520 *et seq.*

History. Original grant description entitled "Innovative Technology Grant Program" submitted Oct. 30, 2000.

Terminated: July 13, 2004.

Submitted: New grant description entitled "Regional Water Plan Seed Grant Program" received September 13, 2016.

Submitted: Apr. 18, 2019.

Rule 391-3-21-.10. Georgia Diesel Engine Retrofit Grants.

- (1) Congestion Mitigation and Air Quality Program (CMAQ) School Bus Retrofit Grant Program Scope and Purpose. Grants are available under the Federal Congestion Mitigation and Air Quality (CMAQ) grant program for retrofitting school buses that are located or operated in the 20-county metro-Atlanta ozone nonattainment area.
 - (a) General Terms and Conditions of the Grant.
 1. Projects submitted for funding under this Grant must identify the vehicles for retrofit and the type of emission control equipment to be used.
 2. Submitted projects must conform to all applicable programmatic conditions including, without limitation, coordination with EPD personnel; use of retrofit technologies that has been verified under EPA's Retrofit Program or certified by the California Air Resources Board (CARB); submission of quarterly reports; submission of a final report; compliance with applicable Federal procurement and subgrant procedures; certification that the emission control equipment was properly installed and is in working condition; proper maintenance of vehicles and retrofit equipment and enforcement of warranty claims against vendors if a maintenance problem arises; and use of the emission control equipment on the vehicles for a minimum of four years unless the equipment is damaged beyond repair or the vehicle becomes inoperable and is unable to be repaired.
 3. Projects that are awarded these funds require a 20% local or state match. There are limited State matching funds available for projects that qualify which will be awarded for acceptable applicants based on date of

application receipt. Once these State funds have been expended, project applicants will be required to provide a 20% match. If a match is required from project applicants, it can be made with in-kind support as well as funds from project applicants.

- (b) Eligible Recipients of the Grant. An eligible applicant is any public school system fleet located or operated in the designated 20-county metro-Atlanta ozone nonattainment area. To receive funding, participating public school systems must own and operate their fleet.
 - (c) Criteria for the Award. This project is limited to applications that retrofit school buses located or operated in the 20-county metro-Atlanta ozone nonattainment area. School systems must use currently-verified or certified EPA or CARB equipment.
 - (d) Deadline For Submittal. EPD will send out the first solicitation for applications on March 2, 2009. Applications will be due by close of business on April 16, 2009. Funding will be distributed between applicants that reply within the first solicitation period and are able to provide any required matching funds. If funds remain after grants are awarded to all qualified projects from the first solicitation, a second solicitation will be issued and will remain open until all of the funds have been obligated. Retrofit projects will be awarded based on the order in which memoranda of agreements are signed and matching funds are available. The applications will be evaluated based on the criteria stated above.
- (2) Diesel Engine Retrofit Act (DERA) State Diesel Grant Program General Scope and Purpose. Grants are available under the DERA State Diesel Grant Program for retrofitting school buses located or operated in counties that have not been officially designated as nonattainment for the PM2.5 standard.
- (a) General Terms and Conditions of the Grant.
 - 1. Projects submitted for funding under this grant must identify the vehicles for retrofit and the type of emission control equipment to be used.
 - 2. Submitted projects must conform to all applicable programmatic conditions including, without limitation, the coordination with EPD personnel; use of retrofit technologies that have been verified under EPA's Retrofit Program or certified by the California Air Resources Board (CARB); submission of quarterly reports; submission of a final report; compliance with applicable Federal procurement and sub-grant procedures; certification that the emission control equipment was properly installed and is in working condition; proper maintenance of vehicles and retrofit equipment and enforcement of warranty claims against vendors if a maintenance problem arises; and use of the emission control equipment on the vehicles for a

minimum of four years unless the equipment is damaged beyond repair or the vehicle becomes inoperable and is unable to be repaired.

- (b) Eligible Recipients of the Grant. An eligible applicant is any public school system fleet that is located or operating within a county that is not designated as nonattainment for the PM2.5 standard.
 - (c) Criteria for the Award. This project is limited to applications that retrofit school buses located or operated in counties that are not designated as nonattainment for the PM2.5 standard. Priority will be given to applicants that are located in counties that have not been designated as nonattainment for the PM2.5 standard but whose air quality monitors are showing exceedances of the national ambient air quality standards for particulate matter (PM2.5) or school systems located in counties that have not been designated as nonattainment for the PM2.5 standard but are located adjacent to counties exceeding the PM2.5 standard or adjacent to counties designated as nonattainment for PM2.5 will receive priority for this grant. School systems must use verified or certified EPA or CARB equipment. Applicants will also be given priority if they are able to provide matching funds.
 - (d) Deadline for Submittal. EPD will send out the first solicitation for request for applications on March 2, 2009. Applications will be due by close of business on April 16, 2009. The projects will be evaluated based on the criteria stated above. A second solicitation will be opened if all of the funds are not obligated in the first solicitation. The second solicitation will remain open until all funding has been obligated and spent.
- (3) Directions For Submitting Applications for the Georgia Diesel Engine Retrofit (DER) Grants (CMAQ and DERA). Requests for copies of the general guidelines and proposal forms and submittal of applications for any of the Georgia DER Grants should be made to:

Georgia Environmental Protection Division

Mobile and Area Sources Program

Attn: Stacy Allman

4244 International Parkway, Suite 136

Atlanta, Georgia 30354

e-mail: stacy.allman@dnr.state.ga.us

Note: E-mail copies of project proposals will not be accepted as official submittals.

- (4) Award of Georgia Diesel Engine Retrofit grants are subject to Federal funding provided to EPD.

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.10

Authority: O.C.G.A. Secs. [12-9-6](#), [28-5-122](#).

History. Original grant description entitled "Georgia Adopt-A-School Bus Pilot Project FFY2004 Clean School Bus USA Grant" submitted November 5, 2004.

Submitted: Grant description entitled "Georgia Diesel Engine Retrofit Grants" received Mar. 23, 2009.

Rule 391-3-21-.11. American Recovery and Reinvestment Act (ARRA) Georgia Truck Stop Electrification and Green Corridors.

- (1) The American Recovery and Reinvestment Act (ARRA) Georgia Truck Stop Electrification (TSE) and Green Corridors Grant Program Scope and Purpose. Grants are available through ARRA to create green corridors in Georgia by installing TSE along the major interstates.
- (a) General Terms and Conditions of the Grant.
1. The grant funding must be exclusively used to install TSE as an alternative to operating an internal combustion engine for cab comfort for trucks or other vehicles and/or reefer units on trailers. Projects submitted for funding under this grant must identify the locations and parking spaces that will be electrified and the type of technology and equipment to be used. Eligible TSE costs include the purchase and installation of necessary equipment to electrify truck parking spaces, associated hardware and software, and necessary infrastructure. Existing or acquired land for the parking spaces, TSE equipment and hardware, or infrastructure are not eligible expenses and cannot be used as an in-kind match.
 2. The TSE equipment must be located in Georgia with preference given to locations outside of areas designated as nonattainment for fine particulate matter (PM_{2.5}).
 3. Projects that are awarded these funds will require a minimum 20% match. The project applicant will be responsible for the match. Grant funds will be distributed to grantee incrementally following completion of construction task(s) provided the match has been satisfied for the incremental distribution.
 4. Grant recipients must conform to all applicable administrative and programmatic conditions.
 5. Selected projects must be completed by September 30, 2010.

- (b) Eligible Recipients of the Grant. An eligible grant recipient is any TSE vendor seeking grant funding to provide electrification technology for heavy-duty trucks that idle for extended periods of time at truck stops in Georgia.
 - (c) Criteria for the Award. This project is limited to applications that will be used to assist in the development of "green corridors" in the southeast. EPD intends to fund the purchase and installation of TSE equipment at a minimum of three truck stop locations along Georgia interstate(s). The amount of funding per application will depend on the amount of funds requested by applicants and availability of grant funds. The highest scoring project will be fully funded, subject to a maximum of 40% of the total available funding. The second and third highest scoring projects will be funded at equal percentage based on funding requested, and subject to a maximum of 40% each of the total available funding. If the first three projects are fully funded, then the remaining funds will be awarded sequentially to the next highest score. A scoring system will be used to rank and select the submitted applications. The application(s) receiving the highest total score(s) will be selected. The maximum score for a project will be 100. The following criteria will be used to score the submitted applications:
 - 1. Maximized distance between existing TSE locations from the proposed location in application - 35 Maximum Criteria Points;
 - 2. Proposed locations are along interstate corridors with a minimized distance between the proposed TSE location and the interstate entrance/exit ramp - 20 Maximum Criteria Points;
 - 3. Experience of vendor installing TSE - 10 Maximum Criteria Points;
 - 4. Exceeds minimum matching fund requirement of 20% - 10 Maximum Criteria Points; and
 - 5. Minimize grant costs per parking space for selected TSE design - 25 Maximum Criteria Points.
 - (d) Deadline For Submittal. EPD will send out the first solicitation for applications on or before October 1, 2009. Applications will be due by close of business on November 2, 2009. If any funds are remaining after projects are selected from the solicitation issued on or before October 1, 2009, additional solicitations will be issued with specific deadlines until all funds have been exhausted. All applications submitted in response to any additional solicitations will be evaluated based on the criteria in part (c). Selected applicants must sign the memorandum of agreement with EPD within 30 days of receipt of the MOA from EPD.
- (2) Directions For Submitting Applications for the ARRA Georgia TSE and Green Corridors Grant. Requests for copies of the general guidelines and proposal forms and submittal of applications for the ARRA Georgia TSE and Green Corridors Grant should be made to:

Georgia Environmental Protection Division

Mobile and Area Sources Program

Attn: Richard McDonald

4244 International Parkway, Suite 136

Atlanta, Georgia 30354

e-mail: Richard_McDonald@dnr.state.ga.us

- (3) Award of ARRA Georgia TSE and Green Corridors grants are subject to Federal funding provided to EPD.

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.11

Authority: O.C.G.A. Sec. [12-9-6](#).

History. Original grant description entitled "American Recovery and Reinvestment Act (ARRA) Georgia Truck Stop Electrification and Green Corridors Grant Program" submitted October 20, 2009.

Rule 391-3-21-.12. American Recovery and Reinvestment Act (ARRA) State Clean Diesel Grant Program.

- (1) American Recovery and Reinvestment Act (ARRA) State Clean Diesel Grant Program
General Scope and Purpose. Grants are available under the ARRA State Clean Diesel Grant Program for installing emission control devices on, repowering, and replacing school buses and transit buses located in Georgia and for rebuilding school and transit bus engines for school and transit buses operated in Georgia.
- (a) General Terms and Conditions of the Grant.
1. Projects submitted for funding under this grant must identify the vehicles or engines that are planned for retrofit, which includes the installation of emission control devices, repowering, rebuilding, and/or early replacement. Projects proposing to retrofit buses must identify the type of emission control equipment to be used; the make, model, model year, fuel type, and emission certification for the engine to be used; the make, model, model year, fuel type, and emission certification for the replacement bus; and/or the components to be used and the cleaner standard that will be met for rebuilt engines.
 2. Submitted projects must conform to all applicable administrative and programmatic conditions including, without limitation, the coordination

with EPD personnel; use of emission control technologies, rebuilds, or engines that have been or will be verified or certified under EPA's Retrofit or Certification Program or by the California Air Resources Board (CARB); new buses purchased for replacement of older buses are certified by CARB; submission of quarterly reports; submission of a final report; compliance with applicable Federal procurement and sub-grant procedures; certification that the emission control equipment, engine rebuild, and/or engine repower was properly installed and is in working condition; certification that the bus replacement meets applicable new engine standards and meets all other applicable specifications; proper maintenance of vehicles and, where applicable, retrofit equipment and enforcement of warranty claims against vendors if a maintenance problem arises; and use of the emission control equipment, repowered bus, rebuilt engine, or replacement bus for a minimum of four years unless the equipment or engine is damaged beyond repair or the bus becomes inoperable and is unable to be repaired.

3. Selected projects must be completed by September 30, 2010.
-
- (b) Eligible Recipients of the Grant. An eligible applicant is any public school system or public transit fleet that is located and operating in Georgia and own or have control over the buses included in a submitted project.
 - (c) Criteria for the Award. This project is limited to applications that install emission control devices on, repower, or replace school or transit buses located or operated in Georgia or rebuild engines for school or transit buses that will be located or operated in Georgia. School and transit systems must use equipment and/or engines that have been or will be verified or certified by EPA or CARB. New diesel buses or new diesel engines procured under this grant must meet the applicable CARB heavy-duty engine standards. Projects for repowering buses require a minimum 25% local or state match. Projects for replacing buses require a minimum 75% local or state match. In the event that the costs of the projects submitted exceed the available funding, EPD will determine the projects to be selected as follows:
 1. First priority will be given for public school systems whose fleets are based in counties that have not been officially designated as nonattainment for the PM2.5 standard and that install emission control devices on school buses.
 2. Second priority will be given for public school systems whose fleets are based in counties that have been officially designated as nonattainment for the PM2.5 standard and that install emission control devices on school buses.

3. Repowering and/or replacement of school buses and/or rebuilding school bus engines are third priority and will be ranked on the cost effectiveness of the project (\$/ton of emission reduction over lifetime of the project).
 4. Transit buses are fourth priority and will be ranked on the cost effectiveness of the project (\$/ton of emission reduction over lifetime of the project).
 5. Buses installed with emission control devices will be prioritized according to the following:
 - (i) engine model year 2000 through 2006 buses are equipped with devices that reduce PM by a minimum of 50%; and
 - (ii) the cost effectiveness of the project (\$/ton of emission reduction over lifetime of the project).
- (d) Deadline for Submittal. EPD will send out the first solicitation for request for applications on or before September 1, 2009. Applications will be due by close of business on September 25, 2009. The projects will be evaluated based on the criteria stated above. A second solicitation will be opened if all of the funds are not obligated in the first solicitation. The second solicitation will remain open until all funding has been obligated and spent.
- (2) Directions For Submitting Applications for the American Recovery and Reinvestment Act State Clean Diesel Grant. Requests for copies of the general guidelines and proposal forms and submittal of applications for the ARRA State Clean Diesel Grant should be made to:
- Georgia Environmental Protection Division
- Mobile and Area Sources Program
- Attn: Stacy Allman
- 4244 International Parkway, Suite 136
- Atlanta, Georgia 30354
- e-mail: stacy.allman@dnr.state.ga.us
- (3) Award of the American Recovery and Reinvestment Act State Clean Diesel Grant is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally ranked projects.

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.12

Authority: O.C.G.A. Sec. [12-9-6](#).

History. Original grant description entitled "American Recovery and Reinvestment Act (ARRA) State Clean Diesel Grant Program" submitted October 20, 2009.

Rule 391-3-21-.13. Georgia Diesel Engine Retrofit Project Grant.

- (1) Congestion Mitigation and Air Quality Program (CMAQ) Fiscal Year (FY) 2009 Georgia Diesel Retrofit Project Scope and Purpose. Grants are available under the Federal Congestion Mitigation and Air Quality (CMAQ) grant program for retrofitting diesel vehicles that are located or operated in a PM_{2.5} nonattainment area.
 - (a) General Terms and Conditions of the Grant.
 1. Projects submitted for funding under this Grant must identify the vehicles for retrofit and the type of emission control equipment to be used.
 2. Submitted projects must conform to all applicable programmatic and administrative conditions including, without limitation, coordination with EPD personnel; use of retrofit technologies that have been or will be verified or certified under the U.S. Environmental Protection Agency's (EPA's) Retrofit Program or the California Air Resources Board (CARB); submission of quarterly reports when applicable; submission of a final report when applicable; compliance with applicable Federal procurement and subgrant procedures; certification that the emission control equipment was properly installed and is in working condition; use of data-logging in accordance with manufacturer specifications of diesel vehicles that will be equipped with emission control equipment on existing routes to ensure proper exhaust temperature profiles; proper maintenance of vehicles and retrofit equipment and enforcement of warranty claims against vendors if a maintenance problem arises; and use of the emission control equipment on the vehicles for a minimum of four years unless the equipment is damaged beyond repair or the vehicle becomes inoperable and is unable to be repaired.
 - (b) Eligible Recipients of the Grant. An eligible applicant is any public school system fleet located or operated in a designated PM_{2.5} nonattainment area. To receive funding, participating public school systems must own and operate their fleet.
 - (c) Criteria for the Award. The request for applications will be limited to applications that retrofit school buses located or operated in a PM_{2.5} nonattainment area. Applications from school systems for this grant must include emission control equipment that is or will be verified or certified by EPA or CARB. Funding for the selected school systems will be limited to \$1.2 million. Projects will be ranked by cost effectiveness on a cost-per-ton-of-emissions-reduced basis.

- (d) **Deadline For Submittal.** EPD will send out the first solicitation for applications on or before November 30, 2010. Applications will be due within six weeks after release of the solicitation. Funding will be distributed based on the criteria for award between applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation, additional solicitation(s) will be issued until all of the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria stated in Subsection (c).
- (e) **Directions For Submitting Applications for the Georgia Diesel Retrofit Project Grant.** Requests for copies of the general guidelines, proposal forms and submittal of applications for the Fiscal Year 2009 CMAQ Georgia Diesel Retrofit Project Grant should be made to:

Georgia Environmental Protection Division

Mobile and Area Sources Program

Attn: Stacy Allman

4244 International Parkway, Suite 136

Atlanta, Georgia 30354

e-mail: stacy.allman@dnr.state.ga.us

- (f) Award of the FY 2009 CMAQ Georgia Diesel Retrofit Project Grant is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally-ranked projects or to reduce the project cost to the maximum allowable distribution.
- (2) **Congestion Mitigation and Air Quality Program (CMAQ) Georgia Diesel Engine Retrofit Project Scope and Purpose.** Grants are available under the Federal Congestion Mitigation and Air Quality (CMAQ) grant program for purchasing and installing diesel emission control devices, purchasing of school buses that will replace an existing diesel school bus early, repowering of diesel school buses, and/or rebuilding of school bus diesel engines that are located or operated in a PM_{2.5} nonattainment and/or maintenance area.
- (a) **General Terms and Conditions of the Grant.**
 - 1. Projects submitted for funding under this Grant must:
 - (i) Identify the school buses for early replacement to be replaced with buses that have 2010 or newer model year engines certified by the

U.S. Environmental Protection Agency (EPA) or the California Air Resources Board (CARB);

- (ii) Identify the school buses for repowering and the replacement engine manufacturer, model, model year, and fuel type, and use a replacement engine which is certified by EPA or CARB to a cleaner emission standard than the original engine;
 - (iii) Rebuild the existing engine to an EPA or CARB certified cleaner emission standard and identify the school buses for which the engines will be rebuilt; and/or
 - (iv) Identify the school buses for installing emission control devices and type of emission control equipment to be used.
2. Submitted projects must conform to all applicable programmatic and administrative conditions including, without limitation:
- (i) Coordination with EPD personnel;
 - (ii) Use of verified emission control technologies under the U.S. Environmental Protection Agency's (EPA's) Retrofit Program or the California Air Resources Board (CARB) for projects including emission control equipment;
 - (iii) Follow guidelines established by EPA regarding qualifications for vehicle early replacement, vehicle repower, and engine rebuilds and disposal of replaced vehicle or engine;
 - (iv) Submission of quarterly and final reports when requested;
 - (v) Compliance with applicable Federal procurement and subgrant procedures;
 - (vi) Certification that the emission control equipment was properly installed and is in working condition when applicable;
 - (vii) Use of data-logging in accordance with manufacturer specifications of diesel school buses that will be equipped with emission control equipment on existing routes to ensure proper exhaust temperature profiles;
 - (viii) Proper maintenance of school buses and retrofit equipment and enforcement of warranty claims against vendors if a maintenance problem arises, as applicable;

- (ix) Use of the emission control equipment and/or rebuilt engine on the school buses and/or use of repowered and replacement school buses for a minimum of four years unless the equipment is damaged beyond repair and/or the vehicle becomes inoperable and is unable to be repaired; and
 - (x) Submit documentation on the decommissioning of the replaced school bus engine in projects that include early bus replacement or bus repowering.
- (b) Eligible Recipients of the Grant. An eligible applicant is any public school system located or operated in a designated PM_{2.5} nonattainment or maintenance area. To receive funding, participating public school systems must own and operate their fleet.
- (c) Match Requirements. Project applicants shall be required to match a minimum of 20% of the project cost for purchasing and installing emissions control devices on their diesel school buses, to match a minimum of 50% of the project cost to purchase early replacement school buses, and/or match a minimum of 25% of the project cost to repower and/or rebuild school bus engines.
- (d) Criteria for the Award. Grant awards will be limited to projects that include the purchase and installation of diesel emission control devices, the purchase of school buses that will replace an existing diesel school bus early, repowering of diesel school buses, and/or rebuilding of school bus diesel engines that are located or operated in a PM_{2.5} nonattainment and/or maintenance area. For projects including the early replacement of existing school buses, buses that are scheduled in the project applicant's budget to be replaced in the current or following budget year, in relation to the solicitation period, do not qualify for early replacement. In the event that the total requested funding in the eligible projects exceed the available funding, EPD will determine the projects to be selected for awards in accordance with the following priorities:
 - 1. First priority will be given for projects purchasing and installing emission control devices on diesel school buses.
 - 2. Second priority will be given for projects replacing existing diesel school buses early, repowering diesel school buses with a lower polluting engine, and/or rebuilding school bus diesel engines to a cleaner emission standard.
 - 3. Within each priority, applications will be ranked according to the cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

(e) **Deadline For Submittal.** EPD will send out the first solicitation for applications on or before April 1, 2012. Applications will be due within six weeks after release of the solicitation. Funding will be distributed based on the criteria for award between applicants that reply within the first solicitation period. If funds remain or additional funds are received after grants are awarded to all qualified projects from the first solicitation, additional solicitation(s) will be issued until all of the funds have been obligated. In the first solicitation, projects will be awarded based on the order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria stated in Subsection (d). If additional solicitations are needed, applications will be awarded based on the order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria stated in Subsection (d).

(f) **Directions For Submitting Applications for the Georgia Diesel Engine Retrofit Project Grant.** Requests for copies of the general guidelines, proposal forms and submittal of applications for the CMAQ Georgia Diesel Engine Retrofit Project Grant should be made to:

Georgia Environmental Protection Division

Mobile and Area Sources Program

Attn: Stacy Allman

4244 International Parkway, Suite 134

Atlanta, Georgia 30354

e-mail: stacy.allman@dnr.state.ga.us

(g) Award of the CMAQ Georgia Diesel Engine Retrofit Project Grant is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally-ranked projects or to reduce the project cost to the maximum allowable distribution.

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.13

Authority: O.C.G.A. Sec. [12-9-6](#).

History. Original grant description entitled "Georgia Diesel Engine Retrofit Project Grant" submitted November 19, 2010.

Submitted: Jul. 18, 2012.

Rule 391-3-21-.14. Railroad-Related Emission Reductions Program.

- (1) Congestion Mitigation and Air Quality Program (CMAQ) Railroad-Related Emissions Reductions in Atlanta Program Scope and Purpose. Funds are available under the Federal Congestion Mitigation and Air Quality (CMAQ) Program for converting diesel locomotives that are located or operated in the urban core of the Atlanta PM_{2.5} nonattainment area.

(a) General Terms and Conditions.

1. The grant funding must be used exclusively to convert switcher locomotives operated in the Atlanta "urban core" counties, as defined in subparagraph (c) of this paragraph, that result in reductions of diesel PM_{2.5} and related pollutants. Projects submitted for funding must identify the locomotives for conversion and the type of conversion equipment to be used.
2. Submitted projects must conform to all applicable programmatic and administrative conditions including, without limitation, coordination with EPD personnel; submission of an initial report before the switcher is converted, a report immediately after the conversion, and then a report each six months for the first two years of operation and then once per year for the remaining period of commitment, including detailed activity and emissions data; compliance with applicable Federal procurement and subgrant procedures; certification that the equipment was properly installed and is in working condition; use of data-logging in accordance with manufacturer specifications; proper maintenance of locomotives and conversion equipment and enforcement of warranty claims against vendors if a maintenance problem arises; and use of the converted locomotives in the designated areas for a minimum of 10 years unless the locomotive becomes inoperable and is unable to be repaired or replaced with comparable equipment.
3. Projects that are awarded these funds will require a minimum 30% match. The project applicant will be responsible for the match. Grant funds will be distributed to the grantee incrementally following completion of conversion task(s) provided the match has been satisfied for the incremental distribution.

(b) Eligible Recipients of the Grant.

Owners of traditional diesel switcher locomotives operating in Clayton, Cobb, DeKalb, Fulton, or Gwinnett County are eligible for this funding assistance. Locomotives eligible for conversion include unregulated (pre-1973) or Tier 0 (1973-2001) diesel switchers that are currently in service and would have remained in service in the proposed/designated railyard for at least five years from the application date. This project must result in emission reductions that would otherwise not occur in the nonattainment area for the remaining useful life of the converted equipment (e.g., the project cannot be applied to increase a fleet size.)

(c) Criteria for the Award.

The request for proposals will be limited to convert switchers operating in Atlanta "urban core" counties, which are defined as Clayton, Cobb, DeKalb, Fulton, and Gwinnett. Highest priority will be given for those operating near the Fire Station No. 8 air quality monitor in Fulton County. Proposals must commit the converted switchers to 80% of their operating time for at least 10 years from the installation of the equipment (or to a similar schedule approved by EPD) within a designated distance of the proposed railyard (also to be approved by EPD). Funding for the selected railroads is not to exceed 70% of the conversion cost.

EPD may fund individual projects less than the requested amounts if the total amount of the proposals exceeds available funds as follows: if one proposal is received, that proposal will be funded at 100% of the available funds. If two proposals are received, the 2nd highest scoring proposal will be funded at the lower of a) the amount of the proposal or b) a percentage of the available funds determined as follows: percent of available funds awarded = $20\% + (\text{total score}/4)\%$ with the remainder awarded to the highest scoring proposal. If three or more proposals are received, the 3rd highest scoring proposal will be funded at the lower of a) the amount of the proposal or b) 10% of available funds, the 2nd highest scoring proposal will be funded at a lower of a) the amount of the proposal or b) a percentage of the available funds determined as follows: percent of available funds awarded = $15\% + (\text{total score}/4)\%$, and the remainder awarded to the highest scoring proposal.

During any solicitation, if the amount of funding provided to individual projects is less than that project's respective proposal, EPD may specify which switcher engines are to be converted based on criteria 2 listed below, for each switcher converted. If two or more proposals are received during any solicitation, EPD may adjust the amount of funding awarded to the 2nd and, if applicable, 3rd highest scoring proposal so that the amount of funding awarded plus the amount of match money provided by the grant recipient is sufficient for the complete conversion of the number of locomotives included in the award.

Projects will be ranked on a 100-point system with the following criteria:

1. The proposed railyard location. Highest points will be given to switchers operating near the Fire Station 8 Monitor, with points decreasing with distance. - *50 points*;
2. Cost effectiveness of the project based on the emission levels of the equipment to be used in the conversion, the operating cycle of the switcher to be converted, the emission levels of the engines to be replaced (Tier level or direct measurements), the estimated length of remaining service of the

switcher to be replaced, the number of years (minimum 10) that the converted switcher will remain in the Atlanta urban core area, and the amount of time and average duty cycle of operation of the converted switcher. When calculating cost effectiveness, only funds to be awarded under this grant will be included. - *50 points*

A commitment to a schedule and maximum time period needed for converting the switchers must be specified, not to exceed 24 months from execution of a contract for the award. Penalties and/or contingencies for not meeting the terms of the contract will be specified in the award contract in accordance with applicable requirements.

- (d) **Deadline For Submittal.** EPD will send out the first solicitation for proposals on or before January 1, 2011. Applications will be due within eight weeks after release of the solicitation. Funding will be distributed based on the criteria for award described above. If funds remain after grants are awarded to all qualified projects from the first solicitation, additional solicitations will be issued with specific deadlines until all funds have been obligated. All applications submitted in response to any additional solicitations would be evaluated based on the criteria in subparagraphs (c)1 and 2.
- (e) **Directions For Submitting Proposals.** Requests for copies of the general guidelines and proposal forms and submittal of applications for the CMAQ Railroad-Related Emission Reductions in Atlanta should be made to:

Georgia Environmental Protection Division

Planning and Support Program, PRDU

Attn: Dr. Michelle Bergin

4244 International Parkway, Suite 120

Atlanta, Georgia 30354

e-mail: michelle.bergin@dnr.state.ga.us

- (f) **Award of the CMAQ Railroad-Related Emission Reductions in Atlanta** grants are subject to Federal funding provided to EPD.
- (2) **Congestion Mitigation and Air Quality Program (CMAQ) Railroad-Related Emissions Reductions in Macon** Program Scope and Purpose. Funds are available under the Federal Congestion Mitigation and Air Quality (CMAQ) Program for converting diesel locomotives that are located or operated in the Macon Nonattainment area.

(a) General Terms and Conditions.

1. The grant funding must be used exclusively to convert switcher locomotives operated in Bibb County that result in reductions of diesel PM_{2.5} and related pollutants. Projects submitted for funding must identify the locomotives for conversion and the type of conversion equipment to be used.
2. Submitted projects must conform to all applicable programmatic and administrative conditions including, without limitation, coordination with EPD personnel; submission of an initial report before the switcher is converted, a report immediately after the conversion, and then a report each six months for the first two years of operation and then once per year for the remaining period of commitment, including detailed activity and emissions data; compliance with applicable Federal procurement and subgrant procedures; certification that the equipment was properly installed and is in working condition; use of data-logging in accordance with manufacturer specifications; proper maintenance of locomotives and conversion equipment and enforcement of warranty claims against vendors if a maintenance problem arises; and use of the converted locomotives in the designated areas for a minimum of 10 years unless the locomotive becomes inoperable and is unable to be repaired or replaced with comparable equipment.
3. Projects that are awarded these funds will require a minimum 30% match. The project applicant will be responsible for the match. Grant funds will be distributed to grantee incrementally following completion of conversion task(s) provided the match has been satisfied for the incremental distribution.

(b) Eligible Recipients of the Grant.

Owners of traditional diesel switcher locomotives operating in Bibb County are eligible for this funding assistance. Locomotives eligible for conversion include unregulated (pre-1973) or Tier 0 (1973-2001) diesel switchers that are currently in service and would have remained in service in the proposed/designated railyard for at least five years from the application date. This project must result in emission reductions that would otherwise not occur in the nonattainment area for the remaining useful life of the converted equipment (e.g., the project cannot be applied to increase a fleet size.)

(c) Criteria for the Award.

The request for proposals will be limited to convert switchers operating in Bibb County. Proposals must commit the converted switchers to 80% of their operating time for at least 10 years from the installation of the equipment (or to a similar

schedule approved by EPD) within a designated distance of the proposed railyard (also to be approved by EPD). Funding for the selected railroads is not to exceed 70% of the conversion cost. Priority will be given to the projects with the highest cost effectiveness as follows:

Cost effectiveness of the project is to be based on the emission levels of the equipment to be used in the conversion, the operating cycle of the switcher to be converted, the emission levels of the engines to be replaced (tier level or direct measurements), the estimated length of remaining service of the switcher to be replaced, the number of years (minimum 10) that the converted switcher will remain in Bibb County, and the amount of time and average duty cycle of operation of the converted switcher. When calculating cost effectiveness, only funds to be awarded under this grant will be included.

Each project will be fully funded based on the cost effectiveness of the proposal and available funds. EPD may fund individual projects less than the requested amounts if the total amount of the proposals exceeds available funds. If the amount of funding provided to individual projects during additional solicitations is less than that project's respective proposal, EPD may specify which switcher engines are to be converted based on criteria listed in subparagraph (c), for each switcher converted.

A commitment to a schedule and maximum time period needed for converting the switchers must be specified, not to exceed 24 months from execution of a contract for the award. Penalties and/or contingencies for not meeting the terms of the contract will be specified in the award contract in accordance with applicable requirements.

- (d) **Deadline For Submittal.** EPD will send out the first solicitation for proposals on or before January 1, 2011. Applications will be due within eight weeks after release of the solicitation. Funding will be distributed based on the criteria for award described above. If funds remain after grants are awarded to all qualified projects from the first solicitation, additional solicitations will be issued with specific deadlines until all funds have been obligated. All applications submitted in response to any additional solicitations would be evaluated based on the criteria in subparagraph (c).
- (e) **Directions For Submitting Proposals.** Requests for copies of the general guidelines and proposal forms and submittal of applications for the CMAQ Railroad-Related Emission Reductions in Macon should be made to:

Georgia Environmental Protection Division

Planning and Support Program, PRDU

Attn: Dr. Michelle Bergin

4244 International Parkway, Suite 120

Atlanta, Georgia 30354

e-mail: michelle.bergin@dnr.state.ga.us

- (f) Award of the CMAQ Railroad-Related Emission Reductions in Macon grants are subject to Federal funding provided to EPD.
- (3) High Priority Projects (HPP) Railroad-Related Emissions Reductions in the Middle Georgia Region Program Scope and Purpose. Funds are available under the High Priority Projects (HPP) Program for converting diesel locomotives that are located or operated in the Middle Georgia Region.
 - (a) General Terms and Conditions.
 - 1. The grant funding must be used exclusively to convert switcher locomotives operated in the Middle Georgia Region, as defined in subparagraph (c) of this paragraph, that result in reduction of diesel PM_{2.5} and related pollutants. Projects submitted for funding must identify the locomotives for conversion and the type of conversion equipment to be used.
 - 2. Submitted projects must conform to all applicable programmatic and administrative conditions including, without limitation, coordination with EPD personnel; submission of an initial report before the switcher is converted, a report immediately after the conversion, and then a report each six months for the first two years of operation and then once per year for the remaining period of commitment, including detailed activity and emissions data; compliance with applicable Federal procurement and subgrant procedures; certification that the equipment was properly installed and is in working condition; use of data-logging in accordance with manufacturer specifications; proper maintenance of locomotives and conversion equipment and enforcement of warranty claims against vendors if a maintenance problem arises; and use of the converted locomotives in the designated areas for a minimum of 10 years unless the locomotive becomes inoperable and is unable to be repaired or replaced with comparable equipment.
 - 3. Projects that are awarded these funds will require a minimum 20% match. The project applicant will be responsible for the match. Grant funds will be distributed to grantee incrementally following completion of conversion task(s) provided the match has been satisfied for the incremental distribution.

(b) Eligible Recipients of the Grant.

Owners of traditional diesel switcher locomotives operating in Bibb, Crawford, Houston, Monroe, Jones, Peach, or Twiggs County are eligible for this funding assistance. Locomotives eligible for conversion include unregulated (pre-1973) or Tier 0 (1973-2001) diesel switchers that are currently in service and would have remained in service in the proposed/designated railyard for at least five years from the application date. This project must result in emission reductions that would otherwise not occur in the nonattainment area for the remaining useful life of the converted equipment (e.g., the project cannot be applied to increase a fleet size.)

(c) Criteria for the Award.

The request for proposals will be limited to convert switchers operating in the Middle Georgia Region, which is defined as Bibb, Crawford, Houston, Monroe, Jones, Peach, and Twiggs County. Proposals must commit the converted switchers to 80% of their operating time for at least 10 years from the installation of the equipment (or to a similar schedule approved by EPD) within a designated distance of the proposed railyard (also to be approved by EPD). Funding for the selected railroads is not to exceed 80% of the conversion cost. Priority will be given to the projects with the highest cost effectiveness as follows:

Cost effectiveness of the project is to be based on the emission levels of the equipment to be used in the conversion, the operating cycle of the switcher to be converted, the emission levels of the engines to be replaced (Tier level or direct measurements), the estimated length of remaining service of the switcher to be replaced, the number of years (minimum 10) that the converted switcher will remain in the Middle Georgia Region, and the amount of time and average duty cycle of operation of the converted switcher. When calculating cost effectiveness, only funds to be awarded under this grant will be included.

Each project will be fully funded based on the cost effectiveness of the proposal and available funds. EPD may fund individual projects less than the requested amounts if the total amount of the proposals exceeds available funds. If the amount of funding provided to individual projects during additional solicitations is less than that project's respective proposal, EPD may specify which switcher engines are to be converted based on criteria listed in subparagraph (c), for each switcher converted.

A commitment to a schedule and maximum time period needed for converting the switchers must be specified, not to exceed 24 months from execution of a contract for the award. Penalties and/or contingencies for not meeting the terms of the contract will be specified in the award contract in accordance with applicable requirements.

- (d) **Deadline For Submittal.** EPD will send out the first solicitation for proposals on or before January 1, 2011. Applications will be due within eight weeks after release of the solicitation. Funding will be distributed based on the criteria for award described above. If funds remain after grants are awarded to all qualified projects from the first solicitation, additional solicitations will be issued with specific deadlines until all funds have been obligated. All applications submitted in response to any additional solicitations would be evaluated based on the criteria in subparagraph (c).
- (e) **Directions For Submitting Proposals.** Requests for copies of the general guidelines and proposal forms and submittal of applications for the HPP Railroad-Related Emission Reductions in the Middle Georgia Region should be made to:

Georgia Environmental Protection Division

Planning and Support Program, PRDU

Attn: Dr. Michelle Bergin

4244 International Parkway, Suite 120

Atlanta, Georgia 30354

e-mail: michelle.bergin@dnr.state.ga.us

- (f) **Award of the HPP Railroad-Related Emission Reductions in the Middle Georgia Region** grants are subject to Federal funding provided to EPD.
- (4) **Congestion Mitigation and Air Quality Program (CMAQ) Railroad-Related Emissions Reductions in Floyd County Program Scope and Purpose.** Funds are available under the Federal Congestion Mitigation and Air Quality (CMAQ) Program for converting or replacing diesel locomotives that are located or operated in the Floyd County nonattainment area.
- (a) **General Terms and Conditions.**
 - 1. The grant funding must be used exclusively to convert switcher locomotives operated in Floyd County that result in reductions of diesel PM_{2.5} and related pollutants. Projects submitted for funding must identify the locomotives for conversion and the type of conversion equipment to be used.
 - 2. Submitted projects must conform to all applicable programmatic and administrative conditions including, without limitation, coordination with EPD personnel; submission of an initial report before the switcher is

converted, a report immediately after the conversion, and then a report each six months for the first two years of operation and then once per year for the remaining period of commitment.

- a. The two (2) reports describing activities immediately before and immediately after the conversion must include: a demonstration of compliance with applicable Federal procurement and subgrant procedures, certification that the equipment was properly installed and is in working condition, confirmation of proper maintenance of locomotives and conversion equipment, and provisions to ensure enforcement of warranty claims against vendors if a maintenance problem arises.
 - b. The two (2) reports covering activities immediately before and immediately after the conversion and two (2) reports covering each six months of the first year of genset operation must include detailed activity and emissions data collected through the use of data-logging or similar equipment in accordance with manufacturer specifications. EPA emission factors may be used in conjunction with measured duty cycle activity.
 - c. The two (2) reports covering each six month period of the second year of genset operation must indicate if there have been any changes in operating patterns or activity levels since the previous year, deviance from the agreements, or need for unexpected maintenance or repair. If any of these changes occurred the report must detail those changes.
 - d. All reports, beginning with the first six month report of the first year of genset operation, must confirm the use of the converted locomotives in the designated areas during the reporting period unless the locomotive became inoperable and was unable to be repaired or replaced with comparable equipment. The report must explain if there have been significant performance or unanticipated maintenance difficulties.
3. Projects that are awarded these funds will require a minimum 30% match. The project applicant will be responsible for the match. Grant funds will be distributed to the grantee incrementally following completion of conversion task(s) provided the match has been satisfied for the incremental distribution.

(b) Eligible Recipients of the Grant.

Owners of traditional diesel switcher locomotives operating in Floyd County are eligible for this funding assistance. Locomotives eligible for conversion include

unregulated (pre-1973) or Tier 0 (1973-2001) diesel switchers that are currently in service and would have remained in service for at least five years from the application date. If EPD and the grantee mutually agree that switcher locomotives operating outside of Floyd County are a more environmentally beneficial candidate for conversion than the switchers operating in Floyd County, the alternative locomotives may be converted to the genset and used to replace the switchers normally operating in Floyd County. Emissions benefits will be calculated as the emission difference between the converted genset switchers and the switchers previously operating in Floyd County, rather than from the locomotives converted. This project must result in emission reductions that would otherwise not occur in the nonattainment area for the remaining useful life of the replaced equipment (e.g., the project cannot be applied to increase a fleet size).

(c) Criteria for the Award.

The request for proposals will be limited to conversion of switchers operating in Floyd County or the replacement of switchers operating in Floyd County with converted locomotives operating outside of Floyd County. Proposals must commit the converted switchers to 80% of their operating time for at least ten years from the installation of the equipment (or to a similar schedule approved by EPD) within a designated distance of the proposed railyard (also to be approved by EPD). Funding for the selected railroads is not to exceed 70% of the conversion cost. Priority will be given to the projects with the highest cost effectiveness as follows:

Cost effectiveness of the project is to be based on the emission levels of the equipment to be used in the conversion, the operating cycle and emission levels (tier level or direct measurements) of the switchers that are operating in Floyd County and are to be converted or replaced, the estimated length of remaining service of the switchers to be replaced, the number of years (minimum ten) that the converted switchers will remain in Floyd County, and the amount of time and average duty cycle of operation anticipated for the converted switchers. When calculating cost effectiveness, only funds to be awarded under this grant will be included.

Each project will be fully funded based on the cost effectiveness of the proposal and available funds. EPD may fund individual projects less than the requested amounts if the total amount of the proposals exceed available funds. If the amount of funding provided to individual projects during additional solicitations is less than that project's respective proposal, EPD may specify which switcher engines are to be converted based on criteria listed in Subparagraph (c) for each switcher converted.

A commitment to a schedule and maximum time period needed for converting the switchers must be specified, not to exceed 24 months from execution of a contract

for the award. Penalties and/or contingencies for not meeting the terms of the contract will be specified in the award contract in accordance with applicable requirements.

- (d) **Deadline For Submittal.** EPD will send out the first solicitation for proposals on or before May 1, 2011. Applications will be due within eight weeks after release of the solicitation. Funding will be distributed based on the criteria for award described above. If funds remain after grants are awarded to all qualified projects from the first solicitation, additional solicitations will be issued with specific deadlines until all funds have been obligated. All applications submitted in response to any additional solicitations would be evaluated based on the criteria in Subparagraph (c).
- (e) **Directions For Submitting Proposals.** Requests for copies of the general guidelines and proposal forms and submittal of applications for the CMAQ Railroad-Related Emission Reductions in Floyd County should be made to:

Georgia Environmental Protection Division

Planning and Support Program, PRDU

Attn: Dr. Michelle Bergin

4244 International Parkway, Suite 120

Atlanta, Georgia 30354

e-mail: michelle.bergin@dnr.state.ga.us

- (f) **Award of the CMAQ Railroad-Related Emission Reductions in Floyd County** grants are subject to Federal funding provided to EPD.

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.14

Authority: O.C.G.A. Sec. [12-9-6](#).

History. Original grant description entitled "Railroad-Related Emission Reductions Program" submitted November 19, 2010.

Submitted: May 16, 2011.

Rule 391-3-21-.15. Georgia Diesel Emissions Reduction Program.

- (1) **Diesel Emissions Reduction Act (DERA) Georgia Diesel Emissions Reduction Program Scope and Purpose.** Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for retrofitting diesel vehicles that are located or operated in the State of Georgia.

(a) General Terms and Conditions of the Grant.

1. Projects submitted for funding under this Grant must identify the vehicles for retrofit and the type of emission control equipment to be used.
2. Submitted projects must conform to all applicable programmatic and administrative conditions including, without limitation, coordination with EPD personnel; use of retrofit technologies that have been or will be verified or certified under the U.S. Environmental Protection Agency's (EPA's) Retrofit Program or by the California Air Resources Board (CARB); submission of quarterly reports when applicable; submission of a final report when applicable; compliance with applicable Federal procurement and subgrant procedures; certification that the emission control equipment was properly installed and is in working condition; use of data-logging in accordance with manufacturer specifications of diesel vehicles that will be equipped with emission control equipment on existing routes to ensure proper exhaust temperature profiles; proper maintenance of vehicles and retrofit equipment and enforcement of warranty claims against vendors if a maintenance problem arises; and use of the emission control equipment on the vehicles for a minimum of four years unless the equipment is damaged beyond repair or the vehicle becomes inoperable and is unable to be repaired.

(b) Eligible Recipients of the Grant. An eligible applicant is any Georgia public school system that proposes to install emission control devices on school buses the system owns and operates.

(c) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that are adjacent to designated PM 2.5 nonattainment or maintenance counties.
2. Second priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment for PM 2.5 and are not adjacent to designated PM 2.5 nonattainment or maintenance counties.
3. Third priority will be given for public school systems whose fleets are based in counties that have been officially designated as nonattainment or maintenance for the PM 2.5 standard.

Within each priority, applications will be ranked according to the following criteria:

1. Retrofit of school buses with devices that reduce PM 2.5 by a minimum of 50% on school bus engines with model years ranging from 2001 through 2006; and
 2. Cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).
- (d) **Deadline For Submittal.** EPD will issue the first solicitation for applications on or before April 18, 2011. Applications will be due within six weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all of the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria stated in Subsection (c).
- (e) **Directions For Submitting Applications for the Georgia Diesel Emission Reduction Program.** Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:
- Georgia Environmental Protection Division
- Mobile and Area Sources Program
- Attn: Stacy Allman
- 4244 International Parkway, Suite 134
- Atlanta, Georgia 30354
- e-mail: stacy.allman@dnr.state.ga.us
- (f) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

- (2) Diesel Emissions Reduction Act (DERA) Georgia Diesel Emissions Reduction Program Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for retrofitting, replacing, repowering, and/or rebuilding diesel vehicles/engines that are located or operated in the State of Georgia.

(a) General Terms and Conditions of the Grant.

1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for:
 - (i) Early replacement and the model year of the new replacement bus(es);
 - (ii) Repowering and the replacement engine manufacturer, model, model year, and fuel type for each proposed repowered bus;
 - (iii) Existing engine(s) to be rebuilt and the standard the rebuilt engine is expected to meet; and/or
 - (iv) Identify the school buses for installing emission control devices and type of emission control equipment to be used.
2. Submitted projects must conform to all applicable programmatic and administrative conditions including, without limitation.
 - (i) Coordination with EPD personnel.
 - (ii) Use of verified emission control technologies under the U.S. Environmental Protection Agency's (EPA's) Retrofit Program or the California Air Resources Board (CARB) for projects including emission control equipment.
 - (iii) Use of engines certified by EPA or CARB to 2010 or newer heavy duty engine standards for projects including the early replacement of school buses.
 - (iv) Use of replacement engines certified by EPA or CARB to a cleaner emission standard than the original engine for projects including the repowering of school bus engines.
 - (v) Use of rebuilt engines certified to a cleaner EPA or CARB emission standard than the original engines for projects including the rebuilding of existing school bus engines.
 - (vi) Funds under this award cannot be used for emission reductions that result from school bus replacements or repowers that would have

occurred through normal attrition/fleet turnover within three years of October 1, 2012.

- (vii) Funds under this award cannot be used for the purchase of school buses or engines to expand a fleet.
- (viii) Any proposed replacement bus or engine must perform the same function and operation as the bus or engine that is being replaced.
- (ix) Any proposed replacement bus or engine must be of the same type and similar gross vehicle weight rating or horsepower as the bus or engine being replaced.
- (x) Any proposed engine to be replaced must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the engine while retaining possession of the engine is an acceptable scrapping method. Disabling the engine may be completed by drilling a hole in the engine block (the part of the engine containing the cylinders). Alternatively, disabling the engine may be completed by removing the engine oil from the crankcase, replacing it with a 40 percent solution of sodium silicate and running the engine for a short period of time at low speeds, thus rendering the engine inoperable. Remanufacturing of school bus engines requires that the engine be returned to the original engine manufacturer for remanufacturing to MY 2007 or newer certified emission standards. Other acceptable scrapping methods may be considered and will require prior Division approval. If scrapped or remanufactured engines are to be sold, program income requirements apply.
- (xi) Any school bus to be replaced must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or its engine returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the chassis and the engine (see (x) above) while retaining possession of the bus is an acceptable scrapping method. Disabling the chassis may be completed by cutting the chassis in half. Remanufacturing of a highway school bus requires that it be returned to the original engine manufacturer for remanufacturing to MY 2007 or newer certified emission standards. Other acceptable scrapping methods may be considered and will

require prior Division approval. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapped or remanufactured buses or salvaged bus chassis or components are to be sold, program income requirements apply.

- (xii) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above sections (x) and (xi)) in projects that include early bus replacement or bus repowering.
 - (xiii) Submission of quarterly and final reports when requested.
 - (xiv) Compliance with applicable Federal procurement and subgrant procedures.
 - (xv) Certification that the emission control equipment was properly installed and is in working condition when applicable.
 - (xvi) Use of data-logging in accordance with manufacturer specifications of diesel school buses that will be equipped with emission control equipment on existing routes to ensure proper exhaust temperature profiles.
 - (xvii) Proper maintenance of school buses and retrofit equipment and enforcement of warranty claims against vendors if a maintenance problem arises, as applicable.
 - (xviii) Use of the emission control equipment and/or rebuilt engine on the school buses and/or use of repowered and replacement school buses for a minimum of four years unless the equipment is damaged beyond repair and/or the vehicles become inoperable and are unable to be repaired.
- (b) Eligible Recipients of the Grant. An eligible applicant is any Georgia public school system that owns and operates school buses. Eligible applicants can only receive funding for projects proposing to:
1. Retrofit school buses with pre-2007 model year engines with emission control devices;
 2. Rebuild school bus pre-2007 engines to a cleaner engine standard;
 3. Replace school buses with pre-2007 model year engines with school buses equipped with 2010 or newer model year engines; and/or

4. Repower school buses with pre-2007 model year engines with engines certified by EPA or CARB to a cleaner emission standard.
- (c) Match Requirements. Project applicants shall be required to match a minimum of 50% of the project cost for purchasing and installing emissions control devices on diesel school buses and/or to rebuild school bus engines, to match a minimum of 65% of the project cost to purchase early replacement school buses, and/or match a minimum of 65% of the project cost to repower school bus engines.
- (d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:
1. First priority will be given for public school systems whose fleets are based in counties that are not designated as nonattainment or maintenance for PM 2.5 and who submit projects to retrofit school buses with emission control devices.
 2. Second priority will be given for public school systems whose fleets are based in counties that are not designated as nonattainment or maintenance for PM 2.5 and who submit projects to replace school buses early, repower school buses, and/or rebuild school bus engines.
 3. Third priority will be given for public school systems whose fleets are based in counties that are officially designated as nonattainment or maintenance for the PM 2.5 standard and who submit projects to retrofit school buses with emission control devices.
 4. Fourth priority will be given for public school systems whose fleets are based in counties that are officially designated as nonattainment or maintenance for the PM 2.5 standard and who submit projects to replace school buses early, repower school buses, and/or rebuild school bus engines.
 5. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).
- (e) Deadline For Submittal. EPD will issue the first solicitation for applications on or before June 1, 2013. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all of the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and

order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria stated in Subsection (c).

- (f) Directions For Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division

Mobile and Area Sources Program

Attn: Stacy Allman

4244 International Parkway, Suite 134

Atlanta, Georgia 30354

e-mail: stacy.allman@dnr.state.ga.us

- (g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.
- (3) Diesel Emissions Reduction Act (DERA) Georgia Diesel Emissions Reduction Program Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel vehicles that are located or operated in the State of Georgia.
- (a) General Terms and Conditions of the Grant.
 - 1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).
 - 2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this subsection.
 - (i) Coordination with EPD personnel.
 - (ii) Use of engines certified by EPA or CARB to 2010 or newer heavy duty engine standards for projects including the early replacement of school buses.

- (iii) Any proposed school bus(es) to be replaced must be between model year 1991-2003.
- (iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of October 1, 2014.
- (v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.
- (vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.
- (vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced.
- (viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method. Disabling the engine may be completed by drilling a hole in the engine block (the part of the engine containing the cylinders) and manifold. Alternatively, disabling the engine may be completed by removing the engine oil from the crankcase, replacing it with a 40 percent solution of sodium silicate and running the engine for a short period of time at low speeds, thus rendering the engine inoperable. Remanufacturing shall be performed by the original engine manufacturer, or by a dealership/distributor that has a service program that is sponsored/backed by original engine manufacturer warranties (i.e. the new, remanufactured and upgraded engine is warranted by the OEM). Bus engines shall be remanufactured to Model Year (MY) 2007 or newer certified emission standards. Remanufacturing must be completed during the project period. Other acceptable scrappage methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapped or remanufactured engines are to be sold, program income requirements apply.

- (ix) For any school bus to be replaced, the chassis must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or its engine returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the chassis and the engine (see (viii) above), while retaining possession of the bus, is an acceptable scrapping method. Disabling the chassis may be completed by cutting through the frame/frame rails on each side at a point located between the front and rear axles. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or refurbishing the bus chassis. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapped or remanufactured buses or salvaged bus chassis or components are to be sold, program income requirements apply.
- (x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above sections (viii) and (ix)) in projects that include early bus replacement.
- (xi) Submission of quarterly and final reports when requested.
- (xii) Compliance with applicable Federal procurement and subgrant procedures.
- (xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.
2. Eligible applicants can only receive funding for projects proposing to replace model year 1991-2003 school buses equipped with pre-2007 model year engines with school buses equipped with 2013 or newer model year engines.

(c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.

- (d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:
1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment or maintenance for PM 2.5
 2. Second priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for PM 2.5
 3. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).
- (e) Deadline for Submittal. EPD will issue the first solicitation for applications on or before December 31, 2014. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all of the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this Subsection 391-3-21-.15(3).
- (f) Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division

Mobile and Area Sources Program

Attn: Stacy Allman

4244 International Parkway, Suite 134

Atlanta, Georgia 30354

e-mail: stacy.allman@dnr.state.ga.us

- (g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.
- (4) Diesel Emissions Reduction Act (DERA) Georgia Diesel Emissions Reduction Program Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel vehicles that are located or operated in the State of Georgia.
- (a) General Terms and Conditions of the Grant.
 - 1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).
 - 2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this paragraph.
 - (i) Coordination with EPD personnel.
 - (ii) Use of engines certified by EPA or CARB to 2010 or newer heavy duty engine standards for projects including the early replacement of school buses.
 - (iii) Any proposed school bus(es) to be replaced must be between model year 1996-2006.
 - (iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of notice of criteria approval.
 - (v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.
 - (vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.
 - (vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced.
 - (viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90)

days of the replacement, or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method. Disabling the engine may be completed by drilling a hole in the engine block (the part of the engine containing the cylinders) and manifold. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapped or remanufactured engines are to be sold, program income requirements apply.

- (ix) For any school bus to be replaced, the chassis must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or its engine returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the chassis and the engine (see (viii) above), while retaining possession of the bus, is an acceptable scrapping method. Disabling the chassis may be completed by cutting through the frame/frame rails on each side at a point located between the front and rear axles. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or refurbishing the bus chassis. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapped or remanufactured buses or salvaged bus chassis or components are to be sold, program income requirements apply.
- (x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above subparagraphs (viii) and (ix)) in projects that include early bus replacement.
- (xi) Submission of quarterly and final reports when requested.
- (xii) Compliance with applicable Federal procurement and subgrant procedures.
- (xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.
 2. Eligible applicants can only receive funding for projects proposing to replace model year 1996-2006 school buses equipped with pre-2007 model year engines with school buses equipped with 2017 or newer model year engines.
- (c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.
- (d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:
1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment or maintenance for the 2008 or 2015 Ozone National Ambient Air Quality Standards (NAAQS).
 2. Second priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for the 2008 or 2015 Ozone NAAQS.
 3. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).
- (e) Deadline for Submittal. EPD will issue the first solicitation for applications within 4 months of notice of criteria approval. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all of the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this paragraph 391-3-21-.15(4).
- (f) Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and

submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division

Planning and Support Program

4244 International Parkway, Suite 134

Atlanta, Georgia 30354

- (g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.
- (5) Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel school buses that are located or operated in the State of Georgia.
- (a) General Terms and Conditions of the Grant.
 - 1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).
 - 2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this paragraph.
 - (i) Coordination with EPD personnel.
 - (ii) Use of engines certified by EPA or CARB to 2010 or newer heavy duty engine standards for projects including the early replacement of school buses.
 - (iii) Any proposed school bus(es) to be replaced must be between model year 1995-2006.
 - (iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of notice of criteria approval.
 - (v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.

- (vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.
- (vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced.
- (viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method. Disabling the engine may be completed by drilling a hole in the engine block (the part of the engine containing the cylinders) and manifold. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapped or remanufactured engines are to be sold, program income requirements apply.
- (ix) For any school bus to be replaced, the chassis must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or its engine returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the chassis and the engine (see (viii) above), while retaining possession of the bus, is an acceptable scrapping method. Disabling the chassis may be completed by cutting through the frame/frame rails on each side at a point located between the front and rear axles. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or refurbishing the bus chassis. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapped or remanufactured buses or salvaged bus chassis or components are to be sold, program income requirements apply.
- (x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above subparagraphs (viii) and (ix)) in projects that include early bus replacement.
- (xi) Submission of quarterly and final reports when requested.

- (xii) Compliance with applicable Federal procurement and subgrant procedures.
- (xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.
2. Eligible applicants can only receive funding for projects proposing to replace model year 1995-2006 school buses equipped with pre-2007 model year engines with school buses equipped with 2017 or newer model year engines.

(c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.

(d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). The counties included are Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, and Henry.
2. Second priority will be given for public school systems whose fleets are based in counties that have been designated as maintenance for the 2008 Ozone NAAQS and attainment for the 2015 Ozone NAAQS. These counties are Cherokee, Coweta, Douglas, Fayette, Forsyth, Newton, Paulding, and Rockdale.
3. Third priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for the 2008 or 2015 Ozone NAAQS.
4. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

- (e) Deadline for Submittal. EPD will issue the first solicitation for applications within 4 months of notice of criteria approval. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all of the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this paragraph 391-3-21-.15(5).
- (f) Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division

Planning and Support Program

4244 International Parkway, Suite 120

Atlanta, Georgia 30354

- (g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts if necessary to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.
- (6) Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel school buses that are located or operated in the State of Georgia.
- (a) General Terms and Conditions of the Grant.
 - 1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).
 - 2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this paragraph.
 - (i) Coordination with EPD personnel.

- (ii) Use of engines certified by EPA or CARB to 2010 or newer heavy-duty engine standards for projects including the early replacement of school buses.
- (iii) Any proposed school bus(es) to be replaced must be between model year 1996-2018.
- (iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of notice of criteria approval.
- (v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.
- (vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.
- (vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced.
- (viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90) days of the replacement or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method. Disabling the engine may be completed by drilling a hole in the engine block (the part of the engine containing the cylinders) and manifold. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapped or remanufactured engines are to be sold, program income requirements apply.
- (ix) For any school bus to be replaced, the chassis must be scrapped or rendered permanently disabled within ninety (90) days of the replacement, or its engine returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Remanufacturing must be completed during the project period. Permanently disabling the chassis and the engine (see (viii) above), while retaining possession of the bus, is an acceptable scrapping method. Disabling the chassis may be completed by

cutting through the frame/frame rails on each side at a point located between the front and rear axles. Other acceptable scrappage methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or refurbishing the bus chassis. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapped or remanufactured buses or salvaged bus chassis or components are to be sold, program income requirements apply.

- (x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above subparagraphs (viii) and (ix)) in projects that include early bus replacement.
- (xi) Submission of quarterly and final reports when requested.
- (xii) Compliance with applicable Federal procurement and subgrant procedures.
- (xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.
2. Eligible applicants can only receive funding for projects proposing to replace model year 1996-2009 school buses with school buses equipped with 2016 or newer model year engines; or replace 1996-2018 diesel school buses with 2016 or newer near zero NOx or zero emissions school buses.

(c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.

(d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment for the 2015 Ozone

National Ambient Air Quality Standards (NAAQS). The counties included are Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, and Henry.

2. Second priority will be given for public school systems whose fleets are based in counties that have been designated as maintenance for the 2008 Ozone NAAQS and attainment for the 2015 Ozone NAAQS. These counties are Cherokee, Coweta, Douglas, Fayette, Forsyth, Newton, Paulding, and Rockdale.
 3. Third priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for the 2008 or 2015 Ozone NAAQS.
 4. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).
- (e) Deadline for Submittal. EPD will issue the first solicitation for applications within 4 months of notice of criteria approval. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this paragraph 391-3-21-.15(6).
- (f) Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division

Planning and Support Program

4244 International Parkway, Suite 120

Atlanta, Georgia 30354

- (g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the

requested amounts, if necessary, to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

- (7) Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel school buses that are located or operated in the State of Georgia.

(a) General Terms and Conditions of the Grant.

1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).
2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this paragraph.
 - (i) Coordination with EPD personnel.
 - (ii) Any proposed school bus(es) must be certified by EPA or CARB to meet the eligibility requirements in (b)2.
 - (iii) Any proposed school bus(es) to be replaced must be diesel-powered and the model year must be between 1996-2020.
 - (iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of notice of criteria approval.
 - (v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.
 - (vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.
 - (vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced.
 - (viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90) days of the replacement or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method.

Disabling the engine may be completed by cutting a three-inch hole in the engine block (the part of the engine containing the cylinders). Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapping is to be sold, program income requirements apply.

- (ix) For any school bus to be replaced, the chassis must be scrapped or rendered permanently disabled within ninety (90) days of the replacement. Permanently disabling the chassis and the engine (see (viii) above), while retaining possession of the bus, is an acceptable scrapping method. Disabling the chassis may be completed by cutting through the frame/frame rails on each side at a point located between the front and rear axles. Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or refurbishing the bus chassis. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrapping is to be sold, program income requirements apply.
- (x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above subparagraphs (viii) and (ix)) in projects that include early bus replacement.
- (xi) Submission of quarterly and final reports when requested.
- (xii) Compliance with applicable Federal procurement and subgrant procedures.
- (xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.
- (xiv) If a 2010 engine model year (EMY) or newer bus is replaced, the 2010 EMY or newer bus may be retained by selling the bus within Georgia provided the 2010 EMY or newer bus replaces a 1996-2009 EMY bus, and the 1996-2009 EMY bus is scrapped. The retained bus must be sold, and the 1996-2009 replacement bus must be located within Georgia. It is preferred that the scrapped unit currently operates within the same project location(s) as the 2010 EMY or newer vehicle currently operates, however alternative scenarios will be considered. The option to sell a bus is only allowed if the NOx emission reduction benefits are retained or improved compared to the original application. A detailed

scrappage plan must be submitted and approved by the Division prior to the sale. If the bus is sold, program income requirements apply.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.
2. Eligible applicants can only receive funding for projects proposing to replace model year 1996-2009 diesel school buses with school buses equipped with 2016 or newer model year engines; or replace 1996-2020 diesel school buses with 2016 or newer low-NOx or zero emissions school buses.

(c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.

(d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:

1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). The counties included are Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, and Henry.
2. Second priority will be given for public school systems whose fleets are based in counties that have been designated as maintenance for the 2008 Ozone NAAQS and attainment for the 2015 Ozone NAAQS. These counties are Cherokee, Coweta, Douglas, Fayette, Forsyth, Newton, Paulding, and Rockdale.
3. Third priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for the 2008 or 2015 Ozone NAAQS.
4. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).

- (e) Deadline for Submittal. EPD will issue the first solicitation for applications within 4 months of notice of criteria approval. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this paragraph 391-3-21-.15(7).
- (f) Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division

Planning and Support Program

4244 International Parkway, Suite 120

Atlanta, Georgia 30354

- (g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts, if necessary, to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.
- (8) Scope and Purpose. Grants are available under the Diesel Emissions Reduction Act (DERA) State Clean Diesel Grant Program for replacing diesel school buses that are located or operated in the State of Georgia.
- (a) General Terms and Conditions of the Grant.
 - 1. Projects submitted for funding under this Grant must identify the school bus(es) proposed for early replacement and the model year of the new replacement bus(es).
 - 2. Submitted projects must conform to all applicable programmatic and administrative conditions including but not limited to those in this paragraph.
 - (i) Coordination with EPD personnel.

- (ii) Any proposed school bus(es) must be certified by EPA or CARB to meet the eligibility requirements in (b)2.
- (iii) Any proposed school bus(es) to be replaced must be diesel-powered and the model year must be 2021 or older.
- (iv) Funds under this award cannot be used for emission reductions that result from school bus replacements that would have occurred through normal attrition/fleet turnover within three years of notice of criteria approval.
- (v) Funds under this award cannot be used for the purchase of school buses to expand a fleet.
- (vi) Any proposed replacement bus must perform the same function and operation as the bus or engine that is being replaced.
- (vii) Any proposed replacement bus must be of the same type and similar gross vehicle weight rating or horsepower as the bus being replaced (e.g., replace Type D bus with another Type D bus). Alternately, the proposed replacement bus may be one type smaller and of less gross vehicle weight rating or horsepower as the bus being replaced (e.g., replace Type D bus with a Type C bus).
- (viii) For any proposed school bus to be replaced, the bus engine must be scrapped or rendered permanently disabled within ninety (90) days of the replacement or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Permanently disabling the engine, while retaining possession of the engine, is an acceptable scrapping method. Disabling the engine may be completed by cutting a three-inch hole in the engine block (the part of the engine containing the cylinders). Other acceptable scrapping methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or remanufacturing the bus engine. If scrapping is to be sold, program income requirements apply.
- (ix) For any school bus to be replaced, the chassis must be scrapped or rendered permanently disabled within ninety (90) days of the replacement. Permanently disabling the chassis and the engine (see (viii) above), while retaining possession of the bus, is an acceptable scrapping method. Disabling the chassis may be completed by cutting through the frame/frame rails on each side at a point located between the front and rear axles. Other acceptable scrapping

methods may be considered and will require prior Division approval. This grant does not cover the cost of scrapping or refurbishing the bus chassis. Components that are not part of the bus engine or chassis may be salvaged from the unit being replaced. If scrappage is to be sold, program income requirements apply.

- (x) Submit documentation on the decommissioning of the replaced school bus engine (as outlined in the above subparagraphs (viii) and (ix)) in projects that include early bus replacement.
- (xi) Submission of quarterly and final reports when requested.
- (xii) Compliance with applicable Federal procurement and subgrant procedures.
- (xiii) Use of the replacement school buses for a minimum of four years unless the vehicles become inoperable and are unable to be repaired.
- (xiv) If a 2010 engine model year (EMY) or newer bus is replaced, the 2010 EMY or newer bus may be retained by selling the bus within Georgia provided the 2010 EMY or newer bus replaces a pre-2009 EMY bus, and the pre-2009 EMY bus is scrapped. The retained bus must be sold, and the pre-2009 replacement bus must be located within Georgia. It is preferred that the scrapped unit currently operates within the same project location(s) as the 2010 EMY or newer vehicle currently operates, however alternative scenarios will be considered. The option to sell a bus is only allowed if the NOx emission reduction benefits are retained or improved compared to the original application. A detailed scrappage plan must be submitted and approved by the Division prior to the sale. If the bus is sold, program income requirements apply.

(b) Eligible Recipients and Projects for the Grant.

1. An eligible applicant is any Georgia public school system that owns and operates school buses.
2. Eligible applicants can only receive funding for projects proposing to replace model year 2009 or older diesel school buses with school buses equipped with 2019 or newer model year engines; or replace 2021 or older diesel school buses with 2019 or newer low-NOx or zero emissions school buses.

- (c) Match Requirements. Project applicants shall be required to match a minimum of 75% of the project cost to purchase early replacement school buses. Solicitations may include an additional voluntary cost share so that additional federal funds may be received.
- (d) Criteria for the Award. In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will determine the projects to be selected as follows:
 - 1. First priority will be given for public school systems whose fleets are based in counties that have been designated as nonattainment for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). The counties included are Bartow, Clayton, Cobb, DeKalb, Fulton, Gwinnett, and Henry.
 - 2. Second priority will be given for public school systems whose fleets are based in counties that have been designated as maintenance for the 2008 Ozone NAAQS and attainment for the 2015 Ozone NAAQS. These counties are Cherokee, Coweta, Douglas, Fayette, Forsyth, Newton, Paulding, and Rockdale.
 - 3. Third priority will be given for public school systems whose fleets are based in counties that have not been designated as nonattainment or maintenance for the 2008 or 2015 Ozone NAAQS.
 - 4. Within each priority, applications will be ranked according to cost effectiveness of the project (cost per ton of emission reduced over the lifetime of the project).
- (e) Deadline for Submittal. EPD will issue the first solicitation for applications within 4 months of notice of criteria approval. Applications will be due within four weeks after release of the solicitation. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all the funds have been obligated. For each solicitation, retrofit projects will be awarded based on the priority and order in which projects rank within the criteria selection process. The applications will be evaluated based on the criteria and requirements included in this paragraph 391-3-21-.15(8).
- (f) Directions for Submitting Applications for the Georgia Diesel Emission Reduction Program. Requests for copies of the general guidelines and proposal forms and submittal of applications for the DERA Georgia Diesel Emission Reduction Program should be made to:

Georgia Environmental Protection Division

Planning and Support Program

4244 International Parkway, Suite 120

Atlanta, Georgia 30354

- (g) Award of the Georgia Diesel Emission Reduction Program grants is subject to Federal funding provided to EPD. EPD may fund individual projects less than the requested amounts, if necessary, to distribute funds among equally ranked projects or to reduce the project cost to the maximum allowable distribution.

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.15

Authority: O.C.G.A. § [12-9-1](#) et seq., as amended.

History. Original grant description entitled "Georgia Diesel Emissions Reduction Program" submitted May 16, 2011.

Submitted: May 2, 2013.

Submitted: Nov. 10, 2017.

Submitted: Oct. 29, 2018.

Submitted: Sep. 6, 2019.

Submitted: Sep. 15, 2020.

Submitted: Oct. 13, 2021.

Rule 391-3-21-.16. Georgia High Hazard Potential Dams Grant.

- (1) Statutory Basis: National Dam Safety Program Act (Pub. L. 92-367), as amended, [33 U.S.C. 467f-2](#), and the Georgia Safe Dams Act of 1978, O.C.G.A. Sec. [12-5-370](#) et seq.
- (2) General Scope and Purpose. Grants are available under the Georgia High Hazard Potential Dams (HHPD) Grant for the rehabilitation of eligible high hazard potential dams located in the State of Georgia. The funding source for these grants is provided to the Environmental Protection Division (the "Division") by the U.S. Department of Homeland Security, Federal Emergency Management Agency ("FEMA"). The types of activities that may be funded by this grant include technical, planning, design, pre-construction and construction activities related to the rehabilitation of eligible high hazard dams.
 - (a) The term "eligible high hazard potential dam" is defined under [33 U.S.C. § 467\(4\)\(A\)](#). The Division has published a list of such dams on its webpage and will update this list periodically. This list will include high hazard potential dams that the Division has determined fail to meet minimum dam safety standards and pose an unacceptable risk to the public, as defined by FEMA.

- (b) Rehabilitation may include the repair, replacement, reconstruction, or removal of a dam; rehabilitation does not include routine operation and maintenance activities.

(3) General Terms and Conditions of the Grant.

- (a) Projects submitted for funding under this Grant must clearly identify the eligible high hazard dam proposed for rehabilitation.
- (b) Submitted projects must conform to all applicable programmatic and administrative conditions of the grant program, including but not limited to the following:
 - 1. An applicant must coordinate early and often with EPD personnel.
 - 2. An applicant must act in accordance with the Georgia Safe Dams Act and Georgia's Rules for Dam Safety, Chapter 391-3-8.
 - 3. An applicant must participate in, and comply with, all applicable federal flood insurance programs.
 - 4. An applicant must commit to provide operation and maintenance of the project for the 50-year period following completion of rehabilitation (or the expected life of the dam) and provide assurance that the owner of the dam has developed and will carry out a plan for maintenance of the dam during the expected life of the dam. For projects that do not involve construction, and are limited to planning and/or design, the applicant may meet this requirement through a commitment letter to provide operation and maintenance once the dam rehabilitation moves into construction. If the rehabilitation involves removal of the dam, then this requirement does not apply.
 - 5. An applicant must have a floodplain management plan in place to reduce the impacts of future flood events in the area protected by the project, or the applicant must commit to developing a floodplain management plan not later than one year after the date of execution of the project agreement and implementing the plan not later than one year after the date of completion of the project.
 - 6. An applicant must have in place (by the application deadline and at the time of obligation of grant funds) a FEMA-approved hazard mitigation plan that includes all dam risks and complies with the Disaster Mitigation Act of 2000. Nonprofit organizations that are applicants must be located in a local jurisdiction with a FEMA-approved hazard mitigation plan that includes all dam risks and complies with the Disaster Mitigation Act of 2000. If an applicant does not have a local mitigation plan that includes all dam risks,

the applicant may request an extension to meet this requirement where certain extraordinary circumstances defined by FEMA may apply.

7. An applicant must submit quarterly progress reports throughout the duration of the project pursuant to a schedule provided by the Division.
8. An applicant must comply with applicable Federal procurement and subgrant procedures. This may include compliance with federal requirements regarding contractor and subcontractor wages ([42 U.S.C. § 5196\(j\)\(9\)](#)) and selection of architects and engineers (40 U.S.C. §§ 1101-1104).

(4) Eligible Recipients and Dams for the Grant.

- (a) An eligible applicant shall be a state or local governmental organization or nonprofit organization. Private dam owners that do not qualify as nonprofit organizations will need to enlist the support of a local government or nonprofit sponsor who can serve as the applicant for the project and can meet the grant conditions of paragraph (3)(b).
- (b) The dam proposed for rehabilitation must have an emergency action plan approved by the Division.
- (c) The dam proposed for rehabilitation shall not be a licensed hydroelectric dam, or a dam built under the authority of the Secretary of Agriculture.
- (d) Match Requirements. Funding is available for up to 65 percent of the eligible activity costs. Project applicants shall be required to match a minimum of 35% of the project cost through non-federal sources, which may be in-kind. Requirements for cash and third-party in-kind contributions can be found in [2 C.F.R. § 200.306](#).

(5) Criteria for the Award.

- (a) Award of the Georgia High Hazard Potential Dams (HHPD) Grant is subject to federal funding provided to the Division and funding is limited. Therefore, a prioritization process will be used to ensure that the most appropriate projects are selected for funding from among the applications received. The Division may fund individual projects at less than the requested amounts, if necessary, to distribute funds among selected projects.
- (b) In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will prioritize projects for selection using the following criteria:

1. Category I dams that are unpermitted, provided that the application commits to bringing the dam into full compliance with the Georgia Safe Dams Act.
2. The Population at Risk (PAR) associated with each dam.
3. The anticipated losses avoided due to rehabilitation of the dam.

(6) Directions and deadlines for applications.

- (a) Applicants interested in applying for the Georgia High Hazard Potential Dams Grant should contact the Division's Safe Dams Unit or visit the Division's website for specific application assistance. Any project proposal that does not satisfy all grant criteria or does not follow the Division's application requirements may not be reviewed or considered for funding. Applications should be submitted to:

Georgia Environmental Protection Division

Regulatory Support Program

ATTN: Safe Dams Unit

2 Martin Luther King Jr. Drive, SE

Suite 1152 East

Atlanta, Georgia 30354

- (b) Deadline for submitted applications: The Division will announce the availability of this grant and provide instructions and the deadline for submittal of applications within 4 months of publication of this program description. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all the funds have been obligated.

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.16

Authority: National Dam Safety Program Act (Pub. L. 92-367), as amended, [33 U.S.C. 467f-2](#); O.C.G.A. § [12-5-370](#) et seq.

History. Original grant description entitled "Georgia High Hazard Potential Dams Grant" submitted Dec. 29, 2020.

Rule 391-3-21-.17. Solid Waste Trust Fund Grant Program.

- (1) Statutory Authority: O.C.G.A. [12-8-27.1](#) and O.C.G.A. [12-8-37.1](#)
- (2) General Scope and Purpose. The purpose of this grant is to provide financing to the entities described in O.C.G.A. [12-8-37.1](#) for the purposes identified in that Code section.
- (3) General Terms and Conditions of the Grant. The terms and conditions of the grant are:
 - (a) Grants will be made to entities identified as eligible in O.C.G.A. [12-8-37.1](#) to support projects that further the purposes of the Solid Waste Trust Fund as described in that Code section including: the cleanup of solid waste disposal facilities, including those used for the disposal of scrap tires; the development and implementation of solid waste enforcement programs for the prevention and abatement of illegal dumping of solid waste, including without limitation the prevention and abatement of litter; the funding of grants or loans, in accordance with procedures developed by the division; the implementation of innovative technologies for the recycling and reuse of solid waste, including without limitation scrap tires; and/or for educational and other efforts to promote waste reduction, recycling, and recycling market development.
 - (b) Grants will be awarded each year subject to the amount of funds available that year to support the Solid Waste Trust Fund Grant Program. Eligible applicants may apply for any amount up to the maximum available in that year.
 - (c) The grant may pay up to 100% of project costs, subject to available funding, maximum limitations, and match requirements.
 - (d) Further terms and conditions for the Solid Waste Trust Fund Grant Program may be described in publications on the Environmental Protection Division's website at: <https://epd.georgia.gov/about-us/land-protection-branch>
- (4) Eligible Recipients. Eligible recipients of competitive grants are those described as eligible in 12-8-37.1. Local governments also must be designated by the Georgia Department of Community Affairs as having Qualified Local Government Status, in compliance with the requirements of the Georgia Planning Act of 1989, to be eligible.
- (5) Criteria for the Award.
 - (a) The following minimum eligibility criteria apply to all grant applications:
 1. The application must describe the need, purpose, and objective of the proposed activity.
 2. The application must include details regarding the specific activities or categories of activities to be carried out with grant assistance.

3. The application must include a detailed budget outlining all anticipated sources of project funding as well a detailed line-item estimate of all expenses.
 4. The application must include a detailed project schedule including start date, completion date and intermediate milestones.
 5. The application must describe how the projects for which grant funds are requested support the Solid Waste Trust Fund purposes identified in O.C.G.A. [12-8-37.1](#).
- (b) Applications may be prioritized for funding based on the following additional criteria:
1. A clear demonstration of the need for the project in the proposed affected community(ies).
 2. Community investment has been established through a documented financial or in-kind match.
 3. The steps for project implementation are adequately identified and, if followed, are likely to result in the achievement of the outlined goals and objectives.
 4. The project description includes clear metrics for success that are appropriate and, if achieved, will have a significant impact on achieving the Solid Waste Trust Fund purposes as described in 12-8-37.1.
 5. The project is cost effective, and the benefits are likely to be sustainable.
- (c) Applications may be assigned bonus points in the prioritization assessment for:
1. Projects that use Georgia-based suppliers for products and services.
 2. Regional or multi-jurisdictional project proposals jointly submitted by two or more local governments.
 3. Demonstrating coordination with the local solid waste management plan or other recycling, waste reduction and/or diversion projects and activities.
 4. Bringing together new resources or innovative approaches to recycling, waste reduction, and diversion.
 5. Applicants that have or who have partners for the proposed project who have "buy recycled" ordinances, policies, practices, and procedures.

6. Project proposals that demonstrate additional environmental benefits including, but not limited to, water conservation, emissions reduction, and energy conservation.

- (6) Directions and Deadlines for Applying. Awards will be made annually as funds allow and deadlines will vary. Requests for information and applications should be directed to the:

Environmental Protection Division

Recovered Materials Program

4244 International Parkway, Suite 104

Atlanta, Georgia 30354

Phone (404) 362-2537

Cite as Ga. Comp. R. & Regs. R. 391-3-21-.17

Authority: O.C.G.A. § [12-8-20](#) *et seq.*, as amended.

History. Original grant description entitled "Solid Waste Trust Fund Grant Program." Submitted June 29, 2022.

Subject 391-3-22. REPEALED 391-3-22.

[Rule 391-3-22-.01. Repealed.](#)

Cite as Ga. Comp. R. & Regs. R. 391-3-22-.01

Authority: O.C.G.A. Section [12-9-1](#), *et seq.*

History. Original Rule entitled "Definitions" adopted. F. May 2, 1994; eff. May 22, 1994.

Amended: F. May 26, 1998; eff. June 15, 1998.

Repealed: F. Apr. 21, 2014; eff. May 11, 2014.

[Rule 391-3-22-.02. Repealed.](#)

Cite as Ga. Comp. R. & Regs. R. 391-3-22-.02

Authority: O.C.G.A. Section [12-9-1](#), *et seq.*

History. Original Rule entitled "Covered Area" adopted. F. May 2, 1994; eff. May 22, 1994.

Repealed: New Rule of same title adopted. F. May 26, 1998; eff. June 15, 1998.

Repealed: F. Apr. 21, 2014; eff. May 11, 2014.

[Rule 391-3-22-.03. Repealed.](#)

Cite as Ga. Comp. R. & Regs. R. 391-3-22-.03

Authority: O.C.G.A. Section [12-9-1](#), *et seq.*

History. Original Rule entitled "Covered Fleet Operators" adopted. F. May 2, 1994; eff. May 22, 1994.
Repealed: New Rule of same title adopted. F. May 26, 1998; eff. June 15, 1998.
Repealed: F. Apr. 21, 2014; eff. May 11, 2014.

Rule 391-3-22-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-22-.04

Authority: O.C.G.A. Section [12-9-1](#), *et seq.*

History. Original Rule entitled "Covered Fleet Vehicles Operators" adopted. F. May 2, 1994; eff. May 22, 1994.

Amended: F. May 26, 1998; eff. June 15, 1998.

Repealed: F. Apr. 21, 2014; eff. May 11, 2014.

Rule 391-3-22-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-22-.05

Authority: O.C.G.A. Section [12-9-1](#), *et seq.*

History. Original Rule entitled "Determination of Capable of Being Centrally Fueled" adopted. F. May 2, 1994; eff. May 22, 1994.

Amended: F. May 26, 1998; eff. June 15, 1998.

Repealed: F. Apr. 21, 2014; eff. May 11, 2014.

Rule 391-3-22-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-22-.06

Authority: O.C.G.A. Section [12-9-1](#), *et seq.*

History. Original Rule entitled "Purchase Requirements" adopted. F. May 2, 1994; eff. May 22, 1994.

Amended: F. Dec. 5, 1997; eff. Dec. 25, 1997.

Repealed: New Rule of same title adopted. F. May 26, 1998; eff. June 15, 1998.

Repealed: F. Apr. 21, 2014; eff. May 11, 2014.

Rule 391-3-22-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-22-.07

Authority: O.C.G.A. Section [12-9-1](#), *et seq.*

History. Original rule entitled "Emission Standards" adopted. F. May 2, 1994; eff. May 22, 1994.

Amended: F. May 26, 1998; eff. June 15, 1998.

Repealed: F. Apr. 21, 2014; eff. May 11, 2014.

Rule 391-3-22-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-22-.08

Authority: O.C.G.A. Section [12-9-1](#), *et seq.*

History. Original Rule entitled "Credit Program" adopted. F. May 2, 1994; eff. May 22, 1994.

Amended: F. Dec. 5, 1997; eff. Dec. 25, 1997.

Amended: F. May 26, 1998; eff. June 15, 1998.

Repealed: F. Apr. 21, 2014; eff. May 11, 2014.

Rule 391-3-22-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-22-.09

Authority: O.C.G.A. Section [12-9-1](#), *et seq.*

History. Original Rule entitled "Transportation Control Measures" adopted. F. May 2, 1994; eff. May 22, 1994.

Amended: F. May 26, 1998; eff. June 15, 1998.

Repealed: F. Apr. 21, 2014; eff. May 11, 2014.

Rule 391-3-22-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-22-.10

Authority: O.C.G.A. Section [12-9-1](#), *et seq.*

History. Original Rule entitled "Requirements for Fuel Providers" adopted. F. May 2, 1994; eff. May 22, 1994.

Repealed: F. Apr. 21, 2014; eff. May 11, 2014.

Rule 391-3-22-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-22-.11

Authority: O.C.G.A. Section [12-9-1](#), *et seq.*

History. Original Rule entitled "Enforcement" adopted. F. May 2, 1994; eff. May 22, 1994.

Amended: F. May 26, 1998; eff. June 15, 1998.

Repealed: F. Apr. 21, 2014; eff. May 11, 2014.

Subject 391-3-23. PETROLEUM PIPELINE EMINENT DOMAIN PERMIT PROCEDURES.

Rule 391-3-23-.01. Purpose.

The following rule serves to protect Georgia's natural and environmental resources by requiring permits be issued by the Director with monitoring conditions prior to any construction of a new petroleum pipeline or an extension to an existing petroleum pipeline.

Cite as Ga. Comp. R. & Regs. R. 391-3-23-.01

Authority: O.C.G.A. § [12-17-1](#), *et seq.*, as amended.

History. Original Rule entitled "Purpose" adopted. F. Jun. 18, 1996; eff. July 8, 1996.

Amended: F. May 29, 2018; eff. June 18, 2018.

Rule 391-3-23-.02. Definitions.

- (1) 'Corridor of Public Utilities' means right of way for electric, telephone, and cable facilities and pipelines such as natural gas, liquid product, sewer and water.
- (2) 'Director' means the Director of the Environmental Protection Division of the Georgia Department of Natural Resources.
- (3) 'Division' means the Environmental Protection Division of the Georgia Department of Natural Resources.
- (4) 'Existing petroleum pipeline' means a petroleum pipeline constructed and in use prior to January 1, 2016.
- (5) 'Expansion' means a modification to an existing petroleum pipeline within the existing easement or right of way that increases the supply of petroleum by:
 - (a) Increasing the diameter of an existing petroleum pipeline; or
 - (b) Constructing a parallel petroleum pipeline.
- (6) 'Extension' means a modification to an existing petroleum pipeline that increases the length or footprint of the existing petroleum pipeline by a distance greater than one linear mile.
- (7) 'Maintenance' means:
 - (a) The care or upkeep of an existing petroleum pipeline and its appurtenances;
 - (b) The replacement of an existing petroleum pipeline within the same easement or right of way; or
 - (c) The relocation of an existing petroleum pipeline for repair within one linear mile of the existing petroleum pipeline's alignment.
- (8) 'New petroleum pipeline' means a petroleum pipeline that was not constructed and in use prior to January 1, 2016. The term 'new petroleum pipeline' shall not include an expansion, an extension, or any maintenance.
- (9) 'Parallel petroleum pipeline' means a petroleum pipeline that runs side by side to an existing petroleum pipeline.
- (10) 'Petroleum Product' means any mixture of naturally occurring or artificially produced refined hydrocarbons that are liquid at atmospheric temperatures and pressures.
- (11) 'Petroleum pipeline' means a fixed conduit constructed to transport petroleum or petroleum products in or through this state.
- (12) 'Petroleum Pipeline Company' means a corporation, partnership, or other business entity organized under the laws of this state or which is organized under the laws of another

state and is authorized to do business in this state and which is specifically authorized by its charter or articles of incorporation to construct and operate pipelines for the transportation of petroleum or petroleum products.

- (13) 'Pipeline Facility' or 'Pipeline Facilities' means and includes the pipeline and all equipment or facilities, including lateral lines, essential to the operation of the pipeline but shall not include any storage tank or storage facility which is not being constructed as a part of the operation of the pipeline.
- (14) 'Professional Engineer' means a person registered to practice engineering in the State of Georgia in accordance with Chapter 15 of Title 43 of the Official Code of Georgia Annotated.
- (15) 'Professional Geologist' means a person registered to practice geology in the State of Georgia in accordance with Chapter 19 of Title 43 of the Official Code of Georgia Annotated.

Cite as Ga. Comp. R. & Regs. R. 391-3-23-.02

Authority: O.C.G.A. § [12-17-1](#), et seq., as amended.

History. Original Rule entitled "Authority" adopted. F. Jun. 18, 1996; eff. July 8, 1996.

Amended: New title "Definitions." F. May 29, 2018; eff. June 18, 2018.

Rule 391-3-23-.03. Permit Application.

- (1) On or after July 1, 2017, any construction of a new petroleum pipeline or an extension in this state shall require a permit from the Director as provided in this chapter. No construction activity on any portion of a new petroleum pipeline or any extension shall occur unless and until such permit is obtained. Such permit shall be required without regard to whether the petroleum pipeline company intends to exercise any power of eminent domain pursuant to Article 4 of Chapter 3 of Title 22 and shall be in addition to any other permits or authorization required under this title or any other provision of state or federal law.
- (2) Any application to the division for a permit under this chapter shall contain, at a minimum, the following:
 - (a) A non-refundable permit application fee of \$5000.00.
 - (b) A description of the proposed project, including its route sufficiently adequate to permit the location of the subject parcel on a United States Geological Survey 1:24,000 topographic quadrangle map;
 - (c) Copies of any relevant background data on engineering or environmental studies in the possession of or used by the pipeline company to select or develop the proposed pipeline route and/or prepare the permit application.

- (d) Information on other corridors of public utilities.
 - (e) Information on the existence of any local zoning ordinances or land use restrictions and whether or not the pipeline company is in compliance with local zoning ordinances or land use restrictions.
 - (f) Evidence of financial responsibility by the petroleum pipeline company as described in the most current version of the Division's Petroleum Pipeline Permit Guidelines;
 - (g) Description of proposed construction activities
 - (h) A proposal, where appropriate, for monitoring the effects of the petroleum pipeline during construction on the surrounding environment and natural resources, including but not limited to wetland dewatering, sinkhole inducement, impact on protected plants and animals, pollutant pathways, and stream siltation. No proposal is necessary for leak detection or any other monitoring required by federal regulations.
 - (i) Include an objective evaluation of the environmental effects of all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated. Include the alternative of no action.
 - (j) A geologic and hydrologic analysis of the proposed pipeline route.
 - (k) An environmental analysis, include a discussion of all of the areas identified and described in the most current version of the Division's Petroleum Pipeline Permit Guidelines.
 - (l) Means to mitigate adverse environmental impacts
- (3) The permit application shall be prepared under the direction of and shall be signed and sealed by a professional engineer or a professional geologist.
- (4) Permit applications shall be made available for a 30 day public comment period prior to submitting to EPD. The submitted application shall include a summary of all public comments received and a discussion of how those comments have been addressed.
- (5) Within ten days of applying for a permit, the applicant shall provide:
- (a) Public notice in the legal organ of each county through which the proposed route of the new petroleum pipeline or of the extension is to be located; and
 - (b) Written notice of the filing of an application under this Code section to all landowners whose property is located within 1,000 feet of the proposed route of

the new petroleum pipeline or of the extension. Such notice shall be delivered to each landowner and contain the following language in boldface type:

'YOUR PROPERTY IS LOCATED WITHIN 1,000 FEET OF A PROPOSED PETROLEUM PIPELINE FOR WHICH AN APPLICATION FOR A PERMIT HAS BEEN FILED PURSUANT TO CHAPTER 17 OF TITLE 12 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED. SAID CHAPTER ALONG WITH ARTICLE 4 OF CHAPTER 3 OF TITLE 22 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED PROVIDE SPECIFIC REQUIREMENTS WHICH MUST BE FOLLOWED BY PETROLEUM PIPELINE COMPANIES BEFORE THEY MAY BUILD A NEW PETROLEUM PIPELINE OR MODIFY AN EXISTING PETROLEUM PIPELINE. THESE PROVISIONS OF THE OFFICIAL CODE OF GEORGIA ANNOTATED ALSO PROVIDE SPECIFIC RIGHTS FOR YOUR PROTECTION. YOU SHOULD FAMILIARIZE YOURSELF WITH THOSE REQUIREMENTS AND YOUR RIGHTS.'

- (c) In the event that any landowner who, after reasonable efforts, cannot personally be given the notice required in [391-3-23-.04\(5\)\(b\)](#), the applicant shall cause to be posted in a conspicuous location in the city hall and/or court house for municipal or county government(s) in which such parcels are located a copy of the proposed route of the new petroleum pipeline or of the extension with all parcels within 1,000 feet of such route clearly marked, along with the following language in boldface type:

'THE PARCELS INDICATED ON THE ATTACHED MAP ARE LOCATED WITHIN 1,000 FEET OF A PROPOSED PETROLEUM PIPELINE FOR WHICH AN APPLICATION FOR A PERMIT HAS BEEN FILED PURSUANT TO CHAPTER 17 OF TITLE 12 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED. SAID CHAPTER ALONG WITH ARTICLE 4 OF CHAPTER 3 OF TITLE 22 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED PROVIDE SPECIFIC REQUIREMENTS WHICH MUST BE FOLLOWED BY PETROLEUM PIPELINE COMPANIES BEFORE THEY MAY BUILD A NEW PETROLEUM PIPELINE OR MODIFY AN EXISTING PETROLEUM PIPELINE. THESE PROVISIONS OF THE OFFICIAL CODE OF GEORGIA ANNOTATED ALSO PROVIDE SPECIFIC RIGHTS FOR PROTECTION FOR AFFECTED LANDOWNERS. YOU SHOULD FAMILIARIZE YOURSELF WITH THOSE REQUIREMENTS AND YOUR RIGHTS.'

Cite as Ga. Comp. R. & Regs. R. 391-3-23-.03

Authority: O.C.G.A. § [12-17-1](#), et seq., as amended.

History. Original Rule entitled "Definitions" adopted. F. Jun. 18, 1996; eff. July 8, 1996.

Amended: New title "Permit Application." F. May 29, 2018; eff. June 18, 2018.

[Rule 391-3-23-.04. Permit Issuance.](#)

- (1) This permit shall be issued on the basis of a determination by the Director that the location and construction of the proposed pipeline, which is the subject of the application, is consistent with and not an undue hazard to the environment and natural resources of Georgia. This determination shall be made after consideration of:
 - (a) The information required to be contained in the petroleum pipeline company's application;
 - (b) The direct environmental impacts of the proposed new petroleum pipeline or the proposed extension;
 - (c) Alternative alignments to the proposed new petroleum pipeline or the proposed extension;
 - (d) Evidence that ample opportunity has been afforded for public comment;
 - (e) Such other factors that the director deems reasonable and applicable.
- (2) The applicant shall bear the burden of proof to demonstrate that the director should issue the permit.
- (3) The director's decision shall be based on the record before the director, which shall include, but not be limited to, the applicant's submissions, written comments submitted to the director, and research the director may conduct in analyzing the application.
- (4) Within seven days of the receipt of an application the Director has determined to be complete and filed, the Director shall provide for reasonable public notice of the application and the proposed route. The public notice of the application also shall make provisions for a public hearing on the application for the permit. The hearing shall be within sixty days of the date of the public notice of the application. Any interested person may submit written comments on the proposed pipeline prior to the date of the public hearing.
- (5) The Director may request reasonable additional application information from the pipeline company in order to make the determination to issue a permit. If possible, any such request shall be within 45 days of the receipt of the application.
- (6) In the event a permit application, which the Director has determined to be complete and filed, is not approved or denied within 150 days of the date of the publication of the public notice of the application as provided in O.C.G.A. [12-17-6\(b\)](#), the application shall be deemed approved by operation of law and the permit deemed issued. The permit application information shall be provided to the Division in a timely manner so that the Director may have up to 150 days to assess the environmental effects report; to assess other information deemed relevant by the Director; to hold hearings; and to issue or deny the permit.

Cite as Ga. Comp. R. & Regs. R. 391-3-23-.04

Authority: O.C.G.A. § [12-17-1](#), et seq., as amended.

History. Original Rule entitled "Application of Rules" adopted. F. Jun. 18, 1996; eff. July 8, 1996.

Amended: New title "Permit Issuance." F. May 29, 2018; eff. June 18, 2018.

Rule 391-3-23-.05. Permit Amendment.

- (1) If, during the course of construction, conditions arise which result in a material or substantial change of any of the bases of the approved permit (including, but not limited to, deviation from the original route that goes out of the original easement or right of way, change of ownership, or new information that impacts the environmental analysis) the applicant will submit a request for a permit amendment describing the change and the reasons for the change.
- (2) After review and determination that sufficient information exists to justify that the amendment is necessary and does not require a new permit application, the Director will post for 30 days a notice of the draft amendment for public comment on the web site. After close of the public comment period, the Director will grant or deny the amendment.
- (3) If the proposed amendment results in additional landowners whose property will be located within 1,000 feet of the proposed route the applicant shall comply with provisions of [391-3-23-.03\(5\)](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-23-.05

Authority: O.C.G.A. § [12-17-1](#), et seq., as amended.

History. Original Rule entitled "Use of Condemnation" adopted. F. Jun. 18, 1996; eff. July 8, 1996.

Amended: New title "Permit Amendment." F. May 29, 2018; eff. June 18, 2018.

Rule 391-3-23-.06. Hearings and Appeals.

- (1) As used in this Code section, the term 'aggrieved or adversely affected' means a challenged action has caused or will cause persons injury in fact and where the injury is to an interest within the zone of interests to be protected or regulated by the provisions of this chapter that the director is empowered to administer and enforce.
- (2) Any person who is aggrieved or adversely affected by a decision or action of the director under this chapter shall, upon filing a petition within 30 days after the issuance of such order or taking of such action, have a right to a hearing before an administrative law judge appointed by the board. The hearing before the administrative law judge shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The decision of the administrative law judge shall constitute the final decision of the director, and any party to the hearing, including the department, shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

- (3) In the event the director asserts in response to the petition before the administrative law judge that the petitioner is not aggrieved or adversely affected, the administrative law judge shall take evidence and hear arguments on this issue and thereafter make a ruling on same before continuing with the hearing. The burden of going forward with evidence on this issue shall rest with the petitioner.

Cite as Ga. Comp. R. & Regs. R. 391-3-23-.06

Authority: O.C.G.A. § [12-17-1](#), et seq., as amended.

History. Original Rule entitled "Access to Property" adopted. F. Jun. 18, 1996; eff. July 8, 1996.

Amended: New title "Hearings and Appeals." F. May 29, 2018; eff. June 18, 2018.

Rule 391-3-23-.07. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-3-23-.07

Authority: O.C.G.A. § [12-17-1](#), et seq., as amended.

History. Original Rule entitled "Permits from the Environmental Protection Division" adopted. F. Jun. 18, 1996; eff. July 8, 1996.

Repealed: F. May 29, 2018; eff. June 18, 2018.

Rule 391-3-23-.08. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-3-23-.08

Authority: O.C.G.A. § [12-17-1](#), et seq., as amended.

History. Original Rule entitled "Hearings and Appeals" adopted. F. Jun. 18, 1996; eff. July 8, 1996.

Repealed: F. May 29, 2018; eff. June 18, 2018.

Subject 391-3-24. LEAD-BASED PAINT HAZARD MANAGEMENT.

Rule 391-3-24-.01. Scope and Applicability.

- (1) These Rules contain procedures and requirements for the accreditation of renovation and lead-based paint activities training programs, procedures and requirements for the certification of persons and firms engaged in renovation and lead-based paint activities, and standards for performing such activities. These Rules also contain requirements that all renovation and lead-based paint activities performed for compensation in target housing and child-occupied facilities shall be performed by certified persons and lead or renovation firms. No person or firm shall offer to perform renovation or lead-based paint activities without obtaining the certification and training required in these Rules. These Rules do not require the mandatory abatement of lead-based paint.
- (2) These Rules are applicable to all persons and firms who are engaged in renovation and lead-based paint activities as defined in Rule [391-3-24-.03](#), except persons who perform these activities within residential dwellings that they own, unless the residential dwelling

is occupied by a person or persons other than the owner or owner's immediate family while these activities are being performed, or a child residing in the residential dwelling has been identified as having an elevated blood lead level. Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the State of Georgia having jurisdiction over any property or facility, or engaged in any activity resulting, or which may result, in a lead-based paint hazard, and each officer, agent, or employee thereof, shall be subject to, and comply with all requirements, both substantive and procedural, regarding lead-based paint, lead-based paint activities, and lead-based paint hazards.

- (3) The information distribution requirements in Rule [391-3-24-.08](#) are to ensure that owners and occupants of target housing and child-occupied facilities receive information on lead-based paint hazards before renovations begin.
- (4) The training and certification requirements, the standards for performing renovation activities and associated pre-notification education and record keeping requirements under Rule [391-3-24-.04](#) and Rules [391-3-24-.08](#) through [391-3-24-.11](#) apply to all renovations performed for compensation in target housing and child-occupied facilities, except for the following:
 - (a) Renovations in target housing or child-occupied facilities in which a written determination has been made by a certified inspector or certified risk assessor that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter (mg/cm^2) or 0.5 percent (0.5%) by weight, where the certified renovation firm performing the renovation has obtained a copy of the determination.
 - (b) Renovations in target housing or child-occupied facilities in which a certified renovator, using an EPA recognized test kit and following the kit manufacturer's instructions, has tested each component affected by the renovation and determined that the components are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter (mg/cm^2) or 0.5 percent (0.5%) by weight. If the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the renovator is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished separately.
- (5) The information distribution requirements in Rule [391-3-24-.08](#) do not apply to emergency renovation activities. Emergency renovations other than interim controls are exempt from the warning sign, containment, waste handling, training, and certification requirements in Rule [391-3-24-.10](#) to the extent necessary to respond to the emergency. Interim controls performed in response to an elevated blood lead level in a resident child are also emergency renovations. Emergency renovations are not exempt from the cleaning requirements of Rule [391-3-24-.10](#), which must be performed by certified renovators or trained individuals, the cleaning verification requirements of Rule [391-3-](#)

[24-.10](#), which must be performed by certified renovators, and the recordkeeping requirements of Rule [391-3-24-.11](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-24-.01

Authority: O.C.G.A. Sec. [31-41-1](#) *et seq.*

History. Original Rule entitled "Scope and Applicability" adopted. F. June 28, 1996; eff. July 18, 1996.

Repealed: New Rule of same title adopted. F. June 26, 1998; eff. July 16, 1998.

Amended: June 27, 2002; eff. July 17, 2002.

Repealed: New Rule of the same title adopted. F. Nov. 19, 2010; eff. Dec. 9, 2010.

Rule 391-3-24-.02. Enforcement.

- (1) The administration and enforcement of these Rules shall be in accordance with the Georgia Lead Poisoning Prevention Act of 1994, O.C.G.A. [31-41-1](#) *et seq.*, as amended, the Executive Reorganization Act of 1972, O.C.G.A. [12-2-1](#), *et seq.*, and the Georgia Administrative Procedures Act, O.C.G.A. [50-13-1](#), *et seq.*
- (2) Persons and firms conducting renovation or lead-based paint activities shall permit the Division to enter, evaluate, sample and monitor any renovation and lead-based paint activity and have access to records specified in this section without charge or hindrance to the Division for the purposes of evaluating compliance with these Rules. The Division shall perform periodic and unannounced inspections of renovation and lead-based paint activities, lead firms, renovation firms, training providers and lead training courses.

Cite as Ga. Comp. R. & Regs. R. 391-3-24-.02

Authority: O.C.G.A. Sec. [31-41-1](#) *et seq.*

History. Original Rule entitled "Enforcement" adopted. F. June 28, 1996; eff. July 18, 1996.

Repealed: New Rule of same title adopted. F. June 26, 1998; eff. July 16, 1998.

Amended: F. June 27, 2002; eff. July 17, 2002.

Repealed: New Rule of the same title adopted. F. Nov. 19, 2010; eff. Dec. 9, 2010.

Rule 391-3-24-.03. Definitions.

- (1) "Abatement" means any measures or set of measures designed to permanently eliminate lead-based paint or lead-based paint hazards. Abatement includes, but is not limited to:
 - (a) The removal of lead-based paint and lead contaminated dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust or soil; and
 - (b) All preparation, clean-up, disposal, and post-abatement clearance testing activities associated with such measures; and

- (c) Specifically, abatement in target housing and child-occupied facilities includes, but is not limited to:
1. Projects for which there are written contracts or other documentation, which provides that an individual or firm certified in accordance with Rule [391-3-24.05](#) will be conducting activities in or to a residential dwelling or child-occupied facility that:
 - (i) Shall result in the permanent elimination of lead-based paint, or lead-based paint hazards; or
 - (ii) Are designed to permanently eliminate lead-based paint or lead-based paint hazards and are described in paragraphs (a) and (b) of this definition.
 2. Projects involving and/or resulting in the permanent elimination of a lead-based paint hazard, or intact lead-based paint equal to or greater than 1.0 milligram(s) per square centimeter (mg/cm²) or equal to or greater than 0.5 percent (0.5%) by weight, conducted by firms or persons certified in accordance with [391-3-24.05](#), unless such projects are covered by subsection (d) of this definition;
 3. Projects involving and/or resulting in the permanent elimination of a lead-based paint hazard, or intact lead-based paint equal to or greater than 1.0 milligram(s) per square centimeter (mg/cm²) or equal to or greater than 0.5 percent (0.5%) by weight, conducted by firms or persons who, through their company name or promotional literature, or otherwise represent, advertise, or hold themselves to be in the business of performing lead-based paint activities as defined by these Rules, unless such projects are covered by subsection (d) of this definition; or
 4. Projects involving and/or resulting in the permanent elimination of lead-based paint hazards or lead-based paint, that are conducted in response to State or local abatement orders.
- (d) Abatement does not include renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but instead are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.
- (2) "Accessible surface" means an interior or exterior surface painted with lead-based paint that is accessible for a child, six (6) years of age or younger, to mouth or chew.

- (3) "Accredited training program" means a training program that has been accredited by the Division pursuant to section 391-3-24-.04 to provide training for persons engaged in renovation or lead-based paint activities.
- (4) "Adequate quality control" means a plan or design to ensure the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or paint film samples. Adequate quality control also includes provisions for representative sampling.
- (5) "Agent-in-Charge" means the most responsible person at the location or activity being inspected with the direct responsibility for the property or the activity taking place, e.g., lead supervisor.
- (6) "Arithmetic Mean" means the number obtained by dividing the sum of a set of quantities or concentrations (such as wipe sample concentrations) by the number of quantities or concentrations in the set.
- (7) "Certificate of mailing" means proof of mailing and proof of delivery.
- (8) "Certified Dust Sampling Technician" means an individual who has been trained by an accredited training program, passed the course test, and certified by the Division to conduct dust sampling following renovation activities to meet clearance standards in Rule [391-3-24-.07](#).
- (9) "Certified Lead Firm" means a company, partnership, corporation, sole proprietorship, association, or other business entity that performs lead-based paint activities, to which the Division has issued a certificate of approval pursuant to section 391-3-24-.05.
- (10) "Certified Lead Inspector" means an individual who has been trained by an accredited training program and certified by the Division to conduct inspections. A lead inspector also samples for the presence of lead in paint, dust, and soil for the purposes of abatement clearance testing.
- (11) "Certified Lead Project Designer" means an individual who has been trained by an accredited training program, passed the course test, and certified by the Division to prepare abatement project designs, occupancy protection plans, and abatement reports.
- (12) "Certified Lead Risk Assessor" means an individual who has been trained by an accredited training program and certified by the Division to conduct risk assessments. A lead risk assessor also samples for the presence of lead in paint, dust, and soil for the purposes of abatement clearance testing.
- (13) "Certified Lead Supervisor" means an individual who has been trained by an accredited training program and certified by the Division to supervise and conduct abatements in target housing and child-occupied facilities and to prepare occupant protection plans and abatement reports.

- (14) "Certified Lead Worker" means an individual who has been trained by an accredited training program, passed the course test, and certified by the Division to perform abatement activities.
- (15) "Certified Renovation Firm" means a company, partnership, corporation, sole proprietorship, individual doing business, association, or other business entity; a Federal, State, Tribal, or local government agency; or a nonprofit organization that performs renovation activities to which the Division has issued a certificate of approval pursuant to Section 391-3-24-.09.
- (16) "Certified Renovator" means an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course by an accredited training program, passed the course test, and been certified by the Division to perform renovation activities.
- (17) "Chewable surface" means an interior or exterior surface painted with lead-based paint that a child six (6) years of age or younger can mouth or chew. A chewable surface is the same as an "accessible surface" as defined in [42 U.S.C. 4851](#) b(2). Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable.
- (18) "Child-occupied facility" means a building, or portion of a building constructed prior to 1978, visited by the same child, six years of age or under, on at least two different days within the same week (Sunday through Saturday period), provided each day's visit lasts at least three hours and the combined weekly visit lasts at least six hours. Child-occupied facilities include, but are not limited to, day-care centers, pre-schools and kindergarten classrooms.
- (19) "Cleaning verification card" means a card developed and distributed, or otherwise approved, by EPA for the purpose of determining, through comparison of wet and dry disposable cleaning cloths with the card, whether post-renovation cleaning has been properly completed.
- (20) "Clearance levels" means a value that indicates the amount of lead on a surface following completion of an abatement activity. To achieve clearance when dust sampling is required, values below these levels must be achieved.
- (21) "Commissioner" means the Commissioner of the Board of Natural Resources, Department of Natural Resources.
- (22) "Common area" means a portion of a building that is generally accessible to all occupants. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages and boundary fences.
- (23) "Completion date" means the date on which all activities on a permitted lead-based paint abatement project requiring the use of certified persons are complete, including, but not

limited to, the complete disassembly of all removal area barriers, final clearance testing and disposal of all lead-based paint waste.

- (24) "Component or building component" means specific design or structural elements or fixtures of a building, residential dwelling, or child-occupied facility that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as: ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim, including sashes, window heads, jambs, sills, stools and troughs, built-in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as: painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, corner boards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills, casings, sashes, wells and troughs, and air conditioners.
- (25) "Concentration" means the relative content of a specific substance contained within a larger mass, such as the amount of lead (micrograms per gram or parts per million by weight) in a sample of dust or soil.
- (26) "Containment" means a process to protect the public, occupants, workers and the environment by controlling exposures to the lead-contaminated dust and debris created during an abatement.
- (27) "Course agenda" means an outline of the key topics to be covered during a training course, including the time allotted to teach each topic.
- (28) "Course test" means an evaluation of the overall effectiveness of the training, which shall test the trainees' knowledge and retention of the topic covered during the course.
- (29) "Course test blueprint" means written documentation identifying the proportion of course test questions devoted to each major topic in the course curriculum.
- (30) "Deteriorated paint" means any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separating from the substrate.
- (31) "Director" means the Director of the Environmental Protection Division of the Department of Natural Resources or his designees.
- (32) "Discipline" means one of the specific types or categories of lead-based paint activities identified in these Rules for which persons may receive training from accredited training programs and become certified by the Division. For example, "Lead worker" is a discipline.

- (33) "Distinct painting history" means the application history, as indicated by its visual appearance or a record of application, over time, of paint or other surface coatings to a component or room.
- (34) "Disturb" means to break up, burn, crush, cut into, dissolve, sand, scrape, abrade, remove, demolish, or otherwise manipulate a painted surface in a manner that generates dust, paint chips, or debris.
- (35) "Division" means the Environmental Protection Division of the Department of Natural Resources and shall where applicable include any contractors selected by the Division to carry out any provisions of these Rules.
- (36) "Documented methodologies" are current methods or protocols, e.g., ASTM E1728-03, used to sample for the presence of lead in paint, dust, and soil found in the following:
- (a) The U.S. Department of Housing and Urban Development (HUD);
 - (b) The Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing;
 - (c) The Environmental Protection Agency (EPA) Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead-Contaminated Soil and Residential Sampling for Lead: Protocols for Dust and Soil Sampling (EPA Report Number 7474-R-95- 001); and
 - (d) Regulations, guidance methods or protocols issued by States and Indian Tribes that have been authorized by the EPA; and other equivalent methods and guidelines.
- (37) "Dripline" means the area within 3 feet surrounding the perimeter of a building.
- (38) "Dry disposable cleaning cloth" means a commercially available dry, electrostatically charged, white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.
- (39) "Dust-lead hazard" means surface dust in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of lead equal to or exceeding 10 micrograms per square foot ($\mu\text{g}/\text{ft}^2$), on floors or equal to or exceeding 100 micrograms per square foot ($\mu\text{g}/\text{ft}^2$), on interior window sills based on wipe samples.
- (40) "Elevated blood lead level (EBL)" means an excessive absorption of lead that is a confirmed concentration of lead in whole blood of 20 $\mu\text{g}/\text{dl}$ (micrograms of lead per deciliter of whole blood) for a single venous test or of 15-19 $\mu\text{g}/\text{dl}$ in two consecutive venous tests taken 3 to 4 months apart.

- (41) "Emergency lead-based paint abatement project" means a lead-based paint abatement project that has been determined by a lead risk assessor and the Division to be an imminent lead-based paint hazard to building occupants in a child-occupied facility.
- (42) "Emergency renovation project" means a renovation activity that was not planned but resulted from a sudden, unexpected event (such as non-routine failures of equipment) that, if not immediately attended to presents a safety or public health hazard, or threatens equipment and/or property with significant damage.
- (43) "Encapsulant" means a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating (with or without reinforcement materials) or an adhesively bonded covering material.
- (44) "Encapsulation" means the application of an encapsulant.
- (45) "Enclosure" means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.
- (46) "Floor" means the interior or exterior installed surface on which one stands, walks, crawls or plays. For exterior entrances, the term does not include sidewalks or uncovered porches (e.g. a porch with no roof).
- (47) "Friction Surface" means an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain windows, floors and stair surfaces.
- (48) "Guest Instructor" means a person designated by the training manager or principal instructor to provide instruction specific to the lecture, hands-on activities or work practice components of a course.
- (49) "Hands-on skills assessment" means an evaluation, which tests the trainees' ability to satisfactorily perform the work practices and procedures identified in [391-3-24-.04](#) of these Rules.
- (50) "Hazardous waste" means any solid waste which has been defined as hazardous waste in regulations promulgated by Board of Natural Resources, Chapter 391-3-11.
- (51) "Health investigation" means the investigation of target housing or a child-occupied facility housing a child, six years of age or under, with an elevated blood lead level. The purpose of a health investigation is to identify a cause or causes for the lead poisoning of a child.
- (52) "HEPA vacuum" means a vacuum cleaner, which has been designed with a high-efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particles of 0.3 microns with 99.97 percent (99.97%) efficiency. The vacuum cleaner must be designed, so that all the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it.

- (53) "Impact surface" means an interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.
- (54) "Inspection" means a surface-by-surface investigation conducted by a lead inspector to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.
- (55) "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards including, but not limited to specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, standard treatments, and the establishment and operation of management and resident education programs.
- (56) "Interior window sill" means the portion of the horizontal window ledge that protrudes into the interior of the room.
- (57) "Lead-based paint (LBP)" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram(s) per square centimeter (mg/cm²), or 0.5 percent (0.5%) by weight or 5000 parts per million (ppm).
- (58) "Lead-based paint abatement project" means the abatement of lead-based paint or lead-based paint hazards from one or more residential dwelling units and/or child-occupied facilities located within the same local government jurisdiction and submitted under a common project notification.
- (59) "Lead-based paint activities" means, in the case of target housing and child-occupied facilities, inspection, risk assessment, and abatement, as defined in this Rule. Lead-based paint activities do not include renovation, as defined in this Rule.
- (60) "Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified pursuant to Toxic Substance Control Act (TSCA) section 403.
- (61) "Lead-contaminated dust" means surface dust in residential dwellings or in child-occupied facilities that contain an area or mass concentration of lead at or in excess of levels identified pursuant to Rule [391-3-24-.07](#).
- (62) "Lead-contaminated soil" means bare soil on residential real property or on the property of a child-occupied facility that contains lead at or in excess of levels identified pursuant to Rule 391-3-24-.03(85).
- (63) "Lead-hazard screen" is a limited risk assessment activity that involves limited paint and dust sampling as described in [391-3-24-.06\(3\)](#) of these Rules.

- (64) "Living Area" means any area of a residential dwelling used by one or more children age six (6) and under, including, but not limited to, living rooms, kitchen areas, dens, play rooms, and children's bedrooms.
- (65) "Loading" means the quantity of a specific substance present per unit of surface area, such as the amount of lead in micrograms contained in the dust collected from a certain surface area divided by the surface area in square feet or square meters.
- (66) "Mid-yard" means an area of a residential yard approximately midway between the dripline of a residential building and the nearest property boundary or between the driplines of a residential building and another building on the same property.
- (67) "Minor repair and maintenance activities" are activities, including minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disrupt 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted in Rule [391-3-24-.10\(3\)\(c\)](#) are used and where the work does not involve window replacement or demolition of painted surface areas. When removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed. Jobs, other than emergency renovations, performed in the same room within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.
- (68) "Multi-family dwelling" means a structure that has more than one separate dwelling unit, which is used or occupied, or intended to be used or occupied in whole or in part, as the home or residence of one or more persons.
- (69) "Occupant Protection Plan" means a written plan which describes the measure and management procedures that will be taken during abatement to protect building occupants from exposure to lead-based paint hazards. The plan shall be unique to each residential dwelling unit or child-occupied facility. For projects less than five units, the plan shall be prepared by a certified lead supervisor or certified lead project designer. For projects with five or more units, the plan shall be prepared by a lead project designer. The plan shall include the preparer's signature and certification number.
- (70) "Paint in poor condition" means more than ten (10) square feet of deteriorated paint on exterior components with large surface areas; or more than two (2) square feet of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors); or more than 10 percent (10%) of the total surface area of the component is deteriorated on interior or exterior components with small surface areas (window sills, baseboards, soffits, trim).
- (71) "Paint-lead hazard" means any of the following:
- (a) Any lead-based paint on a friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction

surface (e.g., the window sill, or floor) are equal to or greater than the dust-lead hazard levels identified in the definition of dust-lead hazard.

- (b) Any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame).
 - (c) Any chewable lead-based painted surface on which there is evidence of teeth marks.
 - (d) Any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.
- (72) "Pamphlet" means the EPA pamphlet titled Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools developed under section 406(a) of TSCA for use in complying with section 406(b) of TSCA or any Division pamphlet approved by EPA pursuant to [40 CFR 745.326](#) that is developed for the same purpose. This includes reproductions of the pamphlet when copied in full and without revision or deletion of material from the pamphlet except for the addition or revision of the Division's sources of information.
- (73) "Permanently covered soil" means soil which has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as pavement or concrete. Grass, mulch and other landscaping materials are not considered permanent covering.
- (74) "Person" means the State of Georgia or any agency or instrumentality thereof, or any political subdivision, municipality, county, public or private corporation, authority, partnership, individual or association; any interstate body; or department, agency, or instrumentality of the Federal Government.
- (75) "Play Area" means an area of frequent soil contact by children six (6) years of age or less as indicated by, but not limited to, such factors including the following: the presence of play equipment (e.g., sandboxes, swing sets, and sliding boards), toys, or other children's possessions, observations of play patterns, or information provided by parents, residents, care givers, or property owners.
- (76) "Principal instructor" means the person who has the primary responsibility for organizing and teaching a particular course.
- (77) "Recognized laboratory" means an environmental laboratory recognized by EPA pursuant to TSCA 405(b) as being capable of performing an analysis for lead compounds in paint, soil and dust.

- (78) "Recognized test kit" means a commercially available kit recognized by EPA under 40 Code of Federal Regulations 745.88 as being capable of allowing a user to determine the presence of lead at levels equal to or in excess of 1.0 milligrams per square centimeter (mg/cm²), or more than 0.5 percent (0.5%) lead by weight, in a paint chip, paint powder, or painted surface.
- (79) "Reduction" means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.
- (80) "Renovation" means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by this Rule. The term renovation includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather-stripping), and interim controls that disturb painted surfaces. A renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation. The term renovation does not include minor repair and maintenance activities.
- (81) "Renovation activities" mean any activities performed during a renovation including dust sampling following renovation.
- (82) "Residential building" means a building containing one or more residential dwellings.
- (83) "Residential dwelling" means
- (1) a detached single family dwelling unit, including attached structures such as porches and stoops; or
 - (2) a single family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.
- (84) "Risk assessment" means
- (1) an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards, and
 - (2) the provision of a report by the person or the lead firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based hazards.

- (85) "Room" means a separate part of the inside of a building, such as a bedroom, living room, dining room, kitchen, bathroom, laundry room, or utility room. To be considered a separate room, the room must be separated from adjoining rooms by built-in walls or archways that extend at least six (6) inches from an intersecting wall. Half walls or bookcases count as room separators if built-in. Moveable or collapsible partitions or partitions consisting solely of shelves or cabinets are not considered built-in walls. A screened in porch that is used as a living area is a room.
- (86) "Soil-lead hazard" means bare soil on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding 400 parts per million in a play area or average of 1,200 parts per million of bare soil in the rest of the yard based on soil samples.
- (87) "Soil sample" means a sample collected in a representative location using ASTM E1727, "Standard Practice for Field Collection of Soil Samples for Lead Determination by Atomic Spectrometry Techniques," or equivalent method.
- (88) "Start date" means the date on which activities begin on a notified lead-based paint abatement project requiring the use of certified persons, including the abatement area isolation and preparation or any other activity which may disturb lead-based paint. Start date also means the date on which activities begin on a permitted renovation project.
- (89) "Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child/children age six (6) years or under reside or is expected to reside in such housing for the elderly or persons with disabilities) or any zero (0)-bedroom dwelling.
- (90) "Third party certification exam" means a third party examination in a particular discipline which is recognized by the Division and administered by a third party certification exam administrator.
- (91) "Third party certification exam administrator" means an administrator which is accepted by the Division to conduct third party certification exams.
- (92) "Training course curriculum" means an established set of course topics for instruction in an accredited training program for a particular discipline designed to provide specialized knowledge and skills.
- (93) "Training hour" means at least 50 minutes of actual teaching, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.
- (94) "Training manager" means the person responsible for administering an accredited training program and monitoring the performance of principal instructors and guest instructors.
- (95) "TSCA" means the Toxic Substances Control Act, [15 U.S.C. 2601](#).

- (96) "Visual inspection for clearance testing" means the visual examination of a residential dwelling or a child-occupied facility following an abatement to determine whether or not the abatement has been successfully completed.
- (97) "Visual inspection for risk assessment" means the visual examination of a residential dwelling or a child-occupied facility to determine the existence of deteriorated lead-based paint or other potential sources of lead-based paint hazards.
- (98) "Weighted Arithmetic Mean" means an arithmetic mean determined by assigning a multiplier to each quantity or concentration (such as a wipe sample concentration) to be averaged to indicate the relative importance of each quantity's contribution to the average. For example, multiplying each wipe sample concentration by the size of the area wiped, adding the resulting mathematical products, adding the size of the areas wiped, and dividing the sum of the mathematical products by the sum of the areas wiped.
- (99) "Wet disposable cleaning cloth" means a commercially available, pre-moistened white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.
- (100) "Wet mopping system" means a device with the following characteristics: A long handle, a mop head designed to be used with disposable absorbent cleaning pads, a reservoir for cleaning solution, and a built-in mechanism for distributing or spraying the cleaning solution onto a floor, or a method of equivalent efficacy.
- (101) "Window trough" means, for the typical double-hung window, the portion of the exterior windowsill between the interior windowsill (or stool) and the frame of the storm window. If there is no storm window, the window trough is the area that receives both the upper and lower window sashes when they are both lowered. The window trough is sometimes referred to as the window "well".
- (102) "Wipe sample" means the sample collected by wiping a representative surface of known area, as determined by ASTM E1728, "Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques," or equivalent method, with an acceptable wipe material as defined in ASTM E1792, "Standard Specification for Wipe Sampling Materials for Lead in Surface Dust."
- (103) "Work area" means the area that the certified renovator establishes to contain the dust and debris generated by a renovation.
- (104) "Working day" means any day Monday through Friday. Holidays falling on any of these days are included in this definition.
- (105) "Zero (0)-bedroom dwelling" means any residential dwelling in which the living area is not separated from the sleeping area. The term includes efficiencies, studio apartments,

dormitory housing, military barracks, and rentals of individual rooms in residential dwellings.

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Authority: O.C.G.A. § [31-41-1](#), *et seq.*

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Rule 391-3-24-.04. Accreditation of Training Programs.

(1) Scope.

- (a) A training program may seek accreditation to offer lead-based paint and renovation activities training courses in any of the following disciplines: lead inspector, lead risk assessor, lead supervisor, lead project designer, lead worker, renovator, and dust sampling technician. A training program may also seek accreditation to offer refresher courses for each of the above-listed disciplines. A training program seeking accreditation to offer initial and refresher courses taught in non-English languages must follow the requirements specified in this Rule and submit the required material in the language for which accreditation is sought.
- (b) A training program may apply for accreditation to offer initial courses or refresher courses in as many disciplines as it chooses. A training program may seek accreditation for additional courses at any time as long as the program can demonstrate that it meets the requirements of this Rule.
- (c) A training program shall not provide, offer, or claim to provide Division-accredited training courses without applying for and receiving accreditation from the Division as required in this Rule.
- (d) Training courses shall be evaluated by the Division to maintain accreditation by the Division for course administration, course length, curriculum, training methods, instructor's qualifications, instructor's teaching effectiveness, technical accuracy of written materials and instruction, examination, and training certificate. The evaluation shall be conducted in accordance with the requirements set forth in this Rule and any documented methodologies referenced herein.
- (e) Training programs shall permit the Division to attend, evaluate and monitor any training course, take the course test and have access to records of training courses without charge or hindrance to the Division for the purpose of evaluating compliance with these Rules. The Division shall perform periodic and unannounced on-site audits of training courses.

- (f) All accredited training programs shall be assigned an accreditation number and issued a certificate which lists each accredited training course approved by the Division.
 - (g) All accreditations shall expire on the following October 1, Where an October 1 expiration date results in less than 12 months of accreditation status, the accreditation fee shall be pro-rated accordingly. Training courses taught after the expiration date but prior to renewal shall constitute a violation of this Rule.
 - (h) In order to maintain accreditation as a training program, training programs must follow the requirements specified in paragraph (7) of this section.
- (2) Application Process. The following are procedures and requirements an applicant must meet when applying to the Division for accreditation:
- (a) A training program seeking accreditation shall submit the following documentation in accordance with the requirements specified in paragraphs (3) through (6) of this Rule, which shall include, but not be limited to:
 - 1. A completed application on forms provided by the Division with all the appropriate information included and signed by the training manager. This information shall include, but not be limited to, training program's name, address, telephone number, and a list of courses for which the training program is applying for accreditation.
 - 2. A statement signed by the training manager certifying that the training program meets the minimum requirements established in this Rule. If a training program uses EPA-developed model training materials, the training manager shall submit a statement certifying that the training program meets the minimum requirements established in EPA-developed model training materials.
 - 3. A statement signed by the training manager certifying that the training program shall comply at all times with all of the requirements specified in 391-3-24.-04.
 - 4. A statement signed by the training manager stating that the training manager is responsible for maintaining the validity and integrity of the hands-on-skills assessment to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with each course topic.
 - 5. A statement signed by the training manager stating that the training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.

6. A fee in the amount of \$400 per eight-hour day of training for each lead supervisor, inspector, risk assessor, project designer, or lead worker training course shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees. A fee in the amount of \$400 per eight-hour day of training for each renovator or dust sampling technician training course shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees. Fees are based on eight hours a day of training for each training course. A minimum of \$400 shall be submitted for a training course less than eight hours.
7. A copy of the student manuals and instructor manuals to be used for each training course in the appropriate language for which the course is taught. This would also include a content checklist that identifies and locates sections of the manual where required course topics are covered.
8. A copy of each course agenda which shall include, but not be limited to, daily start and stop times and time allotted to teaching each course topic.
9. A copy of the course test for each training course with the correct answers marked for each test question.
10. A description of the facilities and equipment to be used for the lecture, the course test and the hands-on skills training.
11. A copy and description of all audio/visual materials which shall be used for each course.
12. A copy of the course test blueprint for each course.
13. A detailed description of each hands-on skills training activity and skills assessment, including criteria for student proficiency.
14. A detailed description of the learning or performance objectives that will be taught for each course topic.
15. A copy of the quality control plan.
16. An original course completion certificate, which shall include:
 - (i) Name and address of the student;
 - (ii) Training course title specifying if it is an initial or refresher training course;

- (iii) Inclusive dates of training course and applicable course test passage;
- (iv) Statement that the student completed the course and passed the course test requirements and hands-on skills assessment;
- (v) Unique certificate identification number;
- (vi) Printed name and signature of the training manager and printed name of principal instructor(s);
- (vii) Name, address, and phone number of training program;
- (viii) Training course location, if different from training program's address;
- (ix) Certificate expiration date that is three (3) years after the date the course was completed;
- (x) Language in which training course was taught, if other than English; and
- (xi) The date the training course was accredited and the name of the agency issuing the accreditation.
- (xii) A photograph of the individual for renovator and dust sampling technician course completion certificates.

(b) Training course accreditation shall be processed as follows:

1. The Division shall review the application for accreditation and supporting documentation submitted pursuant to paragraph (a) of this section and advise the applicant of any deficiencies. If the deficiencies are not corrected within one (1) year from the date of application, the application and any supporting documentation may be returned to the applicant and the applicant shall be required to resubmit a complete application pursuant to paragraph (a) of this section. Approval of submitted documentation does not constitute course accreditation.
2. If the submitted documentation meets all applicable requirements of this section, the Division shall notify the applicant of this and also advise the applicant to contact the Division to schedule an on-site audit. The on-site audit shall be conducted in Georgia and on the training course for which accreditation is sought with at least two (2) student attendees present. No

class shall be conducted for accreditation purposes prior to the on-site audit except for the class scheduled for on-site audit purposes.

3. If the Division determines, as a result of the on-site audit, that the training course meets all applicable requirements of this section, the Division shall issue a training course accreditation certificate for the accredited training course. If the training course does not meet these requirements, the Division shall notify the applicant of the deficiencies and advise the applicant that it may request one (1) additional on-site audit, which shall be held no more than six (6) months from the date of the first audit.
4. If the Division determines, as a result of the second audit, that the training course meets all applicable requirements of this section, the Division shall issue a training course accreditation certificate for the accredited training course. If the training course does not meet all requirements, the Division shall notify the applicant of the deficiencies and advise the applicant that it may not reapply for training course accreditation for the audited training course for a period of six (6) months from the date of the last audit.
5. The Division shall not accept training course certificates pursuant to this section for a training course that is not accredited pursuant to this Rule.

(3) Minimum Requirements for the Accreditation of Training Programs.

- (a) For a training program to obtain accreditation from the Division to offer training courses in renovation and lead-based paint activities, the training program shall meet and maintain the following minimum requirements for each discipline for which the training program is seeking accreditation:
 1. The training program shall employ a training manager who has:
 - (i) At least two (2) years of experience, education or training in teaching adults; or
 - (ii) A bachelor's or graduate level degree in building construction technology, engineering, industrial hygiene, biology, physical science, safety, public health, education, business administration, program management or a related field; or
 - (iii) Two (2) years of experience in managing a training program specializing in environmental hazards; and
 - (iv) Demonstrated experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry,

renovation, remodeling, occupational safety and health, or industrial hygiene.

2. The training manager shall designate a qualified principal instructor for each course who has:
 - (i) Demonstrated experience, education, or training in teaching workers or adults; and
 - (ii) Successfully completed a lead training course from an accredited training program specific to the discipline(s) in which the instructor intends to teach, with a minimum of sixteen (16) training hours.
 - (iii) Demonstrated two (2) years of experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.
3. The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all training course curriculum. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a training course.
4. The training manager may appoint one (1) or more guest instructors for each training course to teach hands-on activities and/or work practices who has:
 - (i) Demonstrated experience, education, or training in teaching workers or adults; and
 - (ii) Successfully completed a lead training course from an accredited training program specific to the discipline(s) in which the instructor intends to teach, with a minimum of sixteen (16) training hours; and
 - (iii) At least two (2) years of experience, education, or training in the field in which they provide the instruction.
5. The following documents shall be recognized by the Division as evidence that training managers, principal instructors, and guest instructors meet the relevant educational, work experience, and/or training requirements specifically listed in paragraphs (3)(a)1., (3)(a)2., and (3)(a)4. of this section. This documentation shall be submitted with the application for training program accreditation.

- (i) A copy of an official academic transcript or diploma as evidence of meeting the educational requirements.
 - (ii) Resumes, letters of reference or documentation of work experience, as evidence of meeting the work experience requirements. This documentation should include, but not be limited to, work history documenting related experience including inclusive dates of experience, employer's name, address and phone number; positions held; projects completed and job responsibilities held during the projects.
 - (iii) A copy of certificates from train-the-trainer courses and lead-specific training courses, as evidence of meeting the training requirements.
- 6. The training program shall ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course test, hands-on training, and assessment activities. This includes providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed.
- 7. The training manager shall be responsible for ensuring that the instructors accurately teach the training course curriculum that was accredited by the Division.
- 8. For each training course offered, the training program shall conduct a hands-on skills assessment, if applicable, and a closed book course test at the completion of the training course. For successful completion of the training course, each student shall attend at least ninety-five percent (95%) of the training course, successfully complete the hands-on skills assessment, and receive a passing score of seventy percent (70%) or greater on the course test. Passing students shall be provided with a course completion certificate from the training program.
 - (i) The training manager is responsible for maintaining the validity and integrity of the hands-on skills assessment to ensure that it accurately evaluates the trainee's performance of the work practices and procedures associated with the course topics contained in paragraph (4) of this section.
 - (ii) The training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.

- (iii) The course test shall be developed in accordance with the test blueprint. All initial course tests, except lead worker and renovator, shall consist of a minimum of 50 multiple choice questions. All other training course exams shall consist of a minimum of 25 multiple choice questions.
- 9. The training programs shall issue a unique course completion certificate as specified in paragraph (2)(a)16. of this section to each person who successfully completes a training course.
- 10. The training manager shall develop and implement the quality control plan. The plan shall be used to maintain and improve the quality of the training program over time. This plan shall contain at least the following elements:
 - (i) Procedures for periodic revision of training materials and the course test to reflect innovations in the field; and
 - (ii) Procedures for the training manager's annual review of the principal instructor's competency.
- 11. The training program shall ensure that the following quality control measures are met:
 - (i) The instructor(s) shall follow the training curriculum which was accredited by the Division;
 - (ii) Each initial training course shall have a maximum of forty (40) students;
 - (iii) A day of training shall be a minimum of eight (8) hours a day and at least six and one-half (6 1/2) hours of direct instruction, including classroom, hands-on training or field trips, except for the renovator, dust sampling technician and lead project designer refresher training courses;
 - (iv) Work time and instruction time shall not exceed twelve (12) hours in a twenty-four (24) -hour period;
 - (v) All course requirements must be completed within a two-week period of the course start date;
 - (vi) All instructors and students shall be fluent in the language in which the course is being taught;

- (vii) An interpreter shall not be used to teach or instruct training courses;
- (viii) Lead worker, renovator, and dust sampling technician initial training courses shall have at least one (1) principal instructor. Other initial courses shall have a minimum of two (2) instructors;
- (ix) Instructor ratio for hands-on training skills assessment shall be no more than ten (10) students per instructor;
- (x) All course materials shall be developed in the language for which the course is being taught;
- (xi) Each training course shall be discipline specific;
- (xii) Students shall take a course test no more than two (2) times for each training course. After two (2) failures, the student shall retake the full course before being allowed to retest;
- (xiii) Instructors shall not review for the course test by reading questions from the test;
- (xiv) A training program shall provide course test security measures to prevent student access to the course test before and after the test. Training programs shall take measures to preclude cheating during the course test; and
- (xv) For each training course, the training program shall verify, by photo identification, the identity of each person taking the training course.

12. The training program shall offer training courses which teach the work practice standards for conducting renovation and lead-based paint activities contained in Rule [391-3-24-.10](#) and Rule [391-3-24-.06](#).

These standards shall be taught in the appropriate courses so as to provide trainees with the knowledge needed to perform the renovation and lead-based paint activities they are responsible for conducting.

13. The training manager shall be responsible for ensuring that the training program complies at all times with all of the requirements specified in Rule 391-3-24-.04.

14. At the conclusion of all training courses, the training program shall make available copies of the Georgia Rules and certification applications to all course attendees.

(4) Minimum Training Curricula Requirements for Training Courses.

- (a) To become accredited to offer renovation and lead-based paint training courses in the specific disciplines listed below, training programs must ensure that their training course curriculum includes, at a minimum, the following course topics. Listed requirements ending in an asterisk (*) indicate areas that require hands-on activities as an integral component of the course.

(b) Lead Inspector.

1. Role and responsibilities of the inspector.
2. Background information on lead and its adverse health effects.
3. Background information on Federal, State, and local regulations and guidance that pertain to lead-based paint and lead-based paint activities.
4. Lead-based paint inspection methods, including selection of rooms and components for sampling and testing.*
5. Paint, dust, and soil sampling methodologies.*
6. Clearance standards and testing, including random sampling.*
7. Preparation of the final inspection report.*
8. Recordkeeping.
9. Minimum course length is twenty-four (24) training hours, with a minimum of eight (8) hours devoted to hands-on training.

(c) Lead Risk Assessor.

1. The role and responsibilities of the risk assessor.
2. Collection of background information to perform a risk assessment.
3. Sources of environmental lead contamination such as paint, surface dust and soil, water, air, packaging, and food.
4. Visual inspection for the purpose of identifying lead-based paint, and lead-based paint hazards.*

5. Lead hazard screen protocol.
6. Sampling for other sources of lead exposure.*
7. Interpretation of lead-based paint and other lead sampling results including all applicable State or Federal guidance or regulations pertaining to lead-based paint hazards.*
8. Development of hazard control options, the role of interim controls, and operations and maintenance in reducing lead hazards.
9. Preparation of a final risk assessment report.
10. The minimum course length is sixteen (16) training hours, with a minimum of four (4) hours devoted to hands-on training activities.

(d) Lead Supervisor.

1. Role and responsibilities of a supervisor.
2. Background information on lead and its adverse health effects.
3. Background information on Federal, State, and local regulations and guidance that pertains to lead-based paint abatement.
4. Liability and insurance issues relating to lead-based paint abatement.
5. Risk assessment and inspection report interpretation.*
6. Development and implementation of an occupant protection plan and abatement report.
7. Lead-based paint hazard recognition and control.*
8. Lead-based paint abatement and lead hazard reduction methods, including restricted practices. *
9. Interior dust abatement/clean-up or lead hazard control and reduction methods.*
10. Soil and exterior dust abatement or lead hazard control and reduction methods.*
11. Clearance standards and testing.*
12. Clean-up and waste disposal practices and regulations.

13. Recordkeeping.

14. The minimum course length is thirty-two (32) training hours, with a minimum of eight (8) hours devoted to hands-on training activities.

(e) Lead Project Designer.

1. Role and responsibility of a project designer.
2. Development and implementation of an occupant protection plan for large-scale abatement projects.
3. Lead-based paint abatement and lead-based paint hazard reduction methods for abatement projects with five (5) or more residential dwelling units.
4. Interior dust abatement/cleanup or lead hazard control and reduction methods for large-scale abatement projects.
5. Clearance standards and testing for large-scale abatement projects.
6. Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large-scale abatement projects.
7. The minimum course length is eight (8) training hours.

(f) Lead Worker.

1. Role and responsibility of a lead worker.
2. Background information on lead and its adverse health effects.
3. Background information on Federal, State and local regulations and guidance that pertain to lead-based paint abatement.
4. Lead-based paint hazard recognition and control.*
5. Lead-based paint abatement and lead hazard reduction methods, including restricted practices.*
6. Interior dust abatement methods/clean-up or lead hazard reduction.*
7. Soil and exterior dust abatement methods or lead hazard reduction.*
8. The minimum course length is sixteen (16) training hours with a minimum of eight (8) hours devoted to hands-on training activities.

(g) Renovator.

1. Role and responsibility of a renovator.
2. Background information on lead and its adverse health effects.
3. Background information on EPA, HUD, OSHA, and other Federal, State, and local regulations and guidance that pertains to lead-based paint and renovation activities.
4. Procedures for using acceptable test kits to determine whether paint is lead-based paint.
5. Renovation methods to minimize the creation of dust and lead-based paint hazards.*
6. Interior and exterior containment and cleanup methods.*
7. Methods to ensure that the renovation has been properly completed, including cleaning verification, and clearance testing.*
8. Waste handling and disposal.
9. Providing on-the-job training to other workers.
10. Record preparations.
11. The minimum course length is eight (8) training hours with a minimum of two (2) hours devoted to hands-on training activities.

(h) Dust sampling technician.

1. Role and responsibility of a dust sampling technician.
2. Background information on lead and its adverse health effects.
3. Background information on Federal, State, and local regulations and guidance that pertains to lead-based paint and renovation activities.
4. Dust sampling methodologies.*
5. Clearance standards and testing.
6. Report preparations.
7. The minimum course length is eight (8) training hours with a minimum of two (2) hours devoted to hands-on training activities.

(5) Minimum Requirements for the Accreditation of Refresher Training Programs.

- (a) A training program may seek accreditation to offer refresher training courses in any of the following disciplines: lead inspector, lead risk assessor, lead supervisor, lead project designer, lead worker, renovator and dust sampling technician. To obtain Division accreditation to offer refresher training, a training program must meet and maintain the following minimum requirements:
- (b) Each refresher training course shall review the curriculum topics of the full-length courses listed under paragraph (4) of this section, as appropriate. In addition, to become accredited to offer refresher training courses, the training program shall ensure that their training course curriculum includes, at a minimum, the following:
 - 1. An overview of current safety practices relating to renovation and lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
 - 2. Current laws and regulations relating to renovation and lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
 - 3. Current technologies relating to renovation and lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
- (c) Each refresher training course, except for lead project designer, dust sampling technician, and renovator, shall last a minimum of eight (8) training hours. The lead project designer, dust sampling technician, and renovator refresher courses shall last a minimum of four (4) training hours.
- (d) For each course offered, the training program shall administer a course test at the completion of the course. All refresher course tests shall consist of a minimum of 25 multiple choice questions. For successful completion of the training course, each student shall attend at least ninety-five percent (95%) of the training course, and receive a passing score of seventy percent (70%) or greater on the course test. Passing students shall be provided with a refresher course completion certificate from the training program.
- (e) A training program seeking to offer refresher training courses shall also meet and maintain the requirements specified in paragraphs (2) through (7), except for training hour requirements.

(6) Minimum Requirements for Training Program Notification and Recordkeeping.

- (a) Accredited training programs shall submit to the Division the following:

1. Notice of intention to conduct an accredited training course for lead and renovation certification purposes shall be submitted to the Division. Notices for training courses, except lead worker and renovator, shall be postmarked or received by the Division ten (10) working days before the training course start date. Notice for lead worker and renovator training courses shall be postmarked or received by the Division five (5) working days before the training course start date. If the training course is canceled, the training program shall notify the Division at least one (1) working day prior to the scheduled start date. Notification of intent to conduct a training course shall be made on forms provided by the Division and shall include, but not be limited to, the following:
 - (i) Training program name, address, phone number and contact person;
 - (ii) Training course title;
 - (iii) Inclusive dates of training course and applicable exam;
 - (iv) Start and completion times of training course;
 - (v) Location of course facility and directions to the course facility if the site is not routine for the training program;
 - (vi) Language in which training course is taught;
 - (vii) Principal instructor for the training course; and
 - (viii) Signature of the training manager.
2. A course roster must be submitted to the Division no later than five (5) working days after the last day of training. The course roster must be provided on forms provided by or acceptable to the Division and must contain the name of every person who attended the training course, including whether the person was issued a training certificate or not.
3. Any changes to course length, curriculum, training methods, training manual or materials, instructors, course test, training certificate, training manager or contact person shall be made in writing and submitted to the Division at least ten (10) working days prior to the scheduled training course start date. Changes must be approved by the Division prior to any training utilizing the changes in order for the course to be accepted for accreditation purposes.
4. Current curriculum/course materials and documents reflecting any changes made to these materials.

(b) The accredited training program shall maintain and make available to the Division for inspection the following information:

1. Information and documentation for any course accredited under 391-3-24-.04 of this Rule.
2. Assessment information on how the hands-on training, work tasks and procedures are evaluated for each student which shall include, but not be limited to, instructor conducting the assessment, grading criteria, facilities used, and the pass/fail rate.
3. Results of the students' hands-on skills assessments and course tests, and a record of each student's course completion certificate.
4. The quality control plan as described in paragraph (3)(a)(10) of this section.
5. Any other material not listed above that was submitted to the Division as part of the program's application for accreditation.

(c) The training program shall retain records specified in paragraph (b) of this section at the address specified on the training program application for a minimum of three (3) years and six (6) months. The training program shall notify the Division within twenty (20) working days of changes to the address specified on its training program application or transferring of the records from that address.

(7) Minimum Requirements for Renewals of Accredited Training Programs.

- (a) If a training program submits a renewal application and meets the requirements of this section, the training program's course accreditation shall be renewed for a period of twelve (12) months.
- (b) An accredited training program seeking training course renewal shall submit a completed renewal application on forms provided by the Division with all appropriate information included and signed by the training manager. The renewal application shall include, but not be limited to:
 1. The training program's name, address and telephone number.
 2. A list of training courses for which renewal of accreditation is being sought.
 3. A description of any changes to the training facility, equipment, curriculum, hands-on activities, instructors, or quality control plan since its last application was approved that adversely affects the students' ability to learn.

4. A certified statement signed by the training manager stating that the training program complies at all times with all requirements of 391-3-24-.04 of this Rule.
- (c) Applications for course renewal must be postmarked or hand delivered to the Division no later than thirty (30) days before the expiration date for each course accredited by the Division. Renewal applications postmarked or hand delivered on or before the thirtieth (30th) day before the expiration date shall include a renewal fee of \$300 per training course. Renewal applications postmarked or hand delivered less than thirty (30) days before the expiration date shall include a renewal fee of \$450 per training course. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees for lead supervisor, inspector, risk assessor, project designer, or lead worker courses. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees for renovator and dust sampling technician courses.
 - (d) Training programs, which submit an application for course renewal after the expiration date of accreditation by the Division shall follow the requirements specified in paragraph 391-3-24-.04(2) of this Rule for accreditation purposes.
 - (e) Training programs holding an accreditation from the Division shall submit a renewal application on forms provided by the Division on or before October 1 yearly and shall be renewed for a period of up to twelve (12) months. In those cases where an October 1 expiration date results in less than twelve (12) months of accreditation, the renewal fee shall be pro-rated accordingly.
 - (f) The Division may audit the training program at any time to verify the contents of the application for renewal.
- (8) Reciprocity.
- (a) The Division may seek reciprocity agreements with other States, Tribes or Territories where equivalency of lead certification and training requirements can be demonstrated.

The Division may recognize the accreditation of a training course or refresher training course granted by any other State, Tribe or Territory with which the Division has a written reciprocal agreement. Any training program may apply to have its accredited courses approved by the Division if its training course or refresher training course has been accredited by a State, Tribe or Territory with which the Division has a written reciprocal agreement.

- (b) Training programs applying for Division accreditation by reciprocity shall follow the requirements specified in paragraph (2)(a), except (2)(a)6., and submit a fee in the amount of \$400 per training course for which accreditation is sought. Fees shall be submitted electronically or in the form of a check or money order made payable to the Environmental Protection Division - Lead Abatement Fees for lead supervisor, inspector, risk assessor, project designer, or lead worker courses. Fees shall be submitted electronically or in the form of a check or money order made payable to the Environmental Protection Division - Lead Renovation Fees for renovator and dust sampling technician courses.

(9) Recognition of EPA Training Program Accreditation

- (a) The Division shall recognize training programs holding an accreditation from the U.S. EPA issued before the effective date of this Rule for renovator and/or dust sampling technician courses if the following requirements are met:
 - 1. Upon notification by the Division, an application for recognition of U.S. EPA training program accreditation is submitted on forms provided by the Division within sixty (60) days of the Division's notification.
 - 2. A fee of \$200.00 per training course shall be submitted to the Division electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees for each training course to be recognized by the Division.
- (b) The Division shall issue a certification of the Division's acceptance of the U.S. EPA training program accreditation within thirty (30) days of the applicant meeting the requirements of paragraph 1. and 2. of this Rule. The accreditation issued by the Division shall have an expiration date of October 1, 2011. Renewals of accreditation shall meet the requirements in Rule 391-3-24-.04(7).
- (c) The Division shall not recognize U.S. EPA training program accreditation or accept courses offered as acceptable training for Division certification of renovator or dust sampling technician certifications if the training provider fails to submit an application and the appropriate fees within sixty (60) days of being notified by the Division.

(10) Suspension, Revocation, and Modification of Accredited Training Programs.

- (a) The Director may investigate the actions of any training program and may suspend, revoke or modify the accreditation of a training program in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedures Act", when it is found that the training program, training manager, or other responsible persons with the training program has:

1. Misrepresented the contents of a training course to the Division and/or the student population.
 2. Failed to submit required information or notifications in a timely manner.
 3. Failed to maintain required records.
 4. Falsified accreditation records, instructor qualifications, or other accreditation-related information or documentation.
 5. Failed to comply with the training standards and requirements in this section.
 6. Failed to comply with Federal, State or local lead-based paint statutes or regulations.
 7. Made false or misleading statements to the Division in its application for accreditation or renewal that the Division relied upon in approving the application.
- (b) When accreditation of a training program is revoked, the training program shall not be eligible for re-accreditation for a period of five (5) years from the date of revocation.

Cite as Ga. Comp. R. & Regs. R. 391-3-24-.04

Authority: O.C.G.A. Sec. [31-41-1](#) *et seq.*

History. Original Rule entitled "Accreditation of Training Programs for Target Housing and Child-Occupied Facilities" adopted. F. June 28, 1996; eff. July 18, 1996.

Repealed: New Rule of same title adopted. F. June 26, 1998; eff. July 16, 1998.

Amended: F. June 27, 2002; eff. July 17, 2002.

Repealed: New Rule entitled "Accreditation of Training Programs" adopted. F. Nov. 19, 2010; eff. Dec. 9, 2010.

Rule 391-3-24-.05. Certification of Persons and Firms Conducting Lead-Based Paint Activities.

(1) Scope.

- (a) Following the submission of an application demonstrating that all the requirements of this Rule are met and a determination by the Division that a person has met all applicable requirements to perform the appropriate lead-based paint activities, the Division shall certify the applicant as a lead inspector, lead risk assessor, lead supervisor, lead project designer or lead worker.

- (b) All certified persons shall be assigned a certification number and issued a photo-identification certificate by the Division.
 - (c) All certified lead firms shall be assigned a certification number and issued a certificate by the Division.
 - (d) When educational experience is required, the Division shall recognize a copy of an official academic transcript, diploma, or professional certification as evidence of meeting the educational requirements.
 - (e) When work experience is required, the Division shall recognize a resume or letter of reference from a current or previous employer as evidence of meeting the work experience requirements. This documentation shall include, but not be limited to, work history documenting related experience including inclusive dates of experience, employer's name, address and phone number, positions held, projects completed and job responsibilities held during the projects.
 - (f) Upon receiving certification by the Division, persons conducting lead-based paint activities shall work for a certified lead firm and shall comply with the standards for performing such lead-based paint activities as established in Rule [391-3-24-.06](#).
 - (g) All certifications shall expire twelve (12) months from the issue date of the certificate or on the expiration date of required training, whichever is earlier as specified in (2)(a) through (2)(e) of this Rule. Work performed after the certification expiration date and prior to renewal shall constitute a violation of this Rule.
 - (h) No person or lead firm shall conduct lead-based paint activities described in this section if that person or lead firm has not received the appropriate certification by the Division pursuant to the requirements specified herein of this section and the person or lead firm does not have in their possession a Division issued certification card or certificate.
 - (i) In order to maintain certification as a person or lead firm, applicants must follow the requirements specified in paragraph (4) of this section.
 - (j) A person who is employed by and in the process of conducting lead-based paint activities for a federal, state or local government agency shall not be required to pay certification fees as specified in this section.
 - (k) Persons requesting a duplication of their certification shall submit a fee in the amount of \$25.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.
- (2) Application Process. The following are procedures and requirements an applicant must meet when applying to the Division for certification:

(a) Certification of Lead Workers.

1. To become certified as a lead worker, a person must:

- (i) Successfully complete a course and receive an initial course completion certificate from an accredited training program in the appropriate discipline for which certification is sought;
- (ii) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;
- (iii) Submit an original initial course completion training certificate in the discipline for which certification is sought or an original letter from the accredited training program confirming completion of said training course on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;
- (iv) Submit one (1) current 1 1/4 inch \times 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture; and
- (v) Submit a fee in the amount of \$25.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(b) Certification of Lead Inspectors.

1. To become certified as a lead inspector, a person must:

- (i) Successfully complete a course and receive an initial course completion certificate from an accredited training program in the appropriate discipline for which certification is sought;
- (ii) Successfully pass an exam and receive a third party certification exam letter from a third party certification exam administrator in the appropriate discipline for which certification is sought;
- (iii) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;
- (iv) Submit an original initial course completion training certificate in the discipline for, which certification is sought or an original letter from the accredited training program confirming completion of said

training course on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;

- (v) Submit an original third party certification exam letter in the appropriate discipline for which certification is sought confirming successful completion of said exam. Original documents shall be returned upon issuance or denial of certification by the Division;
- (vi) Submit one (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture; and
- (vii) Submit a fee in the amount of \$150.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(c) Certification of Lead Supervisors.

1. To become certified as a lead supervisor, a person must:

- (i) Successfully complete a course and receive an initial course completion certificate from an accredited training program in the appropriate discipline for which certification is sought;
- (ii) Successfully pass an exam and receive a third party certification exam letter from a third party certification exam administrator in the appropriate discipline for which certification is sought;
- (iii) Meet or exceed the following experience and/or education requirements:
 - (I) One-year of experience as a lead worker; or,
 - (II) At least two (2) years of experience in a related field or in the building trades.
- (iv) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;
- (v) Submit an original initial course completion training certificate in the discipline for which certification is sought or an original letter from the accredited training program confirming completion of said training course on the accredited training program letterhead.

Original documents shall be returned upon issuance or denial of certification by the Division;

- (vi) Submit an original third party certification exam letter in the appropriate discipline for which certification is sought confirming successful completion of said exam. Original documents shall be returned upon issuance or denial of certification by the Division;
- (vii) Submit one (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture; and
- (viii) Submit a fee in the amount of \$150.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(d) Certification of Lead Risk Assessors.

1. To become certified as a lead risk assessor, a person must:

- (i) Successfully complete a course and receive initial course completion certificates from an accredited training program in the lead inspector course and in the appropriate discipline for which certification is sought;
- (ii) Successfully pass an exam and receive a third party certification exam letter from a third party certification exam administrator in the lead inspector discipline and in the appropriate discipline for which certification is sought;
- (iii) Meet or exceed the following experience and/or education requirements:
 - (I) Bachelor's degree and one (1) year of experience in a related field; or,
 - (II) An Associate's degree and two (2) years of experience in a related field; or,
 - (III) Certification as an industrial hygienist, professional engineer, registered architect and/or certification in a related engineering/ health/environmental field; or,
 - (IV) A high school diploma (or equivalent), and at least three (3) years of experience in a related field.

- (iv) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;
- (v) Submit original course completion training certificates in the lead inspector discipline and in the discipline for which certification is sought or an original letter from the accredited training program confirming completion of said training courses on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;
- (vi) Submit an original third party certification exam letter in the lead inspector discipline and in the appropriate discipline for which certification is sought confirming successful completion of said exams. Original documents shall be returned upon issuance or denial of certification by the Division;
- (vii) Submit one (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture; and
- (viii) To obtain a joint Inspector/Risk Assessor certification simultaneously, submit a fee in the amount of \$250.00 along with the documents required by (2)(c)1.(i)-(vii) and (2)(d)1.(i)-(vii); or
- (ix) To obtain a Risk Assessor certification without an Inspector Certification, submit a fee in the amount of \$150.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees along with the documents required by (2)(d)1.(i)-(vii).

(e) Certification of Lead Project Designers.

1. To become certified as a lead project designer, a person must:
 - (i) Successfully complete a course and receive course completion certificates from an accredited training program in the lead supervisor course and in the appropriate discipline for which certification is sought;
 - (ii) Successfully pass an exam and receive a third party certification exam letter from a third party certification exam administrator in the lead supervisor discipline;

- (iii) Meet or exceed the following experience and/or education requirements:
 - (I) Bachelor's degree in engineering, architecture, or a related profession, and one (1) year of experience in building construction and design or a related field; or,
 - (II) Four (4) years of experience in building construction and design or a related field.
- (iv) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;
- (v) Submit original course completion training certificates in the lead supervisor discipline and in the discipline for which certification is sought or an original letter from the accredited training program confirming completion of said training courses on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;
- (vi) Submit an original third party certification exam letter in the lead supervisor discipline confirming successful completion of said exam. Original documents shall be returned upon issuance or denial of certification by the Division;
- (vii) Submit one (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture; and
- (viii) Submit a fee in the amount of \$150.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(f) Certification of Lead Firms.

1. All firms, which offer to perform, or that perform, any of the lead-based paint activities described in Rule [391-3-24-.06](#) must have certification from the Division.
2. A firm seeking certification, as a Lead Firm must:
 - (i) Submit a completed certification application on forms supplied by the Division certifying that the firm shall:

- (I) Only employ Division certified employees to conduct lead-based paint activities;
- (II) Follow standards in Rule [391-3-24-.06](#) for conducting lead-based paint activities; and
- (III) Maintain all records pursuant to the requirements in Rule [391-3-24-.06](#).

- (ii) Submit a disclosure statement of any action taken by EPA or an EPA authorized program involving violations, suspensions, revocations or modifications of a firm's activities; and
- (iii) Submit a fee in the amount of \$350.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.
- (iv) Federal, State, county or city government agencies, who conduct lead-based paint investigations are exempt from the \$350.00 firm certification fee.

(3) Third Party Certification Exam.

- (a) The third party certification exam shall be taken only from a third party certification exam administrator who is accepted by the Division to perform such duties.
- (b) In order to take the third party certification exam for a particular discipline, a person must:
 - 1. Successfully complete an accredited course in the appropriate discipline and receive a course completion certificate from an accredited training program.
 - 2. Meet or exceed the educational and/or work experience requirements in section 391-3-24-.05 of this Rule for each appropriate discipline for which certification is sought.
 - 3. Take the third party certification exam no more than three (3) times. If a person does not pass the third party certification exam with a passing score of 70 percent (70%) or greater and receive a certificate and/or certification letter, the person must retake the appropriate training course from an accredited training program before retaking the third party certification exam.

(4) Renewal of Certification.

- (a) After certified persons demonstrate that all of the requirements of this section are met and the Division determines that an applicant has met all the requirements set forth in this section, the Division shall renew certification of a person as a lead inspector, lead risk assessor, lead supervisor, lead project designer, or lead worker.
- (b) Certified persons meeting the requirements of this section shall be renewed for a period of twelve (12) months from the expiration date of certification or until the expiration date of required training, whichever is earlier.
- (c) Persons seeking renewal of certification shall:
 - 1. Submit a completed renewal application to the Division on forms provided by the Division with all the appropriate information included and signed by the applicant.
 - 2. Successfully complete a course(s) and receive a refresher course completion certificate(s) from an accredited training program in the appropriate discipline(s) for which renewal is sought within twenty-four (24) months from the last date of training.

Persons that do not successfully complete the said refresher course(s) within twenty-four (24) months from the last date of training may obtain provisional certification for twelve (12) months by payment of a fee two (2) times the certification fee.

Persons that do not successfully complete the refresher course(s) and receive a certificate of completion by the thirty-sixth (36th) month from the last date of training, shall successfully complete the initial said training course for renewal of certification.

- 3. Submit an original refresher course completion certificate(s) in the appropriate discipline(s) for which renewal is sought or an original letter from the accredited training program confirming completion of said training course(s) on the accredited training program letterhead.
- 4. Submit one (1) current 1 1/4 × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the photograph.
- 5. Submit a fee in the amount of \$150.00 per renewal discipline, or \$250.00 per 391-3-24-.05(2)(d)1(viii), except the lead worker discipline. An applicant seeking renewal in the lead worker discipline shall submit a fee in the amount of \$25.00. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

- (d) In order for lead firm certification to be renewed for a period of twelve (12) months, the firm shall:
1. Submit a completed renewal application to the Division on forms provided by the Division certifying that the lead firm shall:
 - (i) Only employ Division certified persons to conduct lead-based paint activities;
 - (ii) Follow the standards in Rule [391-3-24-.06](#) for conducting lead-based paint activities; and
 - (iii) Maintain all records pursuant to the requirements in Rule [391-3-24-.06](#).
 2. Submit a disclosure statement of any action taken by EPA or an EPA approved program involving violations, suspensions, revocations, or modifications of a lead firm's activity.
 3. Submit a fee in the amount of \$350.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.
- (e) Renewal applications shall be postmarked or hand delivered to the Division thirty (30) days prior to the expiration date of certification for each discipline in which certification is sought. Certified persons submitting renewal applications postmarked or hand delivered after the expiration date of certification shall follow the requirements specified in paragraph (2) of this section for certification purposes.

(5) Reciprocity.

- (a) Each person seeking certification who is licensed, certified or permitted in another state, Tribe or Territory of the United States to perform lead hazard reduction activities may petition the Division on a form provided by the Division to grant certification without repetition of training requirements. The Division may recognize the certification of a discipline granted by another State, Tribe or Territory with which the Division has a written reciprocal agreement. Any person may apply to have their certification approved by the Division if their certification has been licensed, certified or permitted by another State, Tribe or Territory with which the Division has a written reciprocal agreement.
- (b) Persons seeking certification by reciprocity shall also submit to the Division the following:

1. A completed application to the Division on forms provided by the Division with all the appropriate information included and signed by the applicant.
2. A copy of the certification issued by the reciprocating state, tribe or territory.
3. One (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture.
4. A fee in the amount of \$150.00 for each discipline, except lead worker discipline and/or the combined lead inspector/risk assessor obtained simultaneously; an applicant seeking certification in the lead worker discipline shall submit a fee in the amount of \$25.00; an applicant seeking the combined inspector/risk assessor obtained simultaneously shall submit a fee in the amount of \$250.00. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(6) Suspension, Revocation, and Modification.

- (a) The Director may investigate the actions of any certified person or lead firm and may suspend, revoke or modify the certification of a person or lead firm in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedures Act," when it is found that the person or lead firm has:
 1. Obtained training documentation through fraudulent means.
 2. Gained admission to and completed an accredited training program through misrepresentation of admission requirements.
 3. Obtained certification through misrepresentation of certification requirements or related documents dealing with education, training, professional registration, or experience.
 4. Performed work requiring certification at a job site without having proof of certification.
 5. Permitted the duplication or use of the person's own certificate by another.
 6. Performed work for which certification is required, but for which appropriate certification has not been received.
 7. Failed to comply with the appropriate work practice standards for lead-based paint activities as specified in [391-3-24-.06](#).

8. Failed to comply with Federal, State, or local lead-based paint statutes or regulations.
 9. Performed work requiring certification at a job site with persons who are not certified.
 10. Misrepresented facts in a lead firm's letter of application.
 11. Failed to maintain required records.
- (b) When certification of a person or lead firm is revoked, the person or lead firm shall not be eligible for recertification for a period of five (5) years from the date of revocation.

Cite as Ga. Comp. R. & Regs. R. 391-3-24-.05

Authority: O.C.G.A. Sec. [31-41-1](#) *et seq.*

History. Original Rule entitled "Certification Requirements and Application Procedures for Individuals and Firms" adopted. F. June 28, 1996; eff. July 18, 1996.

Repealed: New Rule entitled "Certification Requirements and Application Procedures for Persons and Firms" adopted. F. June 26, 1998; eff. July 16, 1998.

Amended: F. June 27, 2002; eff. July 17, 2002.

Repealed: New Rule entitled "Certification of Persons and Firms Conducting Lead-Based Paint Activities" adopted. F. Nov. 19, 2010; eff. Dec. 9, 2010.

Rule 391-3-24-.06. Standards for Conducting Lead-Based Paint Activities.

(1) Scope.

- (a) When performing any lead-based paint activities, a certified person must perform that activity in compliance with the requirements specified in this section.
- (b) Persons performing lead-based paint activities shall work for a certified lead firm.
- (c) No person or firm shall engage in a lead-based paint abatement project prior to notifying the Division and receiving a notice to proceed from the Division.
- (d) For each inspection, risk assessment, or lead hazard screen conducted, the lead inspector or lead risk assessor shall submit an inspection report or risk assessment report to the party for which services are rendered, and the Division, if requested. The report shall be submitted within thirty (30) days of the activity.

(2) Inspection.

- (a) An inspection shall be conducted only by a person certified by the Division as a lead inspector and/or a combined inspector/risk assessor. The inspection must be conducted according to the procedures in this section.
- (b) When conducting an inspection, the following locations shall be selected according to documented methodologies and tested for the presence of lead-based paint:
 - 1. In a residential dwelling and child-occupied facility, each interior component with a distinct painting history and each exterior component with a distinct painting history shall be tested for lead-based paint, except those components that the lead inspector or lead risk assessor determines to have been replaced after 1978, or to not contain lead-based paint; and
 - 2. In a multi-family dwelling or child-occupied facility, each component with a distinct painting history in every common area, except those components that the lead inspector or lead risk assessor determines to have been replaced after 1978, or to not contain lead-based paint.
- (c) Paint shall be sampled in the following manner:
 - 1. The analysis of paint to determine the presence of lead shall be conducted using documented methodologies, which incorporate adequate quality control procedures; and/or
 - 2. All collected paint chip samples shall be analyzed according to paragraph (6) of this section to determine if they contain detectable levels of lead that can be quantified numerically.
- (d) The certified lead inspector or lead risk assessor shall prepare an inspection report, which shall include the following information:
 - 1. Date of each inspection.
 - 2. Address of building.
 - 3. Date of construction.
 - 4. Apartment numbers (if applicable).
 - 5. Name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility.
 - 6. Name, signature, and certification number of each certified inspector and/or risk assessor conducting testing.

7. Name, address, and telephone number of the certified lead firm employing each inspector and/or risk assessor, if applicable.
8. Each testing method and device and/or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence (XRF) device.
9. Specific locations of each painted component tested for the presence of lead-based paint.
10. The results of the inspection expressed in terms appropriate to the sampling method used.

(3) Lead Hazard Screen.

- (a) A lead hazard screen shall be conducted only by a person certified by the Division as lead risk assessor.
- (b) If conducted, a lead hazard screen shall be conducted as follows:
 1. Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age six (6) years and under shall be collected.
 2. A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:
 - (i) Determine if any deteriorated paint is present, and
 - (ii) Locate at least two dust sampling locations.
 3. If deteriorated paint is present, each surface with deteriorated paint, which is determined, using documented methodologies, to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead.
 4. In residential dwellings, at least two dust samples shall be collected, one from a floor and the other from a window, in rooms, hallways or stairwells where one or more children, age six (6) and under, are most likely to come in contact with dust.
 5. In multi-family dwellings and child-occupied facilities, in addition to the floor and window samples required in paragraph (3)(b)4. of this section, the lead risk assessor shall collect dust samples from common areas where one or more children, age six (6) and under, are most likely to come into contact with dust.

- (c) Dust samples shall be collected and analyzed in the following manner:
 - 1. All dust samples shall be taken using documented methodologies that incorporate adequate quality control procedures.
 - 2. All collected dust samples shall be analyzed according to paragraph (6) of this section to determine if they contain detectable levels of lead that can be quantified numerically.
- (d) Paint shall be sampled in the following manner:
 - 1. The analysis of paint to determine the presence of lead shall be conducted using documented methodologies which incorporate adequate quality control procedures; and/or
 - 2. All collected paint chip samples shall be analyzed according to paragraph (6) of this section to determine if they contain detectable levels of lead that can be quantified numerically.
- (e) The lead risk assessor shall prepare a lead hazard screen report, which shall include, but not be limited to, the following information.
 - 1. The information required in a risk assessment report as specified in paragraph (4) of this section, including any background information collected pursuant to paragraph (b)1 of this section shall be included in the risk assessment report; and
 - 2. Recommendations, if warranted, for a follow-up risk assessment and, as appropriate, any further actions.

(4) Risk Assessment.

- (a) A risk assessment shall be conducted only by a person certified by the Division as a lead risk assessor and, if conducted, must be conducted according to the procedures in this section:
- (b) A visual inspection for risk assessment of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and other potential sources of lead-based paint hazards.
- (c) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause a lead-based paint exposure to one or more children age six (6) years and under shall be collected.

- (d) The following surfaces, which are determined, using documented methodologies, to have a distinct painting history, shall be tested for the presence of lead.
 - 1. Each friction surface or impact surface with visibly deteriorated paint; and
 - 2. All other surfaces with visibly deteriorated paint.
- (e) In residential dwellings, dust samples (single-surface samples) from the interior window sill(s) and floor shall be collected in all living areas where one or more children age six (6) and under are most likely to come into contact with dust.
- (f) For multi-family dwellings and child-occupied facilities, the samples required in paragraph (4)(d) of this section shall be taken. In addition, interior window sill and floor dust samples (single-surface samples) shall be collected in the following locations:
 - 1. Common areas adjacent to the sampled residential dwelling or child-occupied facility, and
 - 2. Other common areas in the building where the lead risk assessor determines that one or more children age six (6) years and under, are likely to come into contact with dust.
- (g) For child-occupied facilities, window and floor dust samples (single-surface samples) shall be collected in each room, hallway or stairwell utilized by one or more children, age six (6) and under, and in other common areas in the child-occupied facility where the lead risk assessor determines one or more children, age six (6) and under, are likely to come into contact with dust.
- (h) Soil samples shall be collected and analyzed for lead concentrations in the following locations:
 - 1. Exterior play areas where bare soil is present.
 - 2. Dripline/ foundation areas where bare soil is present.
 - 3. The rest of the yard (i.e., non-play areas) where bare soil is present.
- (i) Any paint, dust or soil samples shall be taken using documented methodologies that incorporate adequate quality control procedures.
- (j) Any collected paint chip, dust, or soil samples shall be analyzed according to paragraph (6) of this section to determine if they contain detectable levels of lead that can be quantified numerically.
- (k) The lead risk assessor shall prepare a risk assessment report which shall include the following information:

1. Date of assessment.
2. Address of each building.
3. Date of construction of buildings.
4. Apartment number (if applicable).
5. Name, address, and telephone number of each owner of each building.
6. Name, signature, and certification of the lead risk assessor conducting the assessment.
7. Name, address, and telephone number of the lead firm employing each lead risk assessor.
8. Name, address, and telephone number of each recognized laboratory conducting analysis of collected samples.
9. Results of the visual inspection.
10. Testing method and sampling procedure for paint analysis employed.
11. Specific locations of each painted component tested for the presence of lead.
12. All data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device.
13. All results of laboratory analysis on collected paint, soil, and dust samples.
14. Any other sampling results.
15. Any background information collected pursuant to paragraph (4)(c) of this section.
16. To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint-related hazards.
17. A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards.
18. A description of interim controls and/or abatement options for each identified lead-based paint hazard and a suggested prioritization for

addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

(5) Abatement.

- (a) An abatement shall be conducted only by a person certified by the Division and shall be conducted in accordance with the procedures and requirements specified in this section.
- (b) A lead supervisor is required for each abatement project and shall be on-site at all times when abatement is being conducted. This would include preparation, cleanup, disposal and testing activities associated with such measures.
- (c) All abatement shall be conducted in accordance with the requirements of this section.
- (d) Notification for a lead-based paint abatement project in a residential dwelling, child-occupied facility, or multi-family dwelling shall be made on forms supplied by the Division and submitted to the Division fifteen (15) calendar days prior to the start date of the lead-based paint abatement project.
- (e) Abatement shall not commence until the Division has provided a notice to proceed in accordance with paragraph (11) of this section.
- (f) A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures:
 - 1. The occupant protection plan shall be unique to each residential dwelling, multi-family dwelling or child-occupied facility and developed prior to the abatement. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.
 - 2. A certified lead supervisor or certified lead project designer shall prepare the occupant protection plan.
- (g) The work practices listed below shall be restricted during an abatement as follows:
 - 1. Open-flame burning or torching of lead-based paint is prohibited;
 - 2. Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint is prohibited unless used with High Efficiency Particulate Air (HEPA) exhaust control capable of removing particles of 0.3 microns or larger from air at 99.97 percent or greater efficiency;

3. Operating a heat gun on lead-based paint is permitted only at a temperature below 1100 degrees Fahrenheit; and
 4. Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets or when treating defective painting spots no more than two (2) square feet in any one room, hallway or stairwell or totaling no more than twenty (20) square feet on exterior surfaces.
- (h) If conducted, soil abatement shall be conducted in one of the following ways:
1. If soil is removed, the lead-contaminated soil shall be replaced with soil with a lead concentration less than 400 parts per million or background concentration of lead, whichever is lower; or
 2. If soil is not removed, the lead-contaminated soil shall be permanently covered as defined in TSCA § 745.223.
 3. If soil is removed, it shall not be used as top soil at another site.
- (i) The following post-abatement clearance procedures shall be performed only by a lead inspector or lead risk assessor:
1. Following an abatement, a visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amounts of dust, debris or residue are still present. If deteriorated painted surfaces or visible amounts of dust, debris or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures.
 2. Following the visual inspection and any post-abatement cleanup required by paragraph (5)(i)1. of this section, clearance sampling for lead-contaminated dust shall be conducted. Clearance sampling may be conducted by employing single-surface sampling techniques.
 3. Dust samples for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures. Dust samples for clearance purposes shall be taken a minimum of one (1) hour after completion of final post-abatement cleanup activities.
 4. The following post-abatement clearance activities shall be conducted based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility:
 - (i) After conducting an interior abatement with containment between abated and unabated areas, one (1) dust sample shall be taken from one (1) interior window sill and from one (1) window trough (if

available) and one dust sample shall be taken from the floors of each of no less than four (4) rooms, hallways or stairwells within the containment area. In addition, one (1) dust sample shall be taken from the floor outside the containment area. If there are less than four (4) rooms, hallways or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.

- (ii) After conducting an interior abatement with no containment, two (2) dust samples shall be taken from no less than four (4) rooms, hallways or stairwells in the residential dwelling or child-occupied facility. One (1) dust sample shall be taken from one (1) window (if available) and one (1) dust sample shall be taken from one (1) interior window sill and window trough (if present) and one (1) dust sample shall be taken from the floor of each room, hallway or stairwell selected. If there are less than four (4) rooms, hallways or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways or stairwells shall be sampled.

- (iii) Following an exterior paint abatement, a visible inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present, they must be removed from the site and properly disposed of in accordance with applicable standards set forth by the Division, and in compliance with all federal, state and local requirements. Clearance wipe samples must be collected from the exterior floors and concrete involved with the abatement project.

- 5. The rooms, hallways or stairwells selected for sampling shall be selected according to documented methodologies.

- 6. The lead inspector or risk assessor shall compare the residual lead dust level (as determined by the laboratory analysis) from each dust sample with applicable clearance levels for lead in dust on floors, concrete, windowsills, and window troughs as found in [391-3-24.07](#). If the residual dust levels in a dust sample exceed the clearance levels, all the components represented by the failed sample shall be re-cleaned and retested until clearance levels are met.

- (j) In a multi-family dwelling with similarly constructed and maintained residential dwellings, random sampling for the purposes of clearance may be conducted provided:

1. The certified persons who abate or clean the residential dwelling do not know which residential dwellings will be selected for the random sample.
 2. A sufficient number of residential dwellings are selected for dust sampling to provide a ninety-five percent (95%) level of confidence that no more than 5 percent (5%) or 50 of the residential dwellings (whichever is smaller) in the randomly sampled population exceed the appropriate clearance levels.
 3. The randomly selected residential dwellings shall be sampled and evaluated for clearance according to the procedures found in paragraph (5)(i) of this section.
- (k) An abatement project completion notification shall be prepared by a lead supervisor or lead project designer. The notification shall be prepared on forms supplied by the Division and shall include, but not be limited to, the following information:
1. Start and completion dates of abatement.
 2. The name and address of each lead firm conducting the abatement and the name of each lead supervisor assigned to the abatement project.
 3. The name and title of the lead supervisor or lead project designer who prepared the occupant protection plan pursuant to paragraph (5)(f) of this section.
 4. The name, address, signature, and lead firm of each lead risk assessor or lead inspector conducting clearance sampling and the date of clearance testing.
 5. The results of clearance testing and all soil analyses (if applicable) and the name of each recognized laboratory that conducted the analyses.
 6. A detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, reason for selecting particular abatement methods for each component, and any monitoring of encapsulants or enclosures.
- (l) Abatement project completion notifications shall be submitted to the Division no later than thirty (30) working days after the completion date of lead-based paint abatement project.

(6) Collection and Laboratory Analysis of Samples.

- (a) Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in this section shall be:
 - 1. Collected by persons certified by the Division as a lead inspector or lead risk assessor; and
 - 2. Analyzed by a laboratory recognized by the EPA pursuant to section 405(b) of TSCA as being capable of performing analyses for lead compounds in paint chip, dust, and soil samples.
- (7) A paint-lead hazard is present:
 - (a) On any friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill or floor) are equal to or greater than the dust hazard levels identified in [391-3-24-.07](#);
 - (b) On any chewable lead-based paint surface on which there is evidence of teeth marks;
 - (c) Where there is any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame); and
 - (d) If there is any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.
- (8) A dust-lead hazard is present in a residential dwelling or child-occupied facility:
 - (a) On floors and interior window sills when the weighted arithmetic mean lead loading for all single surface of floors and interior window sills are equal to or greater than 10 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) for floors and equal to or greater than 100 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) for interior window sills respectively;
 - (b) On floors or interior window sills in an un-sampled residential dwelling in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled residential unit on the property; and
 - (c) On floors or interior window sills in an unsampled common area in a multi-family dwelling or child-occupied facility, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled common area in the same common area group on the property.

(9) A soil-lead hazard is present:

- (a) In a play area when the soil-lead concentration from a composite play area sample of bare soil is equal to or greater than 400 parts per million; or
- (b) In the rest of the yard when the arithmetic mean lead concentration from a composite sample (or arithmetic mean of composite samples) of bare soil from the rest of the yard (i.e., non-play areas) for each residential building on a property is equal to or greater than 1,200 parts per million.

(10) Project Fees.

- (a) A lead firm or lead supervisor shall submit to the Division a project fee for each lead-based paint abatement project at least fifteen (15) calendar days prior to the start date of each abatement project. Project fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees. Project fees shall be based upon the following formula:
 - 1. \$50 per residential dwelling unit or child-occupied facility plus 2% (.02) of the total value of lead-based paint abatement work covered by the notification. Notifications submitted less than fifteen (15) calendar days prior to the state date, and with Division approval to commencement of lead-based paint abatement activities, are Emergency Notifications and must include an additional \$50 fee.

(11) Lead-Based Paint Abatement Project Notification.

- (a) No person shall conduct abatement without a notice to proceed from the Division, except as provided for in paragraph (c)(2) of this section. All abatement activities shall be conducted by certified persons and certified lead firms.
- (b) All notifications shall be made on forms provided by the Division. The notification shall include, but not be limited to, the following applicable information:
 - 1. Name, address, contact name, and phone number of the owner and operator of the target housing or child-occupied facility;
 - 2. Name, certification number, address, contact name and phone number of the lead firm;
 - 3. Name, certification number, address, firm, and phone number of the lead inspector and lead risk assessor;
 - 4. Name, certification number, address, firm, and phone number of the lead project designer;

5. Location and street address, including building number or name and floor or room number, city, county, and state of the building where the abatement is taking place;
6. Scheduled start and completion dates of active lead-based paint abatement work including preparation work and cleanup work;
7. Work schedule, including days of the week and hours to be worked;
8. Amount and locations of material to be abated;
9. Method(s) of abatement;
10. Waste transporter, address, contact name, and phone number;
11. Waste disposal site, address, contact name, and phone number;
12. For ordered abatements, the name, title, and authority of the State or local government representative who has ordered the abatement, the date that the order was issued, and the date the abatement was ordered to begin;
13. For emergency abatements, a description of the nature of the emergency and an explanation of how failure to correct the situation would cause a lead-based paint hazard;
14. Total value of the lead-based paint abatement work covered by the notification;
15. Total number of residential dwelling units and/or child occupied facilities abated; and
16. The original signature and date of the lead firm representative.
17. The person who developed the Occupant Protection Plan for the project.

(c) Notifications for lead-based paint abatement projects shall adhere to the following schedule:

1. Notifications for a lead-based paint abatement project shall be postmarked or delivered to the Division at least fifteen (15) calendar days prior to the scheduled start date;
2. The fifteen (15) calendar day notice may be waived if the abatement project is deemed an emergency lead-based paint abatement project by a lead risk assessor and approved by the Division prior to commencement of lead-based paint abatement activities. A notification involving an

emergency lead-based paint abatement project shall be postmarked or hand delivered to the Division by the workday following the request for the emergency abatement project. Notifications for emergency abatement projects shall be submitted along with a letter from the owner or the lead risk assessor explaining the nature of the emergency.

- (d) All notifications, both regular and emergency, for lead-based paint abatement shall be accompanied by a project fee in accordance with paragraph (10) of this section. Project fees shall be submitted electronically or in the form of check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.
- (e) Revisions to lead-based paint abatement project notifications shall be made in writing on a form provided by the Division and shall be submitted to the Division for the following:
 - 1. Revision to a start date for a project that will begin after the start date stated in the previous notification shall be received on or before the previously stated start date or previously revised start date;
 - 2. Revision to a start date for a project that will begin before the start date stated in the previous notification or subsequent revisions shall be received at least fifteen (15) calendar days before the new start date;
 - 3. Revision to a completion date that will be extended beyond the completion date stated in the previous notification shall be received by the original completion date or previously revised completion date;
 - 4. Revision to a completion date that will be earlier than the completion date stated in the previous notification or subsequent revision shall be received by the new completion date; and
 - 5. Revisions to notifications other than start or completion dates shall be submitted to the Division prior to initiating the activity which the revision addresses.
- (f) The following shall be maintained on site during abatement activities and be immediately made available for review by the Division:
 - 1. A copy of the project notification, notice to proceed and all revisions;
 - 2. The occupant protection plan;
 - 3. A copy of the applicable lead-based paint abatement design, risk assessment and inspection reports; and

4. Certifications issued by the Director for all certified persons and firms performing lead-based paint activities.

(g) All abatement shall be conducted in accordance with Rule 391-3-24-.06.

(h) All abatement shall be conducted under the direct supervision of a certified lead supervisor who shall be on-site at all times when abatement activities are being conducted.

(12) Recordkeeping.

(a) All reports or plans required in this section shall be maintained by the certified lead firm or person who prepared the report for no fewer than three (3) years. The certified lead firm or person shall also provide copies of these reports to the building owner who contracted for its services.

Cite as Ga. Comp. R. & Regs. R. 391-3-24-.06

Authority: O.C.G.A. § [31-41-1](#), *et seq.*

History. Original Rule entitled "Accreditation and Certification Fees" adopted. F. June 28, 1996; eff. July 18, 1996.

Repealed: New Rule entitled "Standards for Conducting Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities" adopted. F. June 26, 1998; eff. July 16, 1998.

Amended: F. June 27, 2002; eff. July 17, 2002.

Repealed: New Rule entitled "Standards for Conducting Lead-Based Paint Activities" adopted. F. Nov. 19, 2010; eff. Dec. 9, 2010.

Amended: F. Mar. 18, 2022; eff. Apr. 7, 2022.

Rule 391-3-24-.07. Lead Clearance Levels.

Clearance procedures shall be conducted on all abatement projects by a certified inspector or lead risk assessor after appropriate cleaning has been completed. The following lead clearance levels must be met.

CLEARANCE DUST STANDARDS (Wipe Sampling Only)

Surface/ Medium	Level (µg/ft ²)
	(Equal to or less than)
Bare and carpeted floors	10 µg/ft ²
Interior Window Sills	100 µg/ft ²
Window Troughs	400 µg/ft ²
Exterior Concrete	800 µg/ft ²

Cite as Ga. Comp. R. & Regs. R. 391-3-24-.07

Authority: O.C.G.A. § [31-41-1](#), *et seq.*

History. Original Rule entitled "Standards for Conducting Lead-Based Paint Activities for Target Housing and Child-Occupied Facilities" adopted. F. June 28, 1996; eff. July 18, 1996.

Repealed: New Rule entitled "Lead Clearance Levels" adopted. F. June 26, 1998; eff. July 16, 1998.

Amended: F. June 27, 2002; eff. July 17, 2002.

Repealed: New Rule of the same title adopted. F. Nov. 19, 2010; eff. Dec. 9, 2010.

Amended: F. Mar. 18, 2022; eff. Apr. 7, 2022.

Rule 391-3-24-.08. Information Distribution Requirements Before Conducting Renovation Activities.

- (1) Renovations in dwelling units. No more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must:
 - (a) Provide the owner of the unit with the pamphlet, and comply with one of the following:
 1. Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet, or
 2. Obtain a certificate of mailing at least 7 days prior to the renovation.
 - (b) In addition to the requirements in this section, if the owner does not occupy the dwelling unit, provide an adult occupant of the unit with the pamphlet, and comply with one of the following:
 1. Obtain, from the adult occupant, a written acknowledgment that the occupant has received the pamphlet; or certify in writing that a pamphlet has been delivered to the dwelling or that the firm performing the renovation has been unsuccessful in obtaining a written acknowledgment from an adult occupant. Such certification must include the address of the unit undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available), the signature of a representative of the firm performing the renovation, and the date of signature, or
 2. Obtain a certificate of mailing at least 7 days prior to the renovation.
- (2) Renovations in common areas. No more than 60 days before beginning renovation activities in common areas of multi-unit target housing, the firm performing the renovation must:
 - (a) Provide the owner with the pamphlet, and comply with one of the following:

1. Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet, or
 2. Obtain a certificate of mailing at least 7 days prior to the renovation.
- (b) Comply with one of the following:
1. Notify in writing, or ensure written notification of, each affected unit and make the pamphlet available upon request prior to the start of renovation. Such notification shall be accomplished by distributing written notice to each affected unit. The notice shall describe the general nature and locations of the planned renovation activities; the expected starting and ending dates; and a statement of how the occupant can obtain the pamphlet and a copy of the records required by Rule [391-3-24-.11](#) at no cost to the occupants, or
 2. While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all of the affected units. The signs must be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to occupants. The signs must also include information on how interested occupants can review a copy of the records required by Rule [391-3-24-.11](#) or obtain a copy from the renovation firm at no cost to the occupants.
- (c) Prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation activities and to provide the pamphlet.
- (d) If the scope, locations, or expected starting and ending dates of the planned renovation activities change after the initial notification, and the firm provided written initial notification to each affected unit, the firm performing the renovation must provide further written notification to the owners and occupants providing revised information on the ongoing or planned activities. This subsequent notification must be provided before the firm performing the renovation initiates work beyond that which was described in the original notice.
- (3) Renovations in child-occupied facilities. No more than 60 days before beginning renovation activities in any child-occupied facility, the firm performing the renovation must:
- (a) Provide the owner of the building with the pamphlet, and comply with one of the following:

1. Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet; or
 2. Obtain a certificate of mailing at least 7 days prior to the renovation.
- (b) If the owner of the child-occupied facility is not the operator or manager of the building, provide the operator, manager or management representative of the child-occupied facility with the pamphlet, and comply with one of the following:
1. Obtain, from the manager or management representative, a written acknowledgment that the manager or management representative has received the pamphlet; or certify in writing that a pamphlet has been delivered to the facility and that the firm performing the renovation has been unsuccessful in obtaining a written acknowledgment from an adult representative. Such certification must include the address of the child-occupied facility undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., representative refuses to sign), the signature of a representative of the firm performing the renovation, and the date of signature; or
 2. Obtain a certificate of mailing at least 7 days prior to the renovation.
- (c) Provide the parents and guardians of children using the child-occupied facility with the pamphlet, information describing the general nature and locations of the renovation and the anticipated completion date, and information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the records required by Rule [391-3-24-.11](#) or obtain a copy from the renovation firm at no cost to the occupants by complying with one of the following:
1. Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility; or
 2. While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians. The signs must also include information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the

records required by Rule [391-3-24-.11](#) or obtain a copy from the renovation firm at no cost to the parents or guardians.

- (d) The renovation firm must prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.
- (4) Written acknowledgment. The written acknowledgments required in this Section must:
- (a) Include a statement recording the owner or occupant's name and acknowledging receipt of the pamphlet prior to the start of renovation, the address of the unit undergoing renovation, the signature of the owner or occupant as applicable, and the date of signature.
 - (b) Be either a separate sheet or part of any written contract or service agreement for the renovation.
 - (c) Be written in the same language as the text of the contract or agreement for the renovation or, in the case of non-owner occupied target housing, in the same language as the lease or rental agreement or the pamphlet.

Cite as Ga. Comp. R. & Regs. R. 391-3-24-.08

Authority: O.C.G.A. Sec. [31-41-1](#) *et seq.*

History. Original Rule entitled "Lead Clearance Levels" adopted. F. June 28, 1996; eff. July 18, 1996.

Repealed: F. June 26, 1998; eff. July 16, 1998.

Amended: New Rule entitled "Information Distribution Requirements Before Conducting Renovation Activities" adopted. F. Nov. 19, 2010; eff. Dec. 9, 2010.

Rule 391-3-24-.09. Certification of Persons and Firms Conducting Renovation Activities.

- (1) Scope.
- (a) Following the submission of an application demonstrating that all the requirements of this Rule are met and a determination by the Division that a person has met all applicable requirements to perform the appropriate renovation activities, the Division shall certify the applicant as a renovator or dust sampling technician.
 - (b) All certified persons shall be assigned a certification number and issued a certificate by the Division.
 - (c) All certified renovation firms shall be assigned a certification number and issued a certificate by the Division.

- (d) All individuals performing renovation activities on behalf of the certified renovation firm shall be either a certified dust sampling technician, a certified renovator or have been trained by a certified renovator when performing renovation activities and shall comply with the standards for performing such renovations or dust sampling activities as established in Rule [391-3-24-.08](#) through Rule [391-3-24-.11](#).
 - (e) All certifications shall expire based on the issue date or based on the last date of attending required training as specified in (2)(a) through (2)(c) of this Rule. Work performed after expiration of the certificate and prior to renewal shall constitute a violation of this Rule.
 - (f) No person or renovation firm shall conduct or offer to conduct renovation activities described in this section if that person or renovation firm does not have the appropriate certification by the Division pursuant to the requirements specified in this Rule and the person or renovation firm does not have in their possession a Division issued certificate.
 - (g) In order to maintain certification as a person or renovation firm, applicants must follow the requirements specified in paragraph (3) of this Rule.
 - (h) A person who is employed by and in the process of conducting renovation activities for a federal, state or local government agency shall not be required to pay certification fees as specified in this section.
 - (i) Persons requesting a duplication of their certificate shall submit a fee in the amount of \$25.00 electronically or in the form of a check, money order and made payable to the Environmental Protection Division - Lead Renovation Fees.
- (2) Application Process. The following are procedures and requirements an applicant must meet when applying to the Division for certification:
- (a) Certification of Renovation Firms.
 - 1. All firms, which perform or offer to perform, any of the renovation activities described in Rule [391-3-24-.10](#) must have certification from the Division.
 - 2. A firm seeking certification, as a Renovation Firm must:
 - (i) Submit a completed certification application on forms supplied by the Division certifying that the firm shall:
 - (I) Ensure that all individuals performing renovation activities on behalf of the certified renovation firm are either a certified dust sampling technician, a certified renovator or have been trained by a certified renovator when performing renovation

activities and shall comply with the standards for performing such renovations and/or dust sampling activities;

- (II) Follow the pre-notification education activity standards in Rule [391-3-24-.08](#).
- (III) Follow the standards for conducting renovation activities in Rule [391-3-24-.10](#), and
- (IV) Maintain all records required in Rule [391-3-24-.11](#).

- (ii) Submit a disclosure statement of any action taken by EPA or an EPA authorized program involving violations, suspensions, revocations or modifications of a firm's activities; and
- (iii) Submit a fee either in the amount of \$300.00 for a three (3) year certification or \$125.00 for a one (1) year certification. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees.
- (iv) Federal, State, county or city government agencies which conduct renovation activities are exempt from the renovation firm certification.

- 3. The renovation firm certification issued by the Division is valid either for a period of three (3) years or one (1) year from the date of issuance based on the amount of fees submitted as specified in this Rule.

(b) Certification of Renovators.

- 1. To become certified as a renovator, a person must:
 - (i) Successfully complete an initial renovator training course and receive an initial course completion certificate from a Division accredited training program;
 - (ii) Successfully pass the initial renovator training course exam.
 - (iii) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date.

- (iv) Submit an original initial renovator course completion training certificate or an original letter from the accredited training program confirming completion of the initial renovator training course on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;
 - (v) Submit one (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture; and
 - (vi) Submit a fee in the amount of \$150.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees.
 - (vii) Persons, employed by a federal, state, county or city government agency, who conduct renovations for the government agency are exempt from the renovator certification fee.
2. The renovator certification issued by the Division allows the certified individual to perform renovations covered by this Rule 391-3-24-.09 through [391-3-24-.11](#) and is valid for a period of three (3) years from the date of issuance.

(c) Certification of Dust Sampling Technicians.

1. To become certified as a dust sampling technician, a person must:
- (i) Successfully complete an initial dust sampling technician course and receive an initial course completion certificate from a Division accredited training program;
 - (ii) Successfully pass an initial dust sampling technician course exam;
 - (iii) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;
 - (iv) Submit an original initial dust sampling technician course completion training certificate or an original letter from the accredited training program confirming completion of the initial dust sampling technician training course on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;

- (v) Submit one (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture; and
 - (vi) Submit a fee in the amount of \$150.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees for a one-year certification or submit a fee in the amount of \$276.00 for a two-year certification.
 - (vii) Persons, employed by a federal, state, county or city government agency, who conducts dust sampling for the government agency are exempt from the dust sampling certification fee.
2. The dust sampling technician certification issued by the Division allows the certified individual to perform dust sampling activities covered by Rule [391-3-24-.10](#) and is valid for a period of one (1) year from the date of issuance.

(3) Renewal of Certification.

- (a) After certified persons demonstrate that all of the requirements of this section are met and the Division determines that an applicant has met all the requirements set forth in this section, the Division shall renew certification of a person as a renovator or dust sampling technician.
- (b) Renewal of certified renovators
 - 1. Certified renovators meeting the requirements of this section shall be renewed for a period of thirty-six (36) months from the expiration date of certification or thirty-six (36) months from the last date of completing a Division accepted renovation course, whichever is earlier.
 - 2. Certified Renovators holding a certificate from an U.S. EPA accredited training provider issued before the effective date of this Rule shall be recognized by the Division and the renovator certification shall be valid for a period of five (5) years from the date of issuance. At least thirty (30) days before the expiration of the U.S. EPA renovator certification, the renovator shall submit a renewal application on forms provided by the Division and pay the fees as required in paragraph (3) of this Rule.
 - 3. Persons seeking renewal of certification, as a renovator shall:

- (i) Submit a completed renewal application to the Division on forms provided or approved by the Division with all the appropriate information included and signed by the applicant.
- (ii) Successfully complete a refresher renovator training course and receive a refresher course completion certificate from a Division accredited training program within thirty-six (36) months from the last date of training.

Persons that do not successfully complete the renovator refresher course within thirty-six (36) months from the last date of training may obtain provisional certification for twelve (12) months by payment of a fee two (2) times the certification fee.

Persons that do not successfully complete the refresher renovator course and receive a certificate of completion by the forty-eighth (48) month from the last date of training, shall successfully complete the initial renovator training course for renewal of certification.

- (iii) Submit an original refresher renovator course completion certificate for renewal or an original letter from the accredited training program confirming completion of the renovator training course on the accredited training program letterhead.
- (iv) Submit one (1) current 1 ¼ inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the photograph.
- (v) Submit a fee in the amount of \$150.00. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees.

(c) Renewal of certified dust sampling technicians

1. Certified dust sampling technicians meeting the requirements of this section shall be renewed for a period of twelve (12) months from the expiration date of certification or twenty-four (24) months from the last date of completing a Division accepted dust sampling technician course, whichever is earlier.
2. Certified dust sampling technicians holding a certificate from an U.S. EPA accredited training provider issued before the effective date of this Rule shall be recognized by the Division and the renovator certification shall be valid for a period of five (5) years from the date of the issuance of the

certification. At least thirty (30) days before the expiration of the dust sampling technician certification, the dust sampling technician shall submit a renewal application on forms provided by the Division as required in paragraph (3) of this Rule.

3. Persons seeking renewal of certification, as a dust sampling technician shall:

- (i) Submit a completed renewal application to the Division on forms provided or approved by the Division with all the appropriate information included and signed by the applicant.
- (ii) Successfully complete a refresher dust sampling technician course(s) and receive a refresher course completion certificate from an accredited training program within twenty-four (24) months from the last date of training.

Persons that do not successfully complete the refresher dust sampling technician course within twenty-four (24) months from the last date of training may obtain provisional certification for twelve (12) months by payment of a fee two (2) times the certification fee.

Persons that do not successfully complete the refresher dust sampling technician course and receive a certificate of completion by the thirty-sixth (36th) month from the last date of training, shall successfully complete the initial said training course for renewal of certification.

- (iii) Submit an original refresher dust sampling technician course completion certificate or an original letter from the accredited training program confirming completion of said training course(s) on the accredited training program letterhead.
- (iv) Submit one (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the photograph.
- (v) Submit a fee in the amount of \$150.00 per renewal discipline for a one-year certification or submit \$275.00 for a two-year certification. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees.

(d) Renewal of renovation firm certification

1. Certified renovation firms meeting the requirements of this section shall be renewed either for a period of twelve (12) months from the expiration date of certification or thirty-six (36) months from the expiration date of the certificate. Length of renewal is based on the amount of fees submitted.
2. Renovation firms holding a certificate from EPA issued before the effective date of this Rule shall be valid for a period of five (5) years from the date of issuance from U.S. EPA. At least thirty (30) days prior to the expiration of the U.S. EPA certification, the renovation firm shall submit a renewal application on forms provided by the Division. A renewal application must be submitted as defined in paragraph (3) of this Rule by the date of the expiration of the EPA renovation firm certificate.
3. In order for renovation firm certification to be renewed for either a period of twelve (12) months or thirty-six (36) months, the renovation firm shall:
 - (i) Submit a completed renewal application to the Division on forms provided by the Division certifying that the renovation firm shall:
 - (ii) Ensure that all individuals performing renovation activities on behalf of the certified renovation firm are either a certified dust sampling technician, a certified renovator or have been trained by a certified renovator when performing renovation activities;
 - (iii) Follow the standards in Rule [391-3-24-.10](#) for conducting renovations and dust sampling activities;
 - (iv) Follow the standards in Rule [391-3-24-.08](#) for pre-notification education requirements; and
 - (v) Maintain all records pursuant to the requirements in Rule [391-3-24-.11](#).
4. Submit a disclosure statement of any action(s) taken by the Division, EPA, or an EPA approved program involving violations, suspensions, revocations, or modifications of a renovation firm's activity.
5. Submit a fee in the amount of \$300.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees for a thirty-six (36) month renewal. A renovation firm may submit a fee in the amount of \$125.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees for a twelve (12) month renewal.

- (e) Renewal applications shall be postmarked or hand delivered to the Division thirty (30) days prior to the expiration date of certification for each discipline in which certification is sought. Certified persons submitting renewal applications postmarked or hand delivered after the expiration date of certification shall follow the requirements specified in paragraph (3) of this section for certification purposes.

(4) Reciprocity.

- (a) Each person seeking certification who is licensed, certified or permitted in another state, Tribe or Territory of the United States to perform renovations or dust sampling activities may petition the Division on a form provided by the Division to grant certification without repetition of training requirements. The Division may recognize the certification of a discipline granted by another State, Tribe or Territory with which the Division has a written reciprocal agreement. Any person may apply to have their certification approved by the Division if their certification has been licensed, certified or permitted by another State, Tribe or Territory with which the Division has a written reciprocal agreement.
- (b) Persons seeking certification by reciprocity shall also submit to the Division the following:
 - 1. A completed application to the Division on forms provided by the Division with all the appropriate information included and signed by the applicant.
 - 2. A copy of the certification issued by the reciprocating state, tribe or territory.
 - 3. One (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture.
 - 4. A fee in the amount of \$150.00 for each discipline. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees.

(5) Suspension, Revocation, and Modification.

- (a) The Director may investigate the actions of any certified person or renovation firm and may suspend, revoke or modify the certification of a person or renovation firm in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedures Act," when it is found that the person or renovation firm has:
 - 1. Obtained training documentation through fraudulent means.

2. Gained admission to and completed an accredited training program through misrepresentation of admission requirements.
 3. Obtained certification through misrepresentation of certification requirements or related documents dealing with education, training, professional registration, or experience.
 4. Performed work requiring certification at a job site without having proof of certification.
 5. Permitted the duplication, alteration or use of the person's own certificate by another.
 6. Performed work for which certification is required, but for which appropriate certification has not been received.
 7. Failed to comply with the appropriate work practice standards for lead-based paint activities as specified in Rule [391-3-24-10](#).
 8. Failed to comply with Federal, State, or local lead-based paint statutes or regulations.
 9. Performed work at a job site with persons who are not certified or trained.
 10. Misrepresented facts in a renovation firm's letter of application.
 11. Failed to maintain required records.
- (b) When certification of a person or renovation firm is revoked, the person or renovation firm shall not be eligible for recertification for a period of five (5) years from the date of revocation.

Cite as Ga. Comp. R. & Regs. R. 391-3-24-.09

Authority: O.C.G.A. Sec. [31-41-1](#) *et seq.*

History. Original Rule entitled "Certification of Persons and Firms Conducting Renovation Activities" adopted. F. Nov. 19, 2010; eff. Dec. 9, 2010.

Rule 391-3-24-.10. Standards for Conducting Renovation Activities.

- (1) Renovator responsibilities. Certified renovators are responsible for ensuring compliance with all renovations to which they are assigned. A certified renovator:
 - (a) Must perform all of the tasks described in this Rule and must either perform or direct workers who perform all of the tasks described in this Rule.

- (b) Must provide training to workers on the work practices they will be using in performing their assigned tasks.
 - (c) Must be physically present at the work site when the signs required by this Rule are being posted, while the work area containment required by this Rule is being established, and while the work area cleaning required by this Rule is being performed.
 - (d) Must regularly direct work being performed by other individuals to ensure that the work practices are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris does not spread beyond the work area.
 - (e) Must be available, either on-site or by telephone, at all times that renovations are being conducted.
 - (f) When requested by the party contracting for renovation services, must use an acceptable test kit to determine whether components to be affected by the renovation contain lead-based paint.
 - (g) Must have with them at the work site, copies of their Division issued renovator certificate.
 - (h) Must prepare the records required by Rule [391-3-24-.11](#).
- (2) Dust sampling technician responsibilities. When performing optional dust clearance sampling, a certified dust sampling technician:
- (a) Must collect dust samples in accordance with Rule [391-3-24-.06](#), must send the collected samples to a laboratory recognized by EPA under TSCA section 405(b), and must compare the results to the clearance levels in accordance with Rule [391-3-24-.07](#).
 - (b) Must have with them at the work site, copies of their Division issued dust sampling technician certificate.
- (3) Standards for renovation activities. Renovations must be performed by certified renovation firms using at least one (1) certified renovator while conducting renovations. The responsibilities of certified firms and certified renovators are set forth in Rule 391-3-24-.10.
- (a) Occupant protection. Firms must post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area. To the extent practicable, these signs must be in the primary language of the occupants. These signs must be posted before beginning the renovation and must remain in place and readable until the

renovation and the post-renovation cleaning verification has been completed. If warning signs have been posted in accordance with Rule [391-3-24-.08](#) additional signs are not required by this Section.

- (b) Containing the work area. Before beginning the renovation, the firm must isolate the work area so that no dust or debris leaves the work area while the renovation is being performed. In addition, the firm must maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, and taking any other steps necessary to ensure that no dust or debris leaves the work area while the renovation is being performed. The firm must also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

1. Interior renovations. The firm must:

- (i) Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed.
- (ii) Close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.
- (iii) Close windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material. Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.
- (iv) Cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.
- (v) Use precautions to ensure that all personnel, tools, and other items, including the exteriors of containers of waste, are free of dust and debris before leaving the work area.

2. Exterior renovations. The firm must:

- (i) Close all doors and windows within 20 feet of the renovation. On multi-story buildings, close all doors and windows within 20 feet of the renovation on the same floor as the renovation, and close all doors and windows on all floors below that are the same horizontal distance from the renovation.

- (ii) Ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.
 - (iii) Cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering.
 - (iv) In certain situations, the renovation firm must take extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate other buildings or other areas of the property or migrate to adjacent properties.
- (c) Prohibited and restricted practices. The work practices listed below shall be prohibited or restricted during a renovation as follows:
 - 1. Open-flame burning or torching of lead-based paint is prohibited.
 - 2. The use of machines that disturb lead-based paint through high-speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting, is prohibited unless such machines are used with HEPA exhaust control.
 - 3. Operating a heat gun on lead-based paint is permitted only at temperatures below 1100 degrees Fahrenheit.
- (d) Waste from renovations.
 - 1. Waste from renovation activities must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered.
 - 2. At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.
 - 3. When the firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris.

(e) Cleaning the work area. After the renovation has been completed, the firm must clean the work area until no dust, debris or residue remains.

1. Interior and exterior renovations. The firm must:

- (i) Collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty bag, and
- (ii) Remove the protective sheeting. Mist the sheeting before folding it, fold the dirty side inward, and either tape shut to seal or seal in heavy-duty bags. Sheeting used to isolate contaminated rooms from non-contaminated rooms must remain in place until after the cleaning and removal of other sheeting. Dispose of the sheeting as waste.

2. Additional cleaning for interior renovations. The firm must clean all objects and surfaces in the work area and within 2 feet of the work area in the following manner, cleaning from higher to lower:

- (i) Walls. Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or wiping with a damp cloth, and
- (ii) Remaining surfaces. Thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum. The HEPA vacuum must be equipped with a beater bar when vacuuming carpets and rugs, and
- (iii) Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the 2-bucket mopping method, or using a wet mopping system.

(4) Standards for post-renovation cleaning verification

(a) Interiors.

- 1. A certified renovator must perform a visual inspection to determine whether dust, debris or residue is still present. If dust, debris or residue is present, these conditions must be removed by re-cleaning and another visual inspection must be performed.
- 2. After a successful visual inspection, a certified renovator must:

- (i) Verify that each windowsill in the work area has been adequately cleaned, using the following procedure.
 - (1) Wipe the windowsill and window trough with a wet disposable cleaning cloth that is damp to the touch. If the cloth matches or is lighter than the cleaning verification card, the windowsill and window trough have been adequately cleaned.
 - (2) If the cloth does not match and is darker than the cleaning verification card, re-clean the windowsill and window trough as directed in this Section, then either use a new cloth or fold the used cloth in such a way that an unused surface is exposed, and wipe the surface again. If the cloth matches or is lighter than the cleaning verification card, the windowsill and window trough have been adequately cleaned.
 - (3) If the cloth does not match and is darker than the cleaning verification card, wait for 1 hour or until the surface has dried completely, whichever is longer.
 - (4) After waiting for the windowsill and window trough to dry, wipe the windowsill and window trough with a dry disposable cleaning cloth. After this wipe, the windowsill and window trough have been adequately cleaned.
- (ii) Wipe uncarpeted floors and countertops within the work area with a wet disposable cleaning cloth. Floors must be wiped using an application device with a long handle and a head to which the cloth is attached. The cloth must remain damp at all times while it is being used to wipe the surface for post-renovation cleaning verification. If the surface within the work area is greater than 40 square feet, the surface within the work area must be divided into roughly equal sections that are each less than 40 square feet. Wipe each such section separately with a new wet disposable cleaning cloth. If the cloth used to wipe each section of the surface within the work area matches or is lighter than the cleaning verification card, the surface has been adequately cleaned.
 - (1) If the cloth used to wipe a particular surface section does not match and is darker than the cleaning verification card, re-clean that section of the surface as directed in this Section, then use a new wet disposable cleaning cloth to wipe that section again. If the cloth matches or is lighter than the

cleaning verification card, that section of the surface has been adequately cleaned.

- (2) If the cloth used to wipe a particular surface section does not match and is darker than the cleaning verification card after the surface has been re-cleaned, wait for 1 hour or until the entire surface within the work area has dried completely, whichever is longer.
 - (3) After waiting for the entire surface within the work area to dry, wipe each section of the surface that has not yet achieved post-renovation cleaning verification with a dry disposable cleaning cloth. After this wipe, that section of the surface has been adequately cleaned.
- 3. When the work area passes the post-renovation cleaning verification, remove the warning signs.
 - (b) Exteriors. A certified renovator must perform a visual inspection to determine whether dust, debris or residue is still present on surfaces in and below the work area, including windowsills and the ground. If dust, debris or residue is present, these conditions must be eliminated and another visual inspection must be performed. When the area passes the visual inspection, remove the warning signs.
- (5) Optional dust clearance testing. Cleaning verification need not be performed if the contract between the renovation firm and the person contracting for the renovation or another Federal, State, Territorial, Tribal, or local law or regulation requires:
 - (a) The renovation firm to perform dust clearance sampling at the conclusion of a renovation covered by this subpart.
 - (b) The dust clearance samples are required to be collected by a certified inspector, risk assessor or dust sampling technician.
 - (c) The renovation firm is required to re-clean the work area until the dust clearance sample results are below the clearance standards in Rule [391-3-24-.07](#).
- (6) Activities conducted after post-renovation cleaning verification. Activities that do not disturb lead-based paint, such as applying paint to walls that have already been prepared, are not regulated by this subpart if they are conducted after post-renovation cleaning verification has been performed.

History. Original Rule entitled "Standards for Conducting Renovation Activities" adopted. F. Nov. 19, 2010; eff. Dec. 9, 2010.

Rule 391-3-24-.11. Recordkeeping and Reporting Requirements for Renovation Activities.

- (1) Firms performing renovations must retain and, if requested, make available to the Division all records necessary to demonstrate compliance with this section for a period of three (3) years following completion of the renovation. This three (3) year retention requirement does not supersede longer obligations required by other provisions for retaining the same documentation, including any applicable federal, State or Tribal laws or regulations.
- (2) Records that must be retained pursuant to this Section shall include (where applicable):
 - (a) Records or reports certifying that a determination had been made that lead-based paint was not present on the components affected by the renovation, as described in this rule. These records or reports include:
 1. Reports prepared by a certified inspector or certified risk assessor.
 2. Records prepared by a certified renovator after using EPA-recognized test kits, including an identification of the manufacturer and model of any test kits used, a description of the components that were tested including their locations, and the result of each test kit used.
 - (b) Signed and dated acknowledgments of receipt of pre-renovation notification records as described in Rule [391-3-24-.08](#).
 - (c) Certifications of attempted delivery as described in Rule [391-3-24-.08](#).
 - (d) Certificates of mailing as described in Rule [391-3-24-.08](#).
 - (e) Records of notification activities performed regarding common area renovations and renovations in child-occupied facilities, as described in Rule [391-3-24-.08](#).
 - (f) Documentation of compliance with the requirements of Rule [391-3-24-.10](#), including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project, that the certified renovator performed or directed workers who performed all of the tasks described in Rule [391-3-24-.10](#), and that the certified renovator performed the post-renovation cleaning verification described in Rule [391-3-24-.10](#). If the renovation firm was unable to comply with all of the requirements of this rule due to an emergency as defined in Rule [391-3-24-.10](#), the firm must document the nature of the emergency and the provisions of the rule that were not followed. This documentation must include a copy of the certified renovator's

training certificate, and a certification by the certified renovator assigned to the project that:

1. Training was provided to workers (topics must be identified for each worker).
2. Warning signs were posted at the entrances to the work area.
3. If test kits were used, that the specified brand of kits was used at the specified locations and that the results were as specified.
4. The work area was contained by:
 - (i) Removing or covering all objects in the work area (interiors).
 - (ii) Closing and covering all HVAC ducts in the work area (interiors).
 - (iii) Closing all windows in the work area (interiors) or closing all windows in and within 20 feet of the work area (exteriors).
 - (iv) Closing and sealing all doors in the work area (interiors) or closing and sealing all doors in and within 20 feet of the work area (exteriors).
 - (v) Covering doors in the work area that were being used to allow passage but prevent spread of dust and debris outside the work area.
 - (vi) Covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater (interiors) or covering the ground with plastic sheeting or other disposable impermeable material anchored to the building extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering, weighted down by heavy objects (exteriors).
 - (vii) Installing (if necessary) vertical containment to prevent migration of dust and debris to adjacent property (exteriors).
5. Waste was contained on-site and remained contained while being transported off-site.
6. The work area was properly cleaned after the renovation by:

- (i) Picking up all chips and debris, misting protective sheeting, folding it dirty side inward, and taping it and placing it in a secured container for removal.
 - (ii) Cleaning the work area surfaces and objects using a HEPA vacuum and/or wet cloths or mops (interiors).
 - 7. The certified renovator performed the post-renovation cleaning verification (the results of which must be briefly described, including the number of wet and dry cloths used).
- (3) When the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, the renovation firm must provide information pertaining to compliance with this subpart to the following persons:
- (a) The owner of the building; and, if different,
 - (b) An adult occupant of the residential dwelling, if the renovation took place within a residential dwelling, or an adult representative of the child-occupied facility, if the renovation took place within a child-occupied facility.
- (4) When performing renovations in common areas of multi-unit target housing, renovation firms must post the information required by this subpart or instructions on how interested occupants can obtain a copy of this information. This information must be posted in areas where it is likely to be seen by the occupants of all of the affected units.
- (5) The information, required to be provided in this section, may be provided by completing the sample form titled "Sample Renovation Recordkeeping Checklist" or a similar form containing the test kit information, and the training and work practice compliance information required by this Rule.
- (6) If dust clearance sampling is performed in lieu of cleaning verification as permitted by Rule [391-3-24-.10](#), the renovation firm must provide, when the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, a copy of the dust sampling report to:
- (a) The owner of the building; and, if different,
 - (b) An adult occupant of the residential dwelling, if the renovation took place within a residential dwelling, or an adult representative of the child-occupied facility, if the renovation took place within a child-occupied facility.
 - (c) When performing renovations in common areas of multi-unit target housing, renovation firms must post these dust sampling reports or information on how

interested occupants of the housing being renovated can obtain a copy of the report. This information must be posted in areas where they are likely to be seen by the occupants of all of the affected units.

Cite as Ga. Comp. R. & Regs. R. 391-3-24-.11

Authority: O.C.G.A. Sec. [31-41-1](#) *et seq.*

History. Original Rule entitled "Recordkeeping and Reporting Requirements for Renovation Activities" adopted. F. Nov. 19, 2010; eff. Dec. 9, 2010.

Rule 391-3-24-.12. Lead-Based Paint Hazard Management Program Fees.

- (1) Persons, individuals and firms who must pay fees. Fees in accordance with this Rule must be paid by:
 - (a) Training programs.
 1. All training providers applying to the Division for the accreditation and re-accreditation of training programs in one or more of the following disciplines: lead supervisor, lead inspector, lead risk assessor, lead project designer, lead work, renovator, or dust sampling technician.
 2. All training providers applying for reciprocity as allowed in [391-3-24-.04](#) of this Rule.
 - (b) Firms. All lead and renovation firms applying to the Division for certification and re-certification to conduct renovations and lead-based paint activities.
 - (c) Individuals. All individuals applying to the Division for certification and re-certification to conduct renovations and lead-based paint activities.
- (2) Lost or replacement certificate. A \$25 fee will be charged for the replacement of a firm or individual certificate.
- (3) The fee schedule for lead-based paint and renovation activities is found in Table 1 of this section.

TABLE 1		
Training Provider Accreditation	<i>Initial Accreditation</i>	Annual Re-accreditation
Initial Training Provider Course Accreditation of the following disciplines:	\$400/ 8 hour day of training	\$300 per course/ year

Lead Supervisor, Lead Inspector, Lead Risk Assessor, Lead Project Designer, Lead Worker, Renovator or Dust Sampling Technician Courses		
Refresher Training Provider Course Accreditation of the following disciplines: Lead Supervisor, Lead Inspector, Lead Risk Assessor, Lead Project Designer, Lead Worker, Renovator or Dust Sampling Technician Course	\$400/ 8 hour day of training	\$300 per course/ year
Reciprocity Accreditation of Training Provider courses of the following disciplines: Lead Supervisor, Lead Inspector, Lead Risk Assessor, Lead Project Designer, Lead Work, Renovator or Dust Sampling Technical Course	\$300/ 8 hour day of training	\$300/ course/ year
Lead Firm Certification	Initial Certification	Re-certification
Lead Abatement Firm	\$350/ year	\$350/ year
Renovation Firm	\$125 (1-year certification) or \$300 (3-year certification)	\$125/ year or \$300/ 3 years
Individual Lead Discipline Certifications	Certification	Recertification
Lead Supervisor, Lead Inspector, Lead Risk Assessor, Lead Project Designer, Lead Worker	\$150/ year	\$150/year
Joint Lead Inspector/Lead Risk Assessor	\$250/year	\$250/year
Renovator	\$150 (3-year certification)	\$150/ 3 years
Dust Sampling Technician	\$150/1-year certification or \$275/ 2-year certification	\$150/1-year certification or \$275/ 2-year certification
Project Notification or Permit	Project Notification Fee	Notice Requirements
Lead abatement projects	\$50 plus 2% of project cost	15 days before project start
Emergency Notification: Lead Abatement	\$50	As soon as possible.

Cite as Ga. Comp. R. & Regs. R. 391-3-24-.12

Authority: O.C.G.A. Sec. [31-41-1](#) *et seq.*

History. Original Rule entitled "Lead-Based Paint Hazard Management Program Fees" adopted. F. Nov. 19, 2010; eff. Dec. 9, 2010.

Subject 391-3-25. LOW EMISSION VEHICLE CERTIFICATION.

Rule 391-3-25-.01. Definitions.

Unless a different meaning is required by the context, the following terms as used in these rules shall have the meaning hereinafter respectively ascribed; provided, however, to the extent the definitions set forth below conflict with the definitions set forth in O.C.G.A. § [48-7-40.16](#), § [48-7-29.18](#), or § [48-7-29.19](#), the definitions in O.C.G.A. § [48-7-40.16](#), § [48-7-29.18](#), and § [48-7-29.19](#) shall control; and provided, further, to the extent any term in this Chapter is not defined below, the definitions in O.C.G.A. § [48-7-40.16](#), § [48-7-29.18](#), and § [48-7-29.19](#) shall apply; and provided, further, that definitions within any subsequent rule, or subdivision thereof, which are expressly made applicable to the rule or subdivision within which they appear, shall apply for purposes of such specific rule or subdivision thereof.

- (a) "Alternative fuel heavy-duty vehicle" means a new commercial vehicle, with a gross vehicle weight ratio equal to or more than 26,001 pounds, that is primarily fueled by an alternative fuel. As used in this definition, "primarily fueled by an alternative fuel" as defined in O.C.G.A. § [48-7-29.18](#) means a vehicle that is produced by an original equipment manufacturer and operates on 90 percent or more alternative fuel and on 10 percent or less gasoline or diesel fuel.
- (b) "Alternative fuel medium-duty vehicle" means a new commercial vehicle, with a gross vehicle weight ratio equal to 8,500 pounds or more and less than 26,001 pounds, that is solely fueled by an alternative fuel as defined in O.C.G.A. § [48-7-29.18](#), and that is produced by an original equipment manufacturer.
- (c) "Certificate" means the form used as proof to the Department of Revenue that the low-emission vehicle, zero emission vehicle, electric vehicle charger, converted vehicle, alternative fuel medium-duty vehicle, or alternative fuel heavy-duty vehicle is eligible for state income tax credit. This certificate will be issued by EPD for new low-emission vehicles, zero emission vehicles, alternative fuel medium-duty vehicles, alternative fuel heavy-duty vehicles, converted vehicles and electric vehicle chargers.
- (d) "CO" means carbon monoxide.
- (e) "Conventionally fueled vehicle" means a motor vehicle which is fueled solely by a petroleum based fuel such as gasoline or diesel.
- (f) "Converted vehicle" means a motor vehicle that is retrofitted so that it is fueled solely by an alternative fuel as defined in O.C.G.A. § [48-7-40.16](#) and which meets the emission

standards set forth for that class of low emission vehicle (LEV), ultra low emission vehicle (ULEV) or zero emission vehicle (ZEV).

- (g) "Department" means the Department of Natural Resources.
- (h) "Director" means the Director of the Environmental Protection Division of the Department of Natural Resources.
- (i) "Electric vehicle charger" means an electrical device and installation thereof located off-board the vehicle that provides electricity for electric vehicle batteries and includes the conductors, connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatuses, installed specifically for the purposes of delivering energy from the premises wiring to the electric vehicle and shall have power levels greater than 130 volts, AC 1 phase.
- (j) "EPA" means the United States Environmental Protection Agency.
- (k) "EPD" means the Environmental Protection Division of the Department of Natural Resources.
- (l) "GVWR" means the gross vehicle weight rating, i.e., the weight of the vehicle and contents when loaded to its maximum capacity, as established by the vehicle manufacturer.
- (m) "Heavy Duty Vehicle (HDV)" means a vehicle that has a gross vehicle weight rating (GVWR) greater than 8500 pounds.
- (n) "HCHO" means formaldehyde.
- (o) "Installer" means any person who installs a conversion system on a vehicle in order to convert it to an alternative fuel vehicle meeting the emission standards for that LEV, ULEV, or ZEV category. NOTE: Manufacturers of conversion kits, as well as installers, are responsible for demonstrating that vehicles converted to use alternative fuels have a configuration that complies with all federal motor vehicle regulations.
- (p) "Light Duty Truck (LDT)" means a truck that has a GVWR of 8500 pounds or less.
- (q) "Light Duty Vehicle (LDV)" means a passenger car or passenger car derivative capable of seating 12 passengers or less.
- (r) "Low-emission vehicle (LEV)" means a motor vehicle which is fueled solely by an alternative fuel as defined in O.C.G.A. § [48-7-40.16](#) and which meets emission standards for LEV or ultra-low emission vehicle (ULEV) as defined by the EPA, when operating on such alternative fuel.
- (s) "Model year" means the model year of a vehicle as designated by the vehicle manufacturer.

- (t) "Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway that is registered by the Motor Vehicle Division of the Department of Revenue.
- (u) "New commercial vehicle" means a new commercial vehicle that is manufactured by an original equipment manufacturer or is manufactured by an original equipment manufacturer and any third-party equipment manufacturers, provided that such third-party manufacturers provide such parts or services prior to the original sale of such vehicle to a purchaser, and all vehicle components, including the alternative fuel system, are covered by the original equipment manufacturer or covered under separate warranties by the original equipment manufacturer and the third-party equipment manufacturer that together provide warranty for the complete vehicle.
- (v) "NMHC" means non-methane hydrocarbon.
- (w) "NMOG" means non-methane organic gasses.
- (x) "NO_x" means oxides of nitrogen.
- (y) "Owner" means the registered owner or the person who holds title to a motor vehicle for the purpose of receiving the Low Emission Vehicle Certificate.
- (z) "PM" means particulate matter.
- (aa) "TW" means test weight.
- (bb) "Vehicle" means a motor vehicle.
- (cc) "Zero emission vehicle" means a motor vehicle which has zero tailpipe and evaporative emissions as defined by the EPA and shall include an electric vehicle whose drive train is powered solely by electricity, provided said electricity is not provided by any on-board combustion device.

Cite as Ga. Comp. R. & Regs. R. 391-3-25-.01

Authority: O.C.G.A. § [48-7-40.16](#), § [48-7-29.18](#), and § [48-7-29.19](#).

History. Original Rule entitled "Definitions" adopted. F. Oct. 23, 1998; eff. Nov. 12, 1998.

Amended: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Amended: F. July 15, 2015; eff. August 4, 2015.

Rule 391-3-25-.02. Covered Area.

Low-emission vehicle, zero emission vehicle, alternative fuel medium-duty vehicle, and alternative fuel heavy-duty vehicle certificates shall be issued for qualified vehicles registered in the State of Georgia. Electric vehicle charger certificates shall be issued for qualified chargers located and operated in the State of Georgia.

Cite as Ga. Comp. R. & Regs. R. 391-3-25-.02

Authority: O.C.G.A. § [48-7-40.16](#), § [48-7-29.18](#), and § [48-7-29.19](#).

History. Original Rule entitled "Covered Area" adopted. F. Oct. 23, 1998; eff. Nov. 12, 1998.

Amended: F. Dec. 6, 2001; eff. Dec. 26, 2001.

Amended: F. July 15, 2015; eff. August 4, 2015.

Rule 391-3-25-.03. Low-Emission and Zero Emission Vehicle Certification Eligibility and Procedures.

- (1) EPD will approve certificates for qualified new low-emission or new zero emission vehicle purchases or leases. Application by the owner or dealer must be made with EPD to initiate this certification. The EPD certification will be contingent on documents provided by the manufacturer of the vehicle that said vehicle is certified by the EPA to meet LEV, ULEV or ZEV standards.
- (2) EPD will issue certificates for qualified converted vehicles. Application by the owner must be made with EPD to initiate this certification. The EPD certification will be contingent on documents provided by the manufacturer of the conversion kit certifying that the kit is federally certified to meet LEV, ULEV or ZEV standards; and certification by the installer that the conversion was made in accordance with the conversion kit manufacturer's specifications, and that the conventional fuel system was permanently disabled.

Cite as Ga. Comp. R. & Regs. R. 391-3-25-.03

Authority: O.C.G.A. § [48-7-40.16](#).

History. Original Rule entitled "Low-Emission Vehicle Certification Eligibility and Procedures" adopted. F. Oct. 23, 1998; eff. Nov. 12, 1998.

Amended: Rule retitled "Low-Emission and Zero Emission Vehicle Certification Eligibility and Procedures". F. Dec. 6, 2001; eff. Dec. 26, 2001.

Amended: F. July 15, 2015; eff. August 4, 2015.

Rule 391-3-25-.04. Low-Emission Vehicle Certification Standards.

- (1) To be certified as LEVs for the purposes of meeting the requirements of this chapter, low-emission vehicles or converted vehicles must be federally certified to meet or exceed the federal emission standards for their respective vehicle class and category. Only new LEVs or converted vehicles that meet or exceed these emissions standards will qualify for the LEV certificate. Conventionally fueled vehicles will not be eligible for a LEV certificate. The low-emission standards for classes and categories of motor vehicles are found in Table A and Table B of paragraph (2) of this Rule.
- (2) The following Tables A and B list the emission standards for Light Duty Vehicles (LDVs), Light Duty Trucks (LDTs), and Heavy Duty Vehicles (HDVs). In Table A, the emission standards listed under Part I are the federal 50,000-mile emission standards, and

those listed under Part II are the federal 100,000-mile emission standards for LDVs and LDTs with GVWR less than or equal to 6,000 pounds. Emission standards listed under Part II for LDTs with GVWR greater than 6,000 pounds are the federal 120,000-mile emission standards.

Table A. LEV emissions standards {grams/mile (g/mi)} for light duty vehicles and light duty trucks

Part	LDVs, LDTs ≤ 6000 lbs GVWR ≤ 3750 lbs TW		LDTs ≤ 6000 lbs GVWR > 3750 lbs TW ≤ 5750 lbs TW		LDTs > 6000 lbs GVWR ≤ 3750 lbs TW		LDTs > 6000 lbs GVWR > 3750 lbs TW ≤ 5750 lbs TW		LDTs > 6000 lbs GVWR > 5750 lbs TW ≤ 8500 lbs TW	
	I	II	I	II	I	II	I	II	I	II
NMOG	0.075	0.09	0.100	0.130	0.125	0.180	0.160	0.23	0.195	0.280
CO	3.4	4.2	4.4	5.5	3.4	5.0	4.4	6.4	5.0	7.3
NO _x	0.2	0.3	0.4	0.5	0.4	0.6	0.7	1.0	1.1	1.5
PM	0.08	0.08	0.08	0.08	0.08	0.08	0.10	0.10	0.12	0.12
HCHO	0.015	0.018	0.018	0.023	0.015	0.022	0.018	0.027	0.022	0.032

Table B. LEV emissions standards {grams/brake horsepower — hour (g/BHP-hour)} for heavy duty trucks

	Light HDV 8,501 — 19,500 lbs GVWR	Medium HDV 19,501 — 26,000 lbs GVWR	Heavy HDV (Single Unit) > 26,000 lbs GVWR
NMHC + NO _x	3.8	3.8	3.8
CO	15.5	15.5	15.5

Cite as Ga. Comp. R. & Regs. R. 391-3-25-.04

Authority: O.C.G.A. Sec. [48-7-40](#) *et seq.*

History. Original Rule entitled "Low-Emission Vehicle Certification Standards" adopted. F. Oct. 23, 1998; eff. Nov. 12, 1998.

Rule 391-3-25-.05. Electric Vehicle Charger Certification Eligibility and Procedures.

- (1) Only business enterprises are eligible for electric vehicle charger certificate(s).
- (2) Certificate(s) for new electric vehicle charger(s) shall be approved by the EPD and issued by the seller to the business enterprises only for those charger(s) that shall be located in the State of Georgia for a minimum of five consecutive years and that are installed for the purpose of charging on-road electric vehicles.
- (3) Upon request, EPD will provide blank certificate form(s) to the seller of electric vehicle charger(s). Upon the sale and installation of new electric vehicle charger(s) meeting the requirements of subparagraphs (1) and (2) above, the seller shall submit the completed certification form(s) to the EPD, in accordance with procedures specified by the Director of EPD.

Cite as Ga. Comp. R. & Regs. R. 391-3-25-.05

Authority: O.C.G.A. Sec. [48-7-40](#) *et seq.*

History. Original Rule entitled "Enforcement" adopted. F. Oct. 23, 1998; eff. Nov. 12, 1998.

Repealed: New Rule entitled "Electric Vehicle Charger Certification Eligibility and Procedures" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.

Rule 391-3-25-.06. Alternative Fuel Medium and Heavy-Duty Vehicle Certification Eligibility and Procedures.

EPD will approve certificates for qualified new alternative fuel medium-duty and new alternative fuel heavy-duty vehicle purchases in accordance with procedures specified by the Director of EPD or his designee. Application by the owner must be made with EPD to initiate this certification. The EPD certification will be contingent on documents provided by the manufacturer and/or owner of the vehicle that the engine in said vehicle is certified or verified by the EPA to operate on an alternative fuel as defined in O.C.G.A. § [48-7-29.18](#) and § [48-7-29.19](#).

Cite as Ga. Comp. R. & Regs. R. 391-3-25-.06

Authority: O.C.G.A. § [48-7-29.18](#), and § [48-7-29.19](#).

History. Original Rule entitled "Enforcement" adopted. F. Dec. 6, 2001; eff. Dec. 26, 2001.

Amended: New title "Alternative Fuel Medium and Heavy-Duty Vehicle Certification Eligibility and Procedures." F. July 15, 2015; eff. August 4, 2015.

Rule 391-3-25-.07. Enforcement.

- (1) No person shall violate the provisions set forth in this chapter.
- (2) No person shall intentionally make any false material statement, representation, or certification in, or conceal or omit material information from, or intentionally alter, any document required pursuant to this chapter.

Cite as Ga. Comp. R. & Regs. R. 391-3-25-.07

Authority: O.C.G.A. § [48-7-40.16](#), § [48-7-29.18](#), and § [48-7-29.19](#).

History. Original Rule entitled "Enforcement" adopted. F. July 15, 2015; eff. August 4, 2015.

Subject 391-3-26. COMMERCIAL ENVIRONMENTAL LABORATORIES.

Rule 391-3-26-.01. Purpose and Scope.

The purpose of these rules is to establish the procedures required for the administration and implementation of O.C.G.A. [12-2-9](#) which requires all commercial analytical laboratories submitting data for regulatory purposes to be accredited or approved as specified in the Division's rules and Regulations.

Cite as Ga. Comp. R. & Regs. R. 391-3-26-.01

Authority: O.C.G.A. Sec. [12-2-9](#).

History. Original Rule entitled "Purpose and Scope" adopted. F. Sept. 3, 1999; eff. Sept. 23, 1999.

Rule 391-3-26-.02. Definitions.

- (1) "Accreditation" means the procedure by which an accreditation agency, a state, or the U.S. Environmental Agency evaluates and acknowledges a program as meeting certain predetermined qualifications and standards.
- (2) "Accreditation Agency" means an agency that meets the requirements of [391-3-26-.04\(2\)](#) and which the Division has entered into a Memorandum of Understanding for the purposes of [391-3-26-.04\(1\)\(c\)](#).
- (3) "Approved" means the acceptance by the Division of a commercial analytical laboratory by accreditation or certification. The approval shall be valid only for the time period specified by the accreditation or certification agency and valid for the test included in the scope of the accreditation or certification.
- (4) "Certification" means the procedure by which an accreditation agency, a state, or the U.S. Environmental Protection Agency evaluates and acknowledges a program as meeting certain predetermined qualifications or standards.
- (5) "Commercial Analytical Laboratory" means a laboratory which performs analyses of environmental samples or media on a fee or contract basis. A laboratory operated by the state, a city, county, or local authority, or an industrial facility is typically not considered a commercial analytical laboratory for the purposes of these rules.
- (6) "Data Submitted for Regulatory Purposes" means any data which is to be submitted to the Division, or required to be retained on site for review by the Division, which is required by a permit, rule, statute, or order; except for the following:
 - (a) Initial Hazardous Sites Response Act notification data submitted under Chapter [391-3-19-.04](#). Data submitted to a follow-up to such notification would be covered under this rule.
 - (b) Data which is obtained from the analyses of environmental media if such analyses is performed in situ (examples of this include but not limited to pH, chlorine residual, opacity, turbidity, on-site instrumental sampling, continuous instrumental monitoring, stream biological sampling data, etc.).
 - (c) Tests for which accreditation is not available from a third party or from another state.
- (7) "Director" means the Director of the Environmental Protection Division of the Department of Natural Resources.
- (8) "Division" means the Environmental Protection Division of the Department of Natural Resources.

- (9) "Laboratory" means a body that calibrates and/or tests. A laboratory may be at a permanent location, a temporary location, or may be a mobile facility. In any cases where a laboratory forms part of any organization that carries out other activities besides testing, the term "laboratory" refers only to those parts of that organization that are involved in the testing process.
- (10) "Test" means the technical operation that consists of the determination of one or more characteristics or performance of a given product, material, equipment, organism, physical phenomenon, process, or service according to a specified procedure.

Cite as Ga. Comp. R. & Regs. R. 391-3-26-.02

Authority: O.C.G.A. Sec. [12-2-9](#).

History. Original Rule entitled "Definitions" adopted. F. Sept. 3, 1999; eff. Sept. 23, 1999.

Rule 391-3-26-.03. Data Submittal.

Data submitted for regulatory purposes, as defined above, by a commercial analytical laboratory or a customer of a commercial analytical laboratory, shall be accepted by the Division only if the commercial analytical laboratory is approved in accordance with [391-3-26-.04](#) below at the time the tests are performed.

Cite as Ga. Comp. R. & Regs. R. 391-3-26-.03

Authority: O.C.G.A. Sec. [12-2-9](#).

History. Original Rule entitled "Data Submittal" adopted. F. Sept. 3, 1999; eff. Sept. 23, 1999.

Rule 391-3-26-.04. Approval.

- (1) A commercial analytical laboratory is approved for submitting data for regulatory purposes in the State of Georgia if the laboratory meets any of the following requirements specific to the analytical data submitted:
- (a) Accreditation or certification by another State acceptable to the Director.
 - (b) Accreditation or certification by the U.S. Environmental Protection Agency.
 - (c) Accreditation or certification by an accreditation agency, acceptable to the Director, and which the Division has entered into a Memorandum of Understanding of these purposes.
 - (d) Certification by the Division pursuant to O.C.G.A. [12-5-174\(a\)\(3\)](#) and DNR Rule [391-3-5-.29](#) for drinking water tests.
- (2) Accreditation agencies shall use Guide 25 (as amended) of the International Organization for Standardization (ISO) as the basis for determining the ability of a laboratory to

satisfactorily carry out analyses. Additional requirements may be determined on a case by case basis depending on the specific analyses and the scopes of accreditation. Limits on scopes of accreditation acceptable to the Division may be stipulated in the Memorandum of Understanding with the accreditation agency.

- (3) The Director, or his designee, may enter into a Memorandum of Understanding with accreditation agencies specifying criteria to be included in any such accreditation.
- (4) Approval in Georgia shall be valid only for the time period specified by the accreditation agency, State or EPA, and valid only for the tests included in the scope of the accreditation.

Cite as Ga. Comp. R. & Regs. R. 391-3-26-.04

Authority: O.C.G.A. Sec. [12-2-9](#).

History. Original Rule entitled "Approval" adopted. F. Sept. 3, 1999; eff. Sept. 23, 1999.

Rule 391-3-26-.05. Procedures.

- (1) The Division will maintain a list of all approved accrediting agencies, including States, and such list may be made available upon request.
- (2) Any person submitting data prepared by a commercial analytical laboratory to the Division for regulatory purposes shall stipulate that the laboratory is approved. The stipulation shall include the name of the accrediting agency, the scope of the accreditation relevant to the data submitted (such as drinking water, non-potable water, air, solid/hazardous wastes, etc.), the accreditation number issued by the accrediting agency, the date of accreditation, and the expiration date of accreditation. This stipulation shall be by one of the following methods:
 - (a) The stipulation shall be submitted with each regulatory report; or
 - (b) The stipulation shall be submitted in a separate document with the first regulatory report of the calendar year. No additional submittal will be necessary for the year unless another laboratory is used or there is a change in the accreditation or certification status of the laboratory.
- (3) Data submitted without such stipulation shall not be accepted by the Division and will be returned.

Cite as Ga. Comp. R. & Regs. R. 391-3-26-.05

Authority: O.C.G.A. Sec. [12-2-9](#).

History. Original Rule entitled "Procedures" adopted. F. Sept. 3, 1999; eff. Sept. 23, 1999.

Rule 391-3-26-.06. Regulatory Responsibility.

The responsibility for submitting acceptable analytical data lies with the person subject to regulation under Georgia's environmental statutes, permits, and rules. Use of an approved commercial laboratory does not necessarily mean that the data submitted was properly prepared or that the submittal satisfies the regulatory requirement.

Cite as Ga. Comp. R. & Regs. R. 391-3-26-.06

Authority: O.C.G.A. Sec. [12-2-9](#).

History. Original Rule entitled "Regulatory Responsibility" adopted. F. Sept. 3, 1999; eff. Sept. 23, 1999.

Rule 391-3-26-.07. Effective Date.

These rules shall become effective on July 1, 2000. Commercial analytical laboratories meeting the requirements of [391-3-26-.04](#) may voluntarily be approved prior to July 1, 2000.

Cite as Ga. Comp. R. & Regs. R. 391-3-26-.07

Authority: O.C.G.A. Sec. [12-2-9](#).

History. Original Rule entitled "Commercial Environmental Laboratories" adopted. F. Sept. 3, 1999; eff. Sept. 23, 1999.

Subject 391-3-28. FLINT RIVER DROUGHT PROTECTION.

Rule 391-3-28-.01. Purpose.

The purpose of this rule is to establish the procedures required for the administration and implementation of the "Flint River Drought Protection Act", O.C.G.A. [12-5-540](#) *et seq.* The use of water resources of the state for agricultural purposes is of vital importance to Georgia and southwest Georgia in particular; and the protection of flows in the Flint River and its tributaries is necessary for a healthy riverine ecosystem and a healthy population of aquatic life. The wise use of water, protection of stream flow, and the overall economic well being of the state will be furthered by proper water management in periods of severe drought. Programs to augment stream flows or provide incentives to ensure that certain irrigated agricultural lands are temporarily not irrigated during times of declared severe drought will promote this wise use of water resources, the associated protection of stream flows for habitat critical for aquatic life, and the economic well being of the state.

This rule establishes the basis for a drought protection program for the Flint River basin and the coordination which will occur with the Georgia Environmental Facilities Authority to handle those funds. It states how the Director of the Environmental Protection Division of the Department of Natural Resources may each year predict or declare whether severe drought conditions are considered likely in the Flint River basin. It establishes the procedures for holding an irrigation reduction auction to decrease irrigation acreage in any declared severe drought year and how the auction may be operated. It delineates the process by which certain persons holding agricultural water withdrawal permits may offer to cease irrigating a number of acres in exchange for a certain sum of money and defines how such offers to sell are accepted. If a sufficient amount of acreage reduction is not acquired during the auction, it defines when and

how an order may be issued requiring certain permit holders to cease or reduce irrigation and provides for their compensation to stop irrigating. It establishes the irrigation efficiency thresholds for all irrigation systems in the affected areas of the Flint River Basin operating or existing under the Division's water withdrawal permitting requirement, identifies requirements pertaining to the methods an applicant or permittee shall utilize to demonstrate the achievement of the irrigation efficiency thresholds, and establishes the schedule in which all permittees will achieve irrigation efficiency thresholds. It provides for a process in which the director will notify specified permittees downstream of any state funded augmentation project that during specified periods of the project's operation for specified purposes within the affected areas, the permittee shall let the flow provided by the augmentation project pass his or her point of withdrawal. It outlines the procedures for any investigations and enforcement of these rules.

Cite as Ga. Comp. R. & Regs. R. 391-3-28-.01

Authority: O.C.G.A. § [12-5-540](#) *et seq.*

History. Original Rule entitled "Purpose" adopted. F. Jan. 20, 2006; eff. Feb. 9, 2006.

Repealed: New Rule of same title adopted. F. June 23, 2006; eff. July 13, 2006.

Amended: F. May 18, 2015; eff. April 3, 2015, as specified by the Agency.

Rule 391-3-28-.02. Definitions.

All terms used in this Chapter shall be interpreted in accordance with the definitions set forth in the Flint River Drought Protection Act, except where otherwise specifically defined:

- (a) 'Acceptable Flint River basin stream flows' means the quantity of stream flows at one or more specific locations on the Flint River or its tributaries which provides for aquatic life protection and other needs as established by the director based on municipal, agricultural, industrial, and environmental needs. Such tributaries shall not include field drainage systems, wet weather ditches, or any other water body:
 - (1) In which the channel is located above the ground-water table year round;
 - (2) For which runoff from precipitation is the primary source of water flow; and
 - (3) For which ground water is not a source of water flow.
- (b) 'Affected areas' means those specific portions of the state lying within the Flint River basin where ground-water use from the Floridan aquifer can affect stream flow or where drainage into Spring Creek, Ichawaynochaway Creek, Kinchafoonee Creek, and Muckalee Creek occurs.
- (c) 'Auction certificate' refers to a certificate issued to the holder of an agricultural water use permit when the permit holder has been certified as eligible to participate in the irrigated acreage reduction auction. A permit holder wishing to offer irrigation lands under multiple agricultural withdrawal permits must have a separate auction certificate for each permit. The auction certificate will include, but not be limited to, the identity of the land

owner, the agricultural withdrawal permit covered, and the amount of acres actually irrigated.

- (d) 'Auction offer' for a specific permit, refers to the price-per-acre offered by the farmer as the amount of money required for the farmer to not irrigate land covered by that specific permit during the remainder of the calendar year.
- (e) 'Augmentation' means the addition of ground water from one or more aquifers underlying the affected areas into a surface water channel within the affected areas for the purpose of maintaining instream flows.
- (f) 'Authority' means the Georgia Environmental Finance Authority created by Chapter 23 of Title 50.
- (g) 'Board' means the Board of Natural Resources.
- (h) 'Candidate seller' refers to holders of an auction certificate or their representatives whose single auction offer has or multiple auction offers have been tentatively accepted during preliminary rounds of the irrigated acreage reduction auction.
- (i) 'Director' means the Director of the Environmental Protection Division of the Department of Natural Resources.
- (j) 'Division' means the Environmental Protection Division of the Department of Natural Resources.
- (k) 'Drought protection funds' means the funds held by the Authority as provided in Code Section [12-5-545](#) for the accomplishment of the purposes of this article.
- (l) 'Final seller' refers to candidate sellers at the end of the final round of the irrigated acreage reduction auction.
- (m) 'Fixed irrigation system' means those non-portable irrigation systems that are permanently installed, anchored, or buried in place, such as center pivots (including towable center pivots), solid-set irrigation sprinklers, or drip irrigation.
- (n) 'Flint River basin' means the entire area of land which drains into the Flint River or its major tributaries.
- (o) 'Floridan aquifer' means those rocks and sediments described in United States Geological Survey Open File Report 95 321 (1996) that are capable of yielding ground water to wells or discharging water into the Flint River or its tributaries.
- (p) 'Irrigated land' means farm land which is irrigated by ground water or surface water pursuant to a water withdrawal permit issued by the Director pursuant to Code Section [12-5-31](#) or [12-5-96](#).

- (q) 'Irrigation efficiency' means the percentage of the total amount of water withdrawn from a source which is beneficially used to meet crop water requirements or for other agronomic practices in accordance with applicable best management practices.
- (r) 'Irrigation reduction auction' means the procedure established by subsection (b) of Code Section [12-5-546](#) pursuant to which permittees submit offers to cease irrigation of a specified number of acres in exchange for a certain sum of money.
- (s) 'Major tributaries' of the Flint River means those flowing rivers and streams which flow into the Flint River.
- (t) 'Perennial Stream' means a stream which normally flows throughout the whole year. One way, but not necessarily the only way, of identifying perennial streams is to determine if they are shown as an unbroken blue line on the United States Geological Survey quadrangle map.
- (u) 'Permit' means a valid irrigation certificate of farm use has been approved and issued by the Division, used for agricultural withdrawals from either surface water or groundwater.
- (v) 'Permittee' means a person holding a valid agricultural withdrawal permit issued before December 1, 2000, pursuant to Code Section [12-5-31](#) or [12-5-96](#).
- (w) 'Severe drought conditions' means any forecast condition which may result in a stream flow that is lower than the acceptable Flint River stream flow. The prediction or declaration of when severe drought conditions exist or are expected to exist during a given year shall be based on historical, mathematical, meteorological, or other scientific considerations which may be published by the director and which may be developed in consultation with the state climatologist, the state geologist, or other appropriate experts.
- (x) 'Stream flow' means the quantity of water passing a given location of the Flint River or its tributaries over a given time period expressed in cubic feet per second (cfs).
- (y) 'Watershed' means a smaller drainage basin associated with one of the tributaries of the Flint River, and assigned an 8-digit Hydrologic Unit Code by the United States Geological Survey.

Cite as Ga. Comp. R. & Regs. R. 391-3-28-.02

Authority: O.C.G.A. § [12-5-540](#) *et seq.*

History. Original Rule entitled "Definitions" adopted. F. Jan. 20, 2006; eff. Feb. 9, 2006.

Repealed: New Rule of same title adopted. F. June 23, 2006; eff. July 13, 2006.

Amended: F. May 18, 2015; eff. April 3, 2015, as specified by the Agency.

[Rule 391-3-28-.03. Drought Fund Establishment and Operation.](#)

The expenditure of these funds is to be considered an incentive to agricultural permittees not to irrigate lands after a severe drought declaration and is therefore deemed by the legislature a valid

use of state moneys to promote valid land and water use practices which result in the protection of the riverine environment by ensuring that such lands not be irrigated for specified periods of time. No expenditure of funds under this article shall be considered full or partial compensation for any losses, financial or otherwise, experienced due to nonirrigation, a lease or repurchase of any irrigation permit issued by the Director, nor shall it be considered an acknowledgment by the State of Georgia of a property right in any permit issued by the Director.

Cite as Ga. Comp. R. & Regs. R. 391-3-28-.03

Authority: O.C.G.A. § [12-5-540](#) *et seq.*

History. Original Rule entitled "Geographic Area of Concern" adopted. F. Jan. 20, 2006; eff. Feb. 9, 2006.

Repealed: New Rule entitled "Drought Fund Establishment and Operation" adopted. F. June 23, 2006; eff. July 13, 2006.

Amended: F. May 18, 2015; eff. April 3, 2015, as specified by the Agency.

Rule 391-3-28-.04. Severe Drought Declaration.

Within the affected areas, the Division may predict or declare when severe drought conditions exist or are expected to exist during a given year, based on historical, mathematical, meteorological indicators, or other scientific considerations including, but not limited to, stream flows, ground-water levels, precipitation forecasts, or the Palmer Drought Severity Index administered by the National Oceanographic and Atmospheric Administration. The severe drought predictions or declarations shall be developed in consultation with the state climatologist, the state geologist, or other appropriate experts.

- (a) On or before March 1 of each year, the Division may issue a prediction as to whether severe drought conditions are expected during that calendar year.
 - (1) If the historical, mathematical, meteorological indicators or other scientific considerations do not predict a severe drought for that specific year, there shall be no implementation of the rules related to the Flint River Drought Protection Act's auction provisions.
 - (2) If the historical, mathematical, meteorological indicators or other scientific considerations predict a severe drought for that specific year, and the Division predicts or otherwise declares a severe drought on or before March 1, then the rules related to the Flint River Drought Protection Act's auction provisions may be implemented.
- (b) The Director shall establish acceptable Flint River stream flow measures (in cubic feet per second), at one or more defined locations.

Cite as Ga. Comp. R. & Regs. R. 391-3-28-.04

Authority: O.C.G.A. § [12-5-540](#) *et seq.*

History. Original Rule entitled "Drought Fund Establishment and Operation" adopted. F. Jan. 20, 2006; eff. Feb. 9, 2006.

Repealed: New Rule entitled "Severe Drought Declaration" adopted. F. June 23, 2006; eff. July 13, 2006.

Amended: F. May 18, 2015; eff. April 3, 2015, as specified by the Agency.

Rule 391-3-28-.05. Eligibility.

To be eligible for consideration to receive money from the drought protection fund, the agricultural permit holder must possess an auction certificate from the Division. To acquire this auction certificate, the agricultural permit holder shall submit to the Division, before any further consideration, documentary evidence including, but not necessarily limited to, the following information:

(a) Location within the affected areas. The geographic area for eligible permits is defined as follows:

(1) Surface-water permits.

(i) Watersheds within the Flint River Basin as designated by the Director at the time of drought declaration.

(2) Ground-water permits.

(i) Areas designated by the Director at the time of drought declaration. Such areas shall be in or within 3 miles adjacent to the Flint River or its tributaries where geologic studies indicate that Floridan aquifer ground-water withdrawals in such areas may directly decrease stream flow in the Flint River or its tributaries.

(b) The Agricultural Permit or the Permit Number;

A copy of the agricultural ground water or surface water permit or its associated permit number must be provided to the Division. The agricultural Permittee must have previously applied to the Division for a surface water or groundwater withdrawal permit prior to December 1, 1999, and must have already received a surface water or groundwater withdrawal permit from the Division prior to December 1, 2000.

(1) If the Director fails to act on a permit application by December 1, 2000, which was received by the Division prior to December 1, 1999, the time for receipt of a permit shall be extended until such time as the Director makes a decision on that application.

(2) If the Director's decision is to deny the permit and that decision is reversed on appeal, the date of receipt of a permit shall be deemed to be the date of the Director's decision.

(c) The latitude-longitude location of the permitted surface water or groundwater point of withdrawal;

The existence of the withdrawal location must be validated by a representative of the Division using Global Positioning System (GPS) or equivalent technology capable of determining latitude/longitude to within 5 meter accuracy. Such validation shall occur when the Division representative;

- (1) visits the physical location of the point of water withdrawal,
 - (2) verifies that the specific water withdrawal actually exists,
 - (3) takes GPS or equivalent readings of the geographic location of the point of withdrawal, and
 - (4) establishes the connection between that specific validated withdrawal location and a particular agricultural permit number.
- (d) The irrigated acreage associated with that specific point of agricultural water withdrawal; and Division representatives, in conjunction with the permit holder, shall determine the amount of irrigated acreage irrigated by a fixed irrigation system and associated with that particular permitted groundwater or surface water point of water withdrawal. Sufficient documentation for the calculation of irrigated field acreage may include, but is not limited to, aerial photos, digital delineation or any other additional process. If a single well or surface-water pump supplies multiple irrigation systems, the acreage irrigated by individual fixed irrigation systems may be removed from irrigation in accordance with [391-3-28-.07](#).
- (e) Previous Irrigation Usage.

The agricultural Permittee shall have installed an approved flow meter consistent with the provisions of the Water Quality Act O.C.G.A. [12-5-20](#)*et seq.* and the Groundwater Use Act O.C.G.A. [12-5-90](#)*et seq.* and demonstrate previous usage within the previous three years of the irrigation system delineated above, on the same acres of land that the Permittee agrees not to irrigate in that given year. Evidence of previous irrigation may include, but not be limited to, the following:

- (1) Farm receipts dating the installation of the irrigation system,
- (2) Existence of center pivot signature on past aerial photos,
- (3) Flow-meter data, or
- (4) Other methods acceptable to the Division.

Holders of permitted surface-water and ground-water withdrawals within the geographic area for eligible permits, and who can provide the documentary evidence listed above for those withdrawals, shall be issued an auction certificate.

Cite as Ga. Comp. R. & Regs. R. 391-3-28-.05

Authority: O.C.G.A. § [12-5-540](#) *et seq.*

History. Original Rule entitled "Severe Drought Declaration" adopted. F. Jan. 20, 2006; eff. Feb. 9, 2006.

Repealed: New Rule entitled "Eligibility" adopted. F. June 23, 2006; eff. July 13, 2006.

Amended: F. May 18, 2015; eff. April 3, 2015, as specified by the Agency.

Rule 391-3-28-.06. Irrigated Acreage Determination.

- (1) If severe drought conditions are declared on or before March 1 of the year, in accordance with [391-3-28-.04](#), the Division may determine:
 - (a) the total number of acres of irrigated agricultural land serviced by irrigation systems located within the affected area,
 - (b) the maximum amount of agricultural acreage which may be safely irrigated that year within the affected area, and
 - (c) the corresponding amount of ground-water-irrigated acreage and surface-water-irrigated acreage which should not be irrigated that year in order to maintain an acceptable Flint River stream flow. These acceptable stream flow levels shall be determined by the Director.
- (2) This acreage determination may be done by the following process:
 - (a) Calculated level of unreasonable impact.

The Division shall conduct computer modeling or other methods of evaluating the surface water-groundwater interactions using cumulative irrigation acreage, which is the total amount of acreage actually irrigated or proposed to be irrigated (TA). The Division shall also determine the amount of proposed irrigation acreage where the models or other methods first indicate that unreasonable flow reductions below acceptable stream flow levels on the Flint River or its tributaries may occur. This defines the maximum amount of acreage which may be irrigated (MA) during that year.

- (b) If the total amount of actual irrigation acreage (TA) is found to be less than the calculated level of unreasonable impact acreage (MA), then no reduction of agricultural irrigation usage by limiting irrigation acreage is required during that declared severe drought year.

- (c) If the total amount of actual irrigation acreage (TA) is found to be greater than the calculated level of unreasonable impact acreage (MA), then a situation exists where reductions in irrigation acreage should be implemented to avoid unreasonable impacts on river flows. The total amount of acreage reduction (RA) shall be found by subtracting the calculated amount of unreasonable impact acreage from total irrigation acreage amount. The resulting acreage amount shall be the total number of acres of irrigated land which should be taken out of irrigation during that declared severe drought year.

Cite as Ga. Comp. R. & Regs. R. 391-3-28-.06

Authority: O.C.G.A. § [12-5-540](#)*et seq.*

History. Original Rule entitled "Eligibility" adopted. F. Jan. 20, 2006; eff. Feb. 9, 2006.

Repealed: New Rule entitled "Irrigated Acreage Determination" adopted. F. June 23, 2006; eff. July 13, 2006.

Amended: F. May 18, 2015; eff. April 3, 2015, as specified by the Agency.

Rule 391-3-28-.07. Irrigated Acreage Reduction Auction.

- (a) Upon determination of [391-3-28-.06](#) above, the Division may conduct an irrigation reduction auction whereby a withdrawal permit holder with an irrigation system located within the affected areas is given an opportunity to enter into an irrigation agreement with the Division. The nature of the agreement is that in exchange for a certain sum of money per acre of irrigated land serviced by the irrigation system, the Permittee will not irrigate those particular acres for the remainder of that calendar year. The Authority shall pay the sum so agreed upon when so directed by the Director from the unexpended balance of the drought protection funds.
- (1) Participation in the irrigated acreage reduction auction shall be open to all eligible agricultural permit holders or their representatives, defined in [391-3-28-.05](#) above.
 - (2) The Director shall determine the amount of acreage which should be removed from irrigation that particular announced severe drought and auction year.
 - (3) The money offered from the drought protection fund shall be for a permit holder's suspension of irrigation, from the particular irrigation system and associated particular agricultural withdrawal permit, for the duration of the announced severe drought and auction year. Acceptance by the Division of an offer to sell shall only relate to that acreage in that severe drought and auction calendar year and shall not impact the ability of the permit holder to continue to farm this acreage without irrigation during that year.
 - (4) The Director, at the outset of the auction process, may determine a maximum offer to sell price per acre level acceptable to the Division for payment from the drought protection fund. Even if insufficient acreage is offered up once that maximum offer to sell price level is reached, no further increases in offers to sell can be

accepted. To assure an efficient auction, this maximum dollar figure does not need to be announced prior to the auction itself.

- (b) Since the ultimate purpose of the auction is to protect flows in the Flint River, strong consideration shall be given by the Division to the different and recognizable impacts caused by the type of withdrawal and the water source for the various Permittees.

- (c) Auction Process;

The Director shall determine the auction process by which irrigation offers to sell and the associated irrigation acreage amounts are tendered to the Division and then selected by the Division. This may be a process by which:

- (1) An interactive, computerized offer to sell, bid-improvement process shall be established with an actual auction to be held.
 - (2) Other auction methodologies acceptable to the Director.
- (d) If the auction selection is defined Rule 391-3-28-.07(c)(1) above, then the eligible permittees, holders of an auction certificate, shall be able to submit offers to sell through telecommunications equipment set up by the Division or its agents in multiple locations throughout the Flint River basin. This system shall allow the eligible permittee or their designated representative to make any number of modifications to their offers to sell throughout the select day of the auction. A "bid-improvement" auction format shall be established wherein:
 - (1) Auction offers to sell must apply for all acreage served by a permit-specific auction certificate. For example, consider a farmer with two certificates related to two specific water use permits. Suppose each certificate provides for the irrigation of the following certified number of acres: certificate A for 1,000 acres; certificate B for 1,100 acres. If the farmer wishes to offer to remove from irrigation lands permitted under one or both of these certificates, the farmer must submit offer prices for each individual auction certificate A and B. If offers are submitted for both certificates, the offer price for one certificate can be the same or different from the offer price rendered for a different certificate. However, the farmer cannot offer to retire 500 acres from certificate A and 250 acres from certificate B unless the smaller acreages are irrigated by the same fixed irrigation system that irrigates the remaining acres. Offer prices apply to all acreage intended for irrigation suspension and served by the certificate for which the offer is made. Once the auction process has begun, the number of acres offered by the permittee for irrigation suspension cannot change.
 - (2) Irrigation reduction prices offered by permittees for their auction offers shall be on a price per acre basis; in other words, a price offered by a permittee is the price per acre required for removing from irrigation all acreage for a specific certificate, or

a portion of certificate acreage irrigated by a fixed irrigation system, during the balance of the calendar year. If the permittee's offer is accepted by the Division, the permittee will receive this offered price-per-acre times the certified number of acres the permittee has agreed to not irrigate.

- (3) An "auction day" will be announced by the Director. On the auction day interested auction certificate holders or their representatives may go to the designated facilities for the auction. The auction process may last several hours.
- (4) At the same designated time in all the auction facilities an initial auction "round" is opened. Previously determined auction certificate holders, permittees or their representatives will have some set amount of time to submit their price per acre offers on forms provided by the Division. These offers will be entered into a telecommunications system, which will allow all offers to be gathered from the separate auction facilities, and then ordered by bid offer price from low to high. These offers will be made available to the Director. The Director will use these offers to identify potential "candidate sellers". Candidate sellers are auction certificate holders whose offer prices have been provisionally accepted.
- (5) The Auction Certificate numbers for all candidate sellers will be announced at all auction facilities, and a second "round" of the auction may then be opened. Any auction certificate holder or their representative who wishes to revise their initial offer price for any certificate has some time announced by the Division from the opening of this second auction round to do so. If a certificate holder or their representative does not wish to revise their first-round offer, no additional action is required on their part. The first-round offer is maintained for the second and all subsequent rounds, until the offer is revoked or modified by the certificate holder or their representative.
- (6) At the close of round 2, the Director again identifies "candidate sellers" in the manner described above. The new set of potential "candidate sellers" is announced. Because of potential bid modifications, the candidate sellers at the end of the first round may or may not be included in the set of candidate sellers chosen at the end of the second round on the basis of lowest revised offer prices. A new round, may then be announced and auction certificate holders or their representatives may again have the opportunity to revise offer prices for any certificate during the following time period.
- (7) This iterative auction process continues until:
 - (i) no certificate holder or their representative revises an offer price, in which case the auction closes and the latest set of candidate sellers become the final sellers, and will receive their offer price per acre for accepted auction certificates; or

- (ii) the Director chooses to end the auction, in which case the latest set of candidate sellers automatically become final sellers, and will receive their offer price per acre for accepted auction certificates.
- (e) Based on considerations related to the available drought protection funds and desired levels of acreage reduction, the Director will determine the number of certificates whose offer price will be accepted, beginning with the lowest ordered offer price and continuing then to each higher offer price. The Division shall tabulate the offers received by price per acre and the cumulative suspension of irrigation acreage amounts tendered to the Division. When this cumulative acreage equals the targeted amount of acreage reduction (RA) established by the Division, the auction process is complete. If money is available from the drought protection fund, all offers below this determined offer to sell amount shall be accepted, and all offers above this offer to sell amount shall be rejected. If there is more than one offer at that particular select offer to sell price, the offers to sell at that price shall be prioritized for acceptance based on the acreage amount from greatest to smallest. To maximize the acreage suspended from irrigation, acceptable selections shall start at the greatest amount of acreage offered at that offer to sell price and proceed to lesser amounts until the required actual acreage amount is reached. In case of ties at any determining offer to sell price and acreage amount, acceptable selections shall be chosen at random until the cumulative amount of suspended acreage is reached or no further offers are available.
- (f) If insufficient acreage amounts are offered during the auction to meet the required acreage reduction total set in above, the Director may then implement the measures for Non-voluntary Irrigation Acreage Reductions below.
- (g) Regardless of the auction process used, the Division shall complete the entire auction process for voluntarily determining the acreage required to suspend irrigation prior to March 22 of any announced severe drought and auction year.

Cite as Ga. Comp. R. & Regs. R. 391-3-28-.07

Authority: O.C.G.A. § [12-5-540](#)*et seq.*

History. Original Rule entitled "Irrigated Acreage Determination" adopted. F. Jan. 20, 2006; eff. Feb. 9, 2006.

Repealed: New Rule entitled "Irrigated Acreage Reduction Auction" adopted. F. June 23, 2006; eff. July 13, 2006.

Amended: F. May 18, 2015; eff. April 3, 2015, as specified by the Agency.

Rule 391-3-28-.08. Payment for Irrigated Acreage Reduction.

The agreement between the final seller and the Division, entered into in accordance with the above auction process, shall be upon such terms and conditions as the Division may deem necessary. The agreement shall provide for payment of the agreed upon sum within 30 days of the date of execution of the agreement by the parties. Failure of a final seller to comply with all terms of the agreement for the duration thereof shall be deemed a violation of such agreement and this article and shall be subject to enforcement by the Director as provided in this article.

- (1) The permit holder or their representative submitting offers must be eligible for participation in the irrigated acreage reduction auction as evidenced by their holding a valid auction certificate for each permit which is offered in the auction.
- (2) Once the permittee has obtained an auction certificate, the total amount of money due the holder in instances where they are a Final Seller shall be determined by multiplying the accepted offer price-per-acre times the number of acres covered by the certificate, which is the certified number of irrigated acres allowed by a permit, or the portion of certificate acres that the permittee has agreed to not irrigate as defined in [391-3-28-.07\(d\)\(1\)](#).
- (3) For any final accepted offer, the Director shall then inform the Authority that money in that amount shall be debited from the Flint River Drought Protection Fund and disbursed to that designated final seller.
- (4) Cumulative offers from final sellers may only be accepted by the Division up to, but not exceeding, the total amount of money remaining in the drought protection fund.

Cite as Ga. Comp. R. & Regs. R. 391-3-28-.08

Authority: O.C.G.A. Sec. [12-5-540](#)*et seq.*

History. Original Rule entitled "Irrigated Acreage Reduction Auction" adopted. F. Jan. 20, 2006; eff. Feb. 9, 2006.

Repealed: New Rule entitled "Payments for Irrigated Acreage Reductions" adopted. F. June 23, 2006; eff. July 13, 2006.

Rule 391-3-28-.09. Non-Voluntary Irrigated Acreage Reductions.

- (a) If the Director determines that the total number of non-irrigated acres needed during a given year cannot be sufficiently obtained through the irrigation reduction auction held in accordance with Rule [391-3-28-.08](#), the Director is authorized to issue an order, in accordance with rules adopted by the board, requiring certain Permittees not to irrigate a specified number of acres of irrigated land until the end of the calendar year. When issuing such orders, the Director shall begin with the Permittees whose surface water withdrawal permits were issued most recently and then work chronologically backward with each order issued. A Permittee who is issued such an order shall be compensated for such restriction if such Permittee applied to the Division for a surface-water withdrawal permit prior to December 1, 1999, received a surface-water withdrawal permit from the Division prior to December 1, 2000, and is able to demonstrate actual previous irrigation on the same acres of land which the owner has been ordered not to irrigate. The per acre dollar amount received by a Permittee pursuant to this section shall be equal to the average agreed upon sum per acre paid pursuant to the irrigation reduction auction during the same year. The amount of the payment shall be that average offer to sell price multiplied by the acreage determination. The total amount of irrigated land chosen by the Division on a non-voluntary acreage reduction basis may be limited by the amount of money present in the drought protection fund. Additional acreage may only be selected if the resulting monetary liability does not exceed the total amount of money remaining in the drought protection fund.

- (b) Strong consideration shall be given by the Division to the different and recognizable impacts caused by the type of withdrawal and the water source for the various Permittees. In this regard, the retirement of irrigated acres under permits to divert surface waters from perennial streams will have a greater impact on protecting river flows than the suspension of irrigation from ground water or those surface water users using non-perennial streams or withdrawing from ponds not on streams. Therefore, because of the direct and immediate impact caused by surface water withdrawals on the Flint River and its tributaries, the Director's orders to not irrigate from surface water permit holders withdrawing water from perennial streams shall take precedence over similar orders not to irrigate from those surface water users using non-perennial streams or withdrawing from ponds not on streams. For suspension of groundwater irrigation withdrawals, the Director shall consider, based on geologic studies, the degree to which the withdrawal will affect stream flow in the Flint River or its tributaries. The Director's orders to not irrigate from those permitted wells determined to have the greatest impact will have precedence over similar orders not to irrigate from those ground-water withdrawals determined to have a lesser impact.
- (c) Additional consideration during the non-voluntary phase of selection may be given to different priorities for the suspension of irrigation on these irrigated lands, as established by the Director. This may take into account annual versus perennial crop types, planted versus non-planted acreage or any other relevant factors determined.
- (d) The steps to implement this non-voluntary approach are as follows:
- (1) If insufficient irrigation suspension acreage has been offered the Division during the auction, either because no further offers are being tendered by auction certificate holders or their representatives, or because the Director's chosen maximum offer to sell price has been reached, the Director may then determine the amount of additional remaining agricultural acreage which may be removed from irrigation during that particular severe drought year.
 - (2) The Director may then issue an order to existing agricultural permit holders requiring designated Permittees not to irrigate a specified number of acres of irrigated land until the end of that calendar year. Acceptance of this Division order does not impact the ability of the permit holder to continue to farm this acreage without irrigation. The priority for selection shall again be considered in terms of the water source, irrigated acreage amount, date of withdrawal application and by withdrawal source type.
 - (3) The Division may begin sending suspend irrigation orders to those permit holders who have most recently been issued an agricultural withdrawal permit from the affected area in question, and then move through all the agricultural withdrawal permits granted, stepping chronologically backwards through the list by application date, until sufficient acreage totals have been reached to fulfill the previously calculated amount of acreage needed to be taken out of irrigation that

severe drought year. Permit holders selected must meet the eligibility requirements established above.

- (4) If more permit holders than required are found with the same application submission date, then the appropriate number of permit holders and their acreage shall be selected by consideration of equivalent acreage impacts, or if more remain than can be approved, with a selection by random draw or lottery.
- (5) The selection and notification process shall be completed on or before March 30 of any officially announced severe drought year.
- (6) Any permit holder meeting the eligibility requirements above and who receives a suspend irrigation order shall be compensated from the drought fund at a rate equal to the average agreed upon offer to sell price per acre paid to all other auction certificate holders during that announced severe drought year times their number of certified acres.

Cite as Ga. Comp. R. & Regs. R. 391-3-28-.09

Authority: O.C.G.A. Sec. [12-5-540](#)*et seq.*

History. Original Rule entitled "Payment for Irrigated Acreage Reduction" adopted. F. Jan. 20, 2006; eff. Feb. 9, 2006.

Repealed: New Rule entitled "Non-voluntary Irrigation Acreage Reductions" adopted. F. June 23, 2006; eff. July 13, 2006.

Rule 391-3-28-.10. Inspections and Compliance.

The Division shall investigate and inspect to ensure compliance with this rule and any agreement or order that the Division or Director enters into or issues pursuant to this rule;

- (1) The Division shall have the authority to conduct such on-site investigations and inspections as may reasonably be necessary to carry out its duties prescribed in this rule and to ensure compliance with this rule and any agreement or order that the Division or Director enters into or issues pursuant to this rule. For these purposes, the Division shall have the authority to enter at reasonable times any property, public or private, and conduct such investigations or inspections.
- (2) No person shall refuse entry or access to any authorized representative of the Division who requests entry for the purposes of a lawful inspection and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his or her official duties consistent with the provisions of this rule.
- (3) Use and non-use of an irrigation system shall be determined by the eligibility measures found above.

Cite as Ga. Comp. R. & Regs. R. 391-3-28-.10

Authority: O.C.G.A. Sec. [12-5-540](#)*et seq.*

History. Original Rule entitled "Non-voluntary Irrigated Acreage Reduction" adopted. F. Jan. 20, 2006; eff. Feb. 9, 2006.

Repealed: New Rule entitled "Inspections and Compliance" adopted. F. June 23, 2006; eff. July 13, 2006.

Rule 391-3-28-.11. Violations.

- (1) Except as may otherwise be provided in Rule [391-3-28-.10](#), whenever the Director has reason to believe that a violation of any provision of this article or any rule or regulation adopted pursuant to this article has occurred, he or she shall attempt to obtain compliance therewith by conference, conciliation, or persuasion, if the making of such an attempt is appropriate under the circumstances. If he or she fails to obtain compliance in this manner, the Director may order the violator to take whatever corrective action the Director deems necessary in order to obtain such compliance within a period of time to be prescribed in such order.
- (2) Except as may otherwise be provided in Rule [391-3-28-.10](#), any order issued by the Director under this article shall become final unless the person or persons named therein file with the Director a written request for a hearing within 30 days after such order or permit is served on such person or persons.
- (3) Except as may otherwise be provided in Rule [391-3-28-.10](#), hearings on contested matters and judicial review of final orders and other enforcement actions under this article shall be provided and conducted in accordance with subsection (c) of Code Section [12-2-2](#).
- (4) The Director may file in the superior court of the county wherein the person under order resides, or if the person is a corporation, in the county wherein the corporation maintains its principal place of business, or in the county wherein the violation occurred or in which jurisdiction is appropriate, a certified copy of a final order of the Director unappealed from or a final order of the Director affirmed upon appeal, whereupon the court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though the judgment had been rendered in an action duly heard and determined by such court.
- (5) Institute, in the name of the Division, proceedings of mandamus, injunction, or other proper administrative or civil proceedings to enforce this article, the rules and regulations promulgated under this article, or any agreements or orders entered into or issued under this article;
- (6) For purposes of this Code section, a violation of an agreement entered into in accordance with Rule [391-3-28-.08](#) or an order issued by the Director in accordance with Rule [391-3-28-.10](#) shall be prima facie established upon a showing that:

- (i) During the effective period of the agreement or order, the irrigation system was observed in person or via remote sensing or otherwise established by representatives of the Division or others to have been operating and disbursing water; or
 - (ii) During the effective period of the agreement or order, a seal, lock, or other device placed by the Division on the system to prevent operation of the system has been broken or otherwise tampered with.
- (7) A Permittee who enters into an agreement in accordance with Rule [391-3-28-.08](#) or Rule [391-3-28-.10](#) shall not irrigate during the period covered by the agreement on those acres that the owner has agreed not to irrigate. If the Permittee irrigates said acres during the period covered by the agreement, such action shall be deemed a violation of the agreement and this article and shall be subject to a penalty as determined by the Director as provided in this article.

Cite as Ga. Comp. R. & Regs. R. 391-3-28-.11

Authority: O.C.G.A. Sec. [12-5-540](#)*et seq.*

History. Original Rule entitled "Inspections and Compliance" adopted. F. Jan. 20, 2006; eff. Feb. 9, 2006.

Repealed: New Rule entitled "Violations" adopted. F. June 23, 2006; eff. July 13, 2006.

Rule 391-3-28-.12. Penalties.

The Division shall have the authority to receive and collect all repayment penalties paid pursuant to this article and to transfer same to the Authority for inclusion in the drought protection funds;

- (a) A repayment penalty in the amount of three times the dollar amount of payments received from the drought protection funds shall be paid by any person who irrigates in violation of an agreement entered into in accordance with Rule [391-3-28-.08](#) or in violation of an order issued by the Director in accordance with Rule [391-3-28-.10](#). Such penalties may be assessed on a per violation basis. A violation shall be deemed to have occurred each time a person irrigates in violation of an agreement or order.
- (b) Within 30 days after discovery that a Permittee violated an agreement entered into pursuant to Rule [391-3-28-.08](#) or an order issued by the Director in accordance with Rule [391-3-28-.10](#), the Director shall send via certified mail a notice of violation to the Permittee stating:
 - (1) The date on which the violation occurred;
 - (2) The facts constituting the violation and a statement that such facts will be deemed admitted unless denied by petition for hearing; and

- (3) The total dollar amount of repayment penalties owed by the Permittee, together with a demand that said amount be paid in full within 30 days of the Permittee's receipt of the notice.
- (c) A Permittee receiving a notice of violation pursuant to this Chapter shall have 30 days from receipt thereof either to pay in full the total amount of repayment penalties set forth in the notice or to submit a petition challenging such notice to the Director. If a petition is filed within the required time, then a hearing shall be conducted with respect to same in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' and the rules and regulations applicable thereto.
- (d) If a Permittee receiving a notice of violation pursuant to this Chapter does not either pay the total amount of repayment penalties or submit a petition challenging the notice, then the facts set out in the notice shall be deemed admitted and the Director shall issue an order to the Permittee, assessing the total repayment penalties due from the Permittee as set forth in the notice of violation and requiring payment of same within 30 days of issuance of the order. Any order issued by the Director pursuant to this subsection shall be deemed final, and no hearing or appeal may be taken.

Cite as Ga. Comp. R. & Regs. R. 391-3-28-.12

Authority: O.C.G.A. Sec. [12-5-540](#)*et seq.*

History. Original Rule entitled "Violations" adopted. F. Jan. 20, 2006; eff. Feb. 9, 2006.

Repealed: New Rule entitled "Penalties" adopted. F. June 23, 2006; eff. July 13, 2006.

Rule 391-3-28-.13. Hearings.

The Division shall have the authority to establish procedures for the conduct of any meetings or hearings pursuant to this rule.

Cite as Ga. Comp. R. & Regs. R. 391-3-28-.13

Authority: O.C.G.A. Sec. [12-5-540](#)*et seq.*

History. Original Rule entitled "Penalties" adopted. F. Jan. 20, 2006; eff. Feb. 9, 2006.

Repealed: New Rule entitled "Hearings" adopted. F. June 23, 2006; eff. July 13, 2006.

Rule 391-3-28-.14. Enforcement.

- (a) The Division shall have the authority to exercise general supervision over the enforcement of this article and all rules, regulations, and orders promulgated pursuant to this article;
- (b) The Division shall have the authority to perform any and all acts and exercise all incidental powers necessary to carry out the purposes and requirements of this article.

- (c) The administration and enforcement of these Rules and Regulations shall be in accordance with the Flint River Drought Protection Act (O.C.G.A. Section [12-5-540](#)*et seq.*) and the Georgia Administrative Procedure Act. Such enforcement procedures include, but shall not limited to, administrative orders, court orders, injunctive relief, and civil and criminal penalties.

Cite as Ga. Comp. R. & Regs. R. 391-3-28-.14

Authority: O.C.G.A. Sec. [12-5-540](#)*et seq.*

History. Original Rule entitled "Hearings" adopted. F. Jan. 20, 2006; eff. Feb. 9, 2006.

Repealed: New Rule entitled "Enforcement" adopted. F. June 23, 2006; eff. July 13, 2006.

Rule 391-3-28-.15. Irrigation Efficiency Requirements.

- (1) Definitions. Notwithstanding the definitions provided in [391-3-28-.02](#), the following terms as used in this rule shall be interpreted in accordance with definitions as set forth in the relevant sections of the Flint River Drought Protection Act and as defined herein:
- (a) 'Permittee' means any person holding a valid farm use permit within the affected areas issued pursuant to Code Section [12-5-31](#) or [12-5-96](#), which respectively provide for the withdrawal of groundwater and surface water.
 - (b) 'Irrigation system' means any center pivot, lateral (linear) move, traveling gun, solid set, permanent set, mobile, micro, drip, cable-tow traveler or hose-pull traveler, or other water delivery system used for irrigation purposes operating under the Division's farm water withdrawal permitting requirement.
 - (c) 'Mobile irrigation system' means any traveling gun, cable-tow traveler or hose-pull traveler operating under the Division's water withdrawal permitting requirement.
- (2) Irrigation System Efficiencies
- (a) All irrigation systems applying water withdrawn pursuant to active surface water and groundwater withdrawal permits for farm use in the affected areas are required to achieve irrigation efficiencies of 80 percent or greater. These irrigation efficiencies shall be achieved:
 - 1. By January 1, 2016 for all irrigation systems applying water withdrawn pursuant to active permits issued on or after January 1, 2006;
 - 2. By January 1, 2018 for all irrigation systems applying water withdrawn pursuant to active permits issued from 1991 through 2005; and
 - 3. By January 1, 2020 for all irrigation systems applying water withdrawn pursuant to active permits issued before 1991.

- (b) Notwithstanding (a) above, all mobile irrigation systems and solid-set irrigation sprinklers operating under active surface water and groundwater withdrawal permits for farm use in the affected areas are required to achieve irrigation efficiencies of 60 percent or greater. These irrigation efficiencies shall be achieved:
 - 1. By January 1, 2016 for irrigation systems applying water withdrawn pursuant to active permits issued on or after January 1, 2006;
 - 2. By January 1, 2018 for irrigation systems applying water withdrawn pursuant to active permits issued from 1991 through 2005; and
 - 3. By January 1, 2020 for irrigation systems applying water withdrawn pursuant to active permits issued before 1991.
 - (c) All irrigation systems applying water withdrawn pursuant to new farm use permits issued after the effective date of this rule must, upon permit issuance, meet an irrigation efficiency of 80 percent. Notwithstanding the 80 percent irrigation efficiency requirement, all mobile irrigation systems and solid-set irrigation sprinklers applying water withdrawn pursuant to new farm use permits issued after the effective date of this rule must, upon permit issuance, meet an irrigation efficiency of 60 percent.
 - (d) Animal Feeding Operations and Concentrated Animal Feeding Operations. For all agricultural irrigation system operations that require a farm use surface water permit from the Division to withdraw from a waste water lagoon for land application to a spray field, appropriate best management practices will be employed to land apply the effluent uniformly at an appropriate nutrient agronomic rate. An appropriate nutrient agronomic rate may be specified in an approved nutrient management plan for animal feeding and concentrated animal feeding operations that operate under an NPDES or LAS permit.
 - (e) All new or modified permits issued by the Director shall follow applicable rules and guidance, including any applicable regional water development and conservation plans developed pursuant to O.C.G.A. § [12-5-31](#) and O.C.G.A. § [12-5-96](#).
- (3) Certification of Irrigation System Efficiencies.
- (a) Certification of irrigation system efficiencies will be conducted in accordance with certification forms specified by the Division. Such certification forms shall consider current technologies, best management practices, and the effects of soil type and topography, among other factors deemed necessary.

1. All permittees shall complete a certification of irrigation system efficiency using certification forms specified by the Division by the deadlines listed under sections (2)(a) and (2)(b).
 2. The certification of irrigation system efficiency will be kept by the permittee, and provided to the Division upon the request of the Division. Any permittee may provide a certification of irrigation system efficiency to the Division prior to the deadlines listed under sections (2)(a) and (2)(b).
 3. All applications for new farm use permits submitted on or after the effective date of this rule must provide a certification of irrigation system efficiency to the Division.
- (b) To be certified, all irrigation systems must incorporate a leak correction and operational maintenance procedure. In addition, all center pivot and lateral (linear) move irrigation systems must incorporate an operational pump safety shutdown or any other device that halts water flow in the event of irrigation system failure.
- (c) Certifications of irrigation system efficiencies may be submitted by the applicant, or on behalf of the applicant by an irrigation system manufacturer, agent of the Division, or any agent of the Georgia Department of Agriculture, Georgia Soil and Water Conservation Commission, or University of Georgia County Extension Service.
- (4) The Division shall coordinate with any federal or state agencies, or other entities deemed appropriate by the Division, that offer incentive programs aimed at improving the efficiency of irrigation systems. Such coordination will identify opportunities to refine and target relevant incentive programs as practicable to assist permittees with achieving irrigation efficiency requirements.

Cite as Ga. Comp. R. & Regs. R. 391-3-28-.15

Authority: O.C.G.A. § [12-5-540](#) *et seq.*

History. Original Rule entitled "Enforcement" adopted. F. Jan. 20, 2006; eff. Feb. 9, 2006.

Repealed: F. June 23, 2006; eff. July 13, 2006.

Adopted: New rule entitled "Irrigation Efficiency Requirements." F. May 18, 2015; eff. April 3, 2015, as specified by the Agency.

Rule 391-3-28-.16. Management of Augmented Flows.

- (1) Definitions. Notwithstanding the definitions provided in [391-3-28-.02](#), the following terms as used in this rule shall be interpreted in accordance with definitions as set forth in the relevant sections of the Flint River Drought Protection Act and as defined herein:

- (a) "Permittee" means any person holding a valid surface water withdrawal permit within the affected areas issued pursuant to Code Section [12-5-31](#) which provides for the withdrawal of surface water.
 - (b) "Vulnerable aquatic life" means any species found in the affected areas that is dependent, for any portion of its lifecycle, on the aquatic ecosystem and that has been listed as threatened, endangered, or is proposed in the Federal Register for listing under the federal Endangered Species Act ([16 U.S.C. 1531](#)*et seq.*).
- (2) Director Notification. Once a state funded augmentation project has been permitted to operate for the sole purpose of maintaining the minimum stream flows sufficient to protect habitat critical for vulnerable aquatic life within the affected areas, the Director shall inform specified downstream permittees about the project. In addition, notifications to specified downstream permittees to let the flow provided by the augmentation project pass his or her point of withdrawal shall be conducted in accordance with section (4).
- (3) Permittees Subject to Notification.
- (a) The specifics of such notifications, including those permittees subject to the notification, are defined by site-specific characteristics. Therefore, once any such augmentation project is sited but before it begins operation, the Director shall, based on the project purpose, location, design and planned operations, specify all of the permittees downstream of each project that may be subject to such notifications.
 - (b) When specifying such permittees and preparing such notifications, the Director may consider the following:
 - 1. The best available modeling and monitoring data for the relevant project location, watershed, stream reaches, and tributaries;
 - 2. The best available information on occurrence and habitat for vulnerable aquatic species;
 - 3. The date the project is expected to commence operation;
 - 4. The distance downstream for which protection of augmented flows is appropriate;
 - 5. The degree to which protection of augmented flows will assist in mitigating the effects of droughts, provide ecological or other environmental benefits, and ensure sustainable, long-term access to water resources for existing and future water users;
 - 6. Available climatic data and information;

7. The hydrology of the relevant stream reaches including, but not limited to, any surface water and groundwater interactions arising from the Flint River Basin's karst geology;
8. The location of tributaries downstream of the project and the amount of flow such tributaries contribute to the relevant stream reach;
9. The potential for water loss from the relevant stream reaches that may occur due to evaporation and/or other factors;
10. The potential for water gain that may occur due to precipitation, inflows from other tributaries and/or other factors;
11. The number and type of permitted withdrawals that may impact flows in the relevant stream reaches;
12. Meteorological conditions or other circumstances that may result in surface water flows greater than the flow provided by the project which would continue to be subject to withdrawal in accordance with the permittee's water withdrawal permit; and
13. Any other data or information the Director deems relevant.

(c) When specifying the permittees subject to the notification required by (b) above, the Director shall also establish those permittees that shall not be subject to such notification.

(4) Notification of Onset, and Conclusion, of Augmentation and Notification Contents. Those permittees who are required to let the flow provided by the augmentation project pass his or her point of withdrawal shall be notified by the Director of the onset, and conclusion, of each period of augmentation.

- (a) The notification to each permittee of the onset of each period of augmentation shall contain at a minimum:
1. The location of the upstream augmentation project;
 2. The amount of augmented flow the project is expected to provide, and the proportion of that flow a permit holder must let pass their point of withdrawal;
 3. The distance downstream of the flow augmentation project to which the notification applies; and
 4. The procedure for the permittee to quantify the amount of flow in the relevant stream reach and determine if that flow is greater than the flow that

the permit holder must let pass their point of withdrawal and is therefore subject to withdrawal in accordance with the permittee's withdrawal permit. Procedures may include but are not limited to accessing online information from appropriate water monitoring gages.

- (b) As provided in subsection (d) of Code Section [12-5-546.2](#), the Director's notification shall also contain notice of opportunity for a hearing and shall be served by certified mail, return receipt requested, to the most recent address provided by the permittee. Any permittee to whom such notification is directed shall comply therewith immediately, but shall be afforded a hearing within five business days of the Director's receipt of a petition filed by such permittee. Such hearing shall be before an administrative law judge of the Office of State Administrative Hearings and shall be conducted in accordance with subsection (c) of Code Section [12-2-2](#). Based upon findings adduced at such hearing, the notification shall be modified, reversed, or continued by the Director.
- (5) The permit holder responsible for operation of any state funded augmentation project operated for the sole purpose of maintaining the minimum stream flows sufficient to protect habitat critical for vulnerable aquatic life within the affected areas shall, as part of the process of permitting water withdrawal under this rule and under the Rules for Groundwater Use, 391-3-2, specify the vulnerable aquatic life of concern, design flows under specific conditions, and other parameters relevant to the specific site. The permit holder responsible for operation of such project shall inform the Director when such project becomes operational as well as at the onset, and conclusion, of each period of augmentation conducted to maintain minimum stream flows sufficient to protect habitat critical for vulnerable aquatic life within the affected areas. Information to be submitted at the onset of each period of augmentation includes the following:
- (a) Amount of augmented flow the project is expected to provide; and
 - (b) Any other information or data the Director determines is needed to allow specification of affected downstream permittees and preparation of notifications during specified periods of the project's operations.

Cite as Ga. Comp. R. & Regs. R. 391-3-28-.16

Authority: O.C.G.A. § [12-5-540](#)*et seq.*

History. Original Rule entitled "Management of Augmented Flows" adopted. F. May 18, 2015; eff. April 3, 2015, as specified by the Agency.

Subject 391-3-29. REPEALED.

[Rule 391-3-29-.01. Repealed.](#)

Cite as Ga. Comp. R. & Regs. R. 391-3-29-.01

Authority: O.C.G.A. Sec. [12-5-120](#), *et seq.*

History. Original Rule entitled "Definitions" adopted. F. Mar. 31, 2003; eff. Apr. 20, 2003.

Repealed: F. Feb. 20, 2007; eff. Mar. 12, 2007.

Rule 391-3-29-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-29-.02

Authority: O.C.G.A. Sec. [12-5-120](#), *et seq.*

History. Original Rule entitled "Applications" adopted. F. Mar. 31, 2003; eff. Apr. 20, 2003.

Repealed: F. Feb. 20, 2007; eff. Mar. 12, 2007.

Rule 391-3-29-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-29-.03

Authority: O.C.G.A. Sec. [12-5-120](#), *et seq.*

History. Original Rule entitled "Examinations" adopted. F. Mar. 31, 2003; eff. Apr. 20, 2003.

Repealed: F. Feb. 20, 2007; eff. Mar. 12, 2007.

Rule 391-3-29-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-29-.04

Authority: O.C.G.A. Sec. [12-5-120](#), *et seq.*

History. Original Rule entitled "Fees" adopted. F. Mar. 31, 2003; eff. Apr. 20, 2003.

Repealed: F. Feb. 20, 2007; eff. Mar. 12, 2007.

Rule 391-3-29-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-29-.05

Authority: O.C.G.A. Sec. [12-5-120](#), *et seq.*

History. Original Rule entitled "Certificate" adopted. F. Mar. 31, 2003; eff. Apr. 20, 2003.

Repealed: F. Feb. 20, 2007; eff. Mar. 12, 2007.

Rule 391-3-29-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-29-.06

Authority: O.C.G.A. Sec. [12-5-120](#), *et seq.*

History. Original Rule entitled "Certificate by Reciprocity" adopted. F. Mar. 31, 2003; eff. Apr. 20, 2003.

Repealed: F. Feb. 20, 2007; eff. Mar. 12, 2007.

Rule 391-3-29-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-29-.07

Authority: O.C.G.A. Sec. [12-5-120](#), *et seq.*

History. Original Rule entitled "Suspension, Revocation and Hearings" adopted. F. Mar. 31, 2003; eff. Apr. 20, 2003.

Repealed: F. Feb. 20, 2007; eff. Mar. 12, 2007.

Rule 391-3-29-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-29-.08

Authority: O.C.G.A. Sec. [12-5-120](#), *et seq.*

History. Original Rule entitled "Written Complaints, Inspections, and Notice to Correct" adopted. F. Mar. 31, 2003; eff. Apr. 20, 2003.

Repealed: F. Feb. 20, 2007; eff. Mar. 12, 2007.

Rule 391-3-29-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-3-29-.09

Authority: O.C.G.A. Sec. [12-5-120](#), *et seq.*

History. Original Rule entitled "Pump Installation" adopted. F. Mar. 31, 2003; eff. Apr. 20, 2003.

Repealed: F. Feb. 20, 2007; eff. Mar. 12, 2007.

Subject 391-3-30. DROUGHT MANAGEMENT.

Rule 391-3-30-.01. Purpose of Rule.

To establish rules and regulations relating to drought management, including: provisions for a drought response committee; drought indicators and triggers; a drought declaration process; and state and local predrought mitigation strategies and drought response strategies. Predrought mitigation strategies are designed to minimize the potential effects of drought. Drought response strategies include measures or actions to be implemented during various stages of drought.

Cite as Ga. Comp. R. & Regs. R. 391-3-30-.01

Authority: O.C.G.A. §§ [12-5-8](#).

History. Original Rule entitled "Definitions" adopted. F. June 8, 2004; eff. June 28, 2004.

Amended: New title "Purpose of Rule." F. July 15, 2015; eff. August 4, 2015.

Rule 391-3-30-.02. Definitions.

When used in this Chapter:

- (1) "Affected drought area" means any area subject to a drought declaration made in accordance with Rule [391-3-30-.05](#).

- (2) "Director" means the director, or his/her designee, of the Environmental Protection Division of the Department of Natural Resources.
- (3) "Division" means the Environmental Protection Division of the Department of Natural Resources.
- (4) "Drip irrigation" means the use of an irrigation system manufactured and sold specifically for delivering water through small flexible pipes and emitters slowly and directly to the soil around the base of individual plants in a manner that minimizes evaporative losses, pooling, runoff and wetting of plant foliage. This type of system may be part of a larger automated irrigation system or may operate as a stand-alone system connected to a typical outdoor faucet.
- (5) "Farm uses" means irrigation of any land used for general farming, forage, aquaculture, pasture, turf production, orchards, or tree and ornamental nurseries; or provisions of water supply for farm animals, poultry farming, or any other activity conducted in the course of a farming operation. Farm uses shall also include the processing of perishable agricultural products.
- (6) "Permittee" is defined as:
 - (a) Any person that holds a water withdrawal permit issued by the Director pursuant to the Georgia Water Quality Control Act, O.C.G.A. § [12-5-20](#)*et seq.*;
 - (b) Any person that holds a water withdrawal permit issued by the Director pursuant to the Groundwater Use Act, O.C.G.A. § [12-5-90](#)*et seq.*; or
 - (c) Any person that holds a permit issued by the Director pursuant to the Georgia Safe Drinking Water Act, O.C.G.A. § [12-5-170](#)*et seq.*, that uses water obtained from any person meeting the criteria in paragraphs (a) or (b);
 - (d) Permittee does not include any person that holds a water withdrawal permit for farm uses.
- (7) "Public water system" means a system for the provision to the public of piped water for human consumption.
- (8) "Soaker hose" means a hose that is connected to a typical outdoor faucet and that is manufactured and sold specifically for delivering water slowly and directly to the soil around the base of individual plants by allowing water to seep from it in a manner that minimizes evaporative losses, pooling, runoff and wetting of plant foliage.

Cite as Ga. Comp. R. & Regs. R. 391-3-30-.02

Authority: O.C.G.A. §§ [12-5-8](#), [12-5-20](#)*et seq.*, [12-5-90](#) *et seq.*, and [12-5-170](#) *et seq.*

History. Original Rule entitled "Applicability of Rule" adopted. F. June 8, 2004; eff. June 28, 2004.

Amended: New title "Definitions." F. July 15, 2015; eff. August 4, 2015.

Rule 391-3-30-.03. Predrought Mitigation Strategies.

- (1) During non-drought periods, irrigation outdoors for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants shall be in accordance with O.C.G.A. § [12-5-7](#)(a.1)(1) and (2).
 - (a) Persons may irrigate outdoors daily for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants only between the hours of 4:00 p.m. and 10:00 a.m.
 - (b) Paragraph (a) shall not create any limitation upon the following outdoor water uses:
 1. Commercial agricultural operations as defined in Code Section [1-3-3](#);
 2. Capture and reuse of cooling system condensate or storm water in compliance with applicable local ordinances and state guidelines;
 3. Reuse of gray water in compliance with Code Section [31-3-5.2](#) and applicable local board of health regulations adopted pursuant thereto;
 4. Use of reclaimed waste water by a designated user from a system permitted by the Environmental Protection Division of the department to provide reclaimed waste water;
 5. Irrigation of personal food gardens;
 6. Irrigation of new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 days immediately following the date of installation;
 7. Drip irrigation or irrigation using soaker hoses;
 8. Handwatering with a hose with automatic cutoff or handheld container;
 9. Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
 10. Irrigation of horticultural crops held for sale, resale, or installation;
 11. Irrigation of athletic fields, golf courses, or public turf grass recreational areas;
 12. Installation, maintenance, or calibration of irrigation systems; or
 13. Hydroseeding.

- (c) Paragraph (a) shall not create any limitation upon outdoor water uses for purposes other than planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants.
- (2) The state has already made, and continues to make, extensive investments in water efficiency since conservation measures play such an important role in water stewardship. Therefore, with the exception of the outdoor irrigation requirements in O.C.G.A. § [12-5-7\(a.1\)\(1\)](#) and (2) and the Drought Contingency Plans and Water Conservation Plans required under Rules [391-3-2-.04\(11\)](#), [391-3-6-.07\(4\)\(b\)8](#), and [391-3-6-.07\(4\)\(b\) 9](#), this rule does not repeat or modify any existing predrought mitigation strategy or create any new predrought mitigation strategies.

Cite as Ga. Comp. R. & Regs. R. 391-3-30-.03

Authority: O.C.G.A. §§ [12-5-7](#), [12-5-8](#).

History. Original Rule entitled "Outdoor Water Use Schedule During Non-Drought Periods" adopted. F. June 8, 2004; eff. June 28, 2004.

Amended: New title "Predrought Mitigation Strategies." F. July 15, 2015; eff. August 4, 2015.

Rule 391-3-30-.04. Drought Indicators and Triggers.

- (1) The Director shall monitor climatic indicators and water supply conditions as needed to assess drought occurrence and severity, and its impact upon the ability of permittees that are public water systems to provide adequate supplies of water and avoid or relieve local water shortages. Such indicators and conditions may include but may not be limited to the following:
 - (a) Precipitation;
 - (b) Streamflow;
 - (c) Groundwater;
 - (d) Reservoir Levels;
 - (e) Soil Moisture;
 - (f) Short Term Climate Predictions;
 - (g) U.S. Drought Monitor; and
 - (h) Water Supply Conditions.
- (2) The Division shall periodically make available to the public reports of current climatic indicators. These reports shall be released at least semi-annually; however, when any area of the state has, for at least two consecutive months, been under severe or higher intensity

drought conditions, as indicated by the U.S. Drought Monitor, the reports shall be released at least monthly. These reports shall compare current climatic conditions to historical levels and/or reservoir rule curves, if appropriate, for each indicator. The Division shall employ an adaptive approach to these reports, as resources permit, to pursue improvements to the drought indicators and triggers to make the reports as effective as possible. These reports shall include, at a minimum, the following drought indicators:

- (a) Precipitation: Precipitation during the prior 3, 6, and 12 months, compared to the same time periods historically.
 - (b) Streamflow from the following United States Geological Survey gage locations: Chattooga River at Summerville (02398000), Etowah River at Canton (02392000), Chestatee River near Dahlonega (02333500), Broad River near Bell (02192000), Chattahoochee River near Cornelia (02331600), Flint River at GA 26 near Montezuma (02349605), Oconee River at Dublin (02223500), Ocmulgee River at Macon (02213000), Ogeechee River near Eden (02202500), Spring Creek near Iron City (02357000), Ichawaynochaway Creek at Milford (02353500), Alapaha River at Statenville (02317500), Satilla River near Waycross (02226500).
 - (c) Groundwater: CD4 well: 11AA01, CD5 well: 21T001, CD7 wells: 13L180, 12M017, 11K003, 13J004, 12K014, 10G313, 08K001, 08G001, 09F520.
 - (d) Reservoir Levels: Allatoona Lake, Lake Hartwell, Clarks Hill Lake, Lake Lanier.
- (3) Permittees that are public water systems shall notify the Division in writing within 7 days if a trigger level in the drought contingency plan required by Rules [391-3-2-.04\(11\)\(d\)](#) or [391-3-6-.07\(4\)\(b\)9](#) is surpassed. The notification shall include the relevant drought condition(s) or event(s) such as streamflow levels, ground water levels, reservoir storage or levels, system demands, and/or other approved indicator(s) which required the notification.
- (4) Prior to making a drought response level declaration pursuant to Rule [391-3-30-.05](#), except for non-drought conditions, the Director shall convene a conference call, or similar communication medium, for all permittees for whom climatic indicators and water supply conditions are such that the Director is considering making a drought declaration. Within three business days of the Director's communication, potentially affected permittees may submit information to the Division regarding climatic indicators and/or their water supply conditions. For permittees whose principal source of water supply is surface water, they may submit a water supply and demand analysis as described in Rule [391-3-30-.08\(1\)\(b\)](#).
- (5) During a declared drought pursuant to Rule [391-3-30-.05](#), the Director shall convene a conference call, or similar communication medium, at least quarterly for all permittees subject to Drought Response Strategies in the affected drought area(s). The purpose of this communication will be to review the latest climatic indicators and water supply conditions as they relate to the permittees.

- (6) Prior to making a drought response level declaration pursuant to Rule [391-3-30-.05](#), the Director may consult with state and federal entities charged with collecting, interpreting and disseminating data used as a basis for developing drought indices. Such agencies may include but not be limited to the following:
 - (a) State Climatologist;
 - (b) National Oceanic and Atmospheric Administration;
 - (c) United States Geological Survey; and
 - (d) United States Army Corps of Engineers.

Cite as Ga. Comp. R. & Regs. R. 391-3-30-.04

Authority: O.C.G.A. Sec. [12-5-8](#).

History. Original Rule entitled "Outdoor Water Use Schedule During Declared Drought Response Levels" adopted. F. June 8, 2004; eff. June 28, 2004.

Amended: New title "Drought Indicators and Triggers." F. July 15, 2015; eff. August 4, 2015.

Rule 391-3-30-.05. Drought Declaration.

- (1) Based upon an evaluation in accordance with Rule [391-3-30-.04](#), the Director may declare non-drought conditions and various drought response levels for the affected drought area(s). Such declaration shall be based upon the severity of drought conditions and their impact on the ability of permittees that are public water systems to provide adequate supplies of water within the affected drought area(s) and avoid or relieve local water shortages.
- (2) The Director may declare non-drought conditions and drought response Level 1, 2 or 3, with Level 1 being the least severe and Level 3 being the most severe drought response level.
- (3) The Director shall designate the geographical boundary of the affected drought area(s). The geographical delineation of a drought response level shall be based upon the severity of climatic indicators and condition of water supplies occurring within all or a portion of defined hydrologic units, counties or other areas. The drought response level shall apply to all permittees, except as described in subparagraph (4), within the affected drought area(s).
- (4) The Director may differentiate between surface water drought and ground water drought in any affected drought area(s).
- (5) Upon declaring a drought response level, including non-drought conditions, the Director shall provide notice of such declaration to all permittees and the general public within the affected drought area(s). At a minimum, the Director shall issue a press release and send

each affected permittee a letter which shall include the drought response level and a summary of the requirements for that particular drought response level.

Cite as Ga. Comp. R. & Regs. R. 391-3-30-.05

Authority: O.C.G.A. Sec. [12-5-8](#).

History. Original Rule entitled "Exemptions" adopted. F. June 8, 2004; eff. June 28, 2004.

Amended: New title "Drought Declaration." F. July 15, 2015; eff. August 4, 2015.

Rule 391-3-30-.06. Drought Response Committee.

A Drought Response Committee may be convened by the Director at any time for purposes of consulting on the development and/or implementation of predrought mitigation strategies or drought response strategies and may consist of such members and for such period of time as the Director deems appropriate.

Cite as Ga. Comp. R. & Regs. R. 391-3-30-.06

Authority: O.C.G.A. Sec. [12-5-8](#).

History. Original Rule entitled "Local and Regional Options" adopted. F. June 8, 2004; eff. June 28, 2004.

Amended: New title "Drought Response Committee." F. July 15, 2015; eff. August 4, 2015.

Rule 391-3-30-.07. Drought Response Strategies.

- (1) Within 5 days of receipt of notice from the Division of a drought response level declared pursuant to Rule [391-3-30-.05](#), each permittee within an area subject to a drought response level declaration shall implement the applicable drought response strategies listed below.
- (2) Drought Response Level 1.
 - (a) Permittees that are public water systems shall implement a public information campaign that shall include, at a minimum, public notice regarding drought conditions and drought specific public-service messages in one or more of the following ways: newspaper advertisements, bill inserts, website homepage, social media, and notices in public libraries.
- (3) Drought Response Level 2. During Drought Response Level 2, permittees shall implement all Drought Response Level 1 measures plus the following additional Drought Response Level 2 measures:
 - (a) General Outdoor Watering. Outdoor irrigation for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants, as described in Rule [391-3-30-.03\(1\)\(a\)](#), shall be limited to two days a week on an odd-even schedule. Even numbered addresses may irrigate on Wednesday and Saturday between the hours of 4:00 p.m. and 10:00 a.m. Odd numbered addresses may

irrigate on Thursday and Sunday between the hours of 4:00 p.m. and 10:00 a.m. "Even numbered address" means an address number ending with the number 0, 2, 4, 6, 8, or the site does not have a numbered address. "Odd numbered address" means an address ending with the number 1, 3, 5, 7, or 9.

- (b) Specific Categories of Outdoor Water Use. The outdoor water uses listed in Rule [391-3-30-.03\(1\)\(b\)](#) shall be allowed.
 - (c) The following outdoor water uses shall not be allowed, except as provided below:
 - 1. Washing hard surfaces such as streets, gutters, sidewalks and driveways, except when necessary for public health and safety;
 - 2. Using water for ornamental purposes, such as fountains, reflecting pools, and waterfalls;
 - 3. Use of fire hydrants, except for the purposes of firefighting, public health, safety, or flushing;
 - 4. Washing vehicles, such as cars, boats, trailers, motorbikes, airplanes, or golf carts;
 - 5. Non-commercial washing, or pressure washing, of buildings or structures, except for immediate fire protection; and
 - 6. Charity, or non-commercial fund-raiser, car washes.
 - (d) Permittees that are public water systems shall select and implement four, or more, additional practices from the Drought Response Strategies Menu in paragraph (5). Such permittees shall submit monthly reports to the Division by the 10th of each following month detailing the drought response strategies the system has selected, the extent of implementation, and enforcement strategy, if applicable.
- (4) Drought Response Level 3. During Drought Response Level 3, permittees shall implement all Drought Response Level 1 and 2 measures plus the following additional Drought Response Level 3 measures:
- (a) General Outdoor Watering. Outdoor irrigation for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants, as described in Rule [391-3-30-.03\(1\)\(a\)](#), is not permitted.
 - (b) Specific Categories of Outdoor Water Use. The outdoor water uses listed in Rule [391-3-30-.03\(1\)\(b\)](#) shall be allowed, subject to the following additional requirements:

1. Irrigation of personal food gardens shall be conducted between the hours of 4:00 p.m. and 10:00 a.m., unless done using drip irrigation or soaker hoses. Irrigation of personal food gardens using drip irrigation or soaker hoses may be done at any time;
 2. Handwatering with a hose with automatic cutoff or handheld container may be conducted between the hours of 4:00 p.m. and 10:00 a.m.;
 3. Irrigation of athletic fields or public turf grass recreational areas may be conducted between the hours of 4:00 p.m. and 10:00 a.m., subject to the two days a week odd-even schedule described in Drought Response Level 2;
 4. Irrigation of golf courses shall be conducted in accordance with the "Golf Irrigation Prediction and Estimation Worksheet" and only between the hours of 4:00 p.m. and 10:00 a.m., provided, however, irrigation of golf course greens may occur at any time of day;
 5. Use of reclaimed waste water by a designated user from a system permitted by the Division to provide reclaimed waste water shall not be allowed for general outdoor watering as described in Rule [391-3-30-.03\(1\)\(a\)](#). It shall be allowed for any use described in Rule [391-3-30-.03\(1\)\(b\)](#) subject to the limitations in Rule 391-3-30-.07(4)(b);
 6. Installation, maintenance, or calibration of irrigation systems is allowed, provided that it is done by professional landscapers or golf course superintendents.
- (c) Permittees that are public water systems shall implement all practices from the Drought Response Strategies Menu in paragraph (5).
- (d) Rate Structures. Within 1 year of the effective date of this Rule, permittees that are public water systems shall develop a drought surcharge program as a temporary price incentive for customers to reduce water demand during a declared drought. Permittees with tiered conservation rates that comply with specific criteria for tiered conservation rates in the applicable Regional Water Plan are not required to develop a drought surcharge program. Permittees are not subject to requirements regarding Rate Structures if they do not serve retail customers.
1. The drought surcharge program shall meet the following criteria:
 - (i) Drought surcharge rate(s) shall be implemented within 60 days of receipt of drought response level declaration notice.
 - (ii) Drought surcharge rate(s) shall be distinct from established water rates;

- (iii) Drought surcharge rate(s) shall apply only to the volumetric water rates; and
 - (iv) Drought surcharge rate(s) shall be approximately revenue neutral relative to non-drought periods. The Division will give deference to public water systems for their reasonable definition of revenue neutral.
 - (v) The drought surcharge program is not required to include industrial customers.
2. Permittees shall be exempted from the requirement to have drought surcharge rate(s) that are distinct from established water rates if they demonstrate to the Division that their billing system is unable to make such distinction. Such permittees shall notify all affected customers of the drought surcharge rate(s) through a billing insert whenever the drought surcharge program is initiated.
 3. Permittees shall be exempted from the requirement to have drought surcharge rate(s) that apply only to the volumetric water rates if they demonstrate to the Division that their billing system is unable to apply a surcharge rate only to the volumetric use of water.
 4. If the applicable Regional Water Plan does not have specific criteria for tiered conservation rates then permittees are exempted from the requirement to develop a drought surcharge program if their conservation rates are designed and implemented consistent with the Division's "Conservation-Oriented Rate Structures" guidance dated August 2007 or Conservation Action Item 5.1 in the Metropolitan North Georgia Water Planning District's 2009 Water Supply and Water Conservation Plan.

(e) Numeric Water Usage Reduction Requirements.

1. The Division may establish numeric reduction requirements for permittees that are public water systems and whose monthly average water use is greater than one million gallons per day. The numeric reduction requirements may vary based on time of year (i.e., warmer months and cooler months). The Division shall consider economic and climatic conditions during the baseline period when establishing the numeric reduction requirements. The Division shall also consider the public water system's peaking factor or their "Baseline Water Use and Efficiency Profile for Public Water Systems", if provided to the Division by the public water system, when establishing the numeric reduction requirements.

2. Permittees that are public water systems and whose industrial customers comprise more than 90 percent of water use shall be exempt from Numeric Water Usage Reduction Requirements.

(5) Drought Response Strategies Menu.

- (a) Public information campaign that goes significantly beyond the minimum notice and public service messages associated with Drought Response Level 1;
- (b) Glasses of water provided to restaurant customers only upon request;
- (c) Distribute retrofit kits and water saving devices to customers. These kits and devices may include, but not be limited to, shower heads, leak dye tabs, toilet tank displacement devices, and hose shut off nozzles;
- (d) Technical assistance outreach program to target high users to identify and/or recommend opportunities to reduce water usage;
- (e) Reduce system pressure, unless such reduction would create unsafe water supply conditions;
- (f) Pool cover requirements;
- (g) Implement a drought surcharge program, or tiered conservation rates, that satisfy the criteria of this rule;
- (h) Suspension of street cleaning program(s);
- (i) Implement, or accelerate, leak detection and repair program(s);
- (j) Impose monetary penalties or terminate water services to customers to reduce outdoor water waste due to excessive application, outdoor leaks, improper irrigation, or other similar reasons.

(6) Professional Exemptions. The following commercial outdoor water uses are exempt from the Outdoor Water Use restrictions of this rule:

- (a) Pressure washing;
- (b) Permanent car wash facility, provided that it is connected to a sanitary sewer system of a political subdivision or local government authority or recycles used wash water;
- (c) Construction sites;
- (d) Watering-in of pesticides and herbicides on turf; and

- (e) Other activities essential to daily business.

Cite as Ga. Comp. R. & Regs. R. 391-3-30-.07

Authority: O.C.G.A. §§ [12-5-7](#), [12-5-8](#), [12-5-170](#)*et seq.*, [12-5-520](#) *et seq.*, and [12-5-570](#) *et seq.*

History. Original Rule entitled "Drought Response Strategies" adopted. F. July 15, 2015; eff. August 4, 2015.

Rule 391-3-30-.08. Variance Requests.

- (1) Any application for a variance pursuant O.C.G.A. § [12-5-7\(a\)\(1\)](#) to impose restrictions on outdoor water use that are more stringent than those described in this Rule shall provide the following information demonstrating that the outdoor water use restrictions required by Chapter 391-3-30 will not avoid or relieve a local water shortage and the degree to which additional restrictions will avoid or relieve such water shortage:
 - (a) A statement of which Drought Response Level (Level 1, Level 2, Level 3, or Level 3 plus) the public water system seeks to apply, the duration of those restrictions, and a description of why such restrictions are necessary. For the purposes of this Rule, "Level 3 plus" means all Level 3 water usage restrictions plus additional restrictions proposed by the public water system in order to avoid or relieve a local water shortage.
 - (b) For permittees whose principal source of water is surface water, a water supply and demand analysis which includes a quantitative analysis of the effect that additional restrictions will have upon the permittee's source of water in terms of increased storage or streamflow available to the permittee for each month during which they will be implemented. The water supply and demand analysis shall, at a minimum, consist of a 24-month projection of the response of reservoir storage, or water withdrawals as a percent of streamflow, whichever is applicable, to demands represented by monthly water use for each month of the preceding calendar year, assuming calendar year 2007 - 2008 hydrologic conditions, and shall be conducted in accordance with the "Water Supply and Demand Analysis Worksheet."
 - (c) Quantity estimate of reduced water use on a monthly basis expected from implementing such restrictions for each month during which they will be implemented compared to a quantity estimate of reduced water use on a monthly basis expected from implementing the restrictions otherwise required by Chapter 391-3-30;
 - (d) Quantity estimate of the effect such restrictions will have upon the permittee's source of water in terms of increased storage or streamflow available to the permittee for each month during which they will be implemented.

- (2) As provided for in O.C.G.A. § [12-5-7\(a\)\(2\)](#), a political subdivision of this state or local government authority shall not be prohibited from imposing more stringent restrictions on outdoor water use than those required by Chapter 391-3-30 in case of an emergency which immediately threatens the public health, safety, or welfare; provided, however, that such emergency restrictions shall be valid for a period not to exceed seven days unless a variance is granted by the Director.
- (3) Any application for a variance pursuant O.C.G.A. § [12-5-7\(b\)](#) requesting restrictions on outdoor water use that are less stringent than those described in this Rule shall provide the following information demonstrating that the outdoor water use restrictions required by this Rule are not needed to avoid or relieve a local water shortage:
- (a) A statement of which Drought Response Level (non-drought, Level 1, or Level 2) the public water system seeks to apply, the duration of the less stringent restrictions, and a description of why the restrictions described in the Rule are not necessary.
 - (b) For permittees whose principal source of water is surface water, a water supply and demand analysis which includes a quantitative analysis of the effect that the proposed less stringent restrictions will have upon the permittee's source of water in terms of storage or streamflow available to the permittee for each month during which they will be implemented. The water supply and demand analysis shall, at a minimum, consist of a 24-month projection of the response of reservoir storage, or water withdrawals as a percent of streamflow, whichever is applicable, to demands represented by monthly water use for each month of the preceding calendar year, assuming calendar year 2007 - 2008 hydrologic conditions, and shall be conducted in accordance with the "Water Supply and Demand Analysis Worksheet."
 - (c) Permittees whose water supply is obtained in whole or in part from storage in or releases from any project owned and operated by the United States Army Corps of Engineers may request a variance requesting restrictions on outdoor water use that are less stringent than those described in this Rule. However, for permittees that get more than 25 percent of their water supply from such projects, because these permittees have little control over the management of their water supply source, there shall be a rebuttable presumption that such variance requests should be denied by the Director.
- (4) Upon consideration of the "good cause" showing required in subsections 391-3-30-.08(1) or (3) of these Rules, as provided for in O.C.G.A. § [12-5-7\(c\)](#), the Director shall render a decision on an application for a variance within five business days after receipt thereof and grant a variance to the applicant of the restrictions required by this Rule if the applicant has provided sufficient evidence to support a reasonable conclusion that a variance is warranted.

- (5) In order to provide for efficient implementation of the variance program and to facilitate effective communication to the media and the public regarding drought requirements, it is necessary and appropriate that variance requests be consistent with the framework of the Rule. Therefore, variance requests are limited to the Drought Response Levels (non-drought, Level 1, Level 2, Level 3, or Level 3 plus), and their corresponding Drought Response Strategies, as articulated in the rule.

Cite as Ga. Comp. R. & Regs. R. 391-3-30-.08

Authority: O.C.G.A. §§ [12-5-7](#) and [12-5-8](#).

History. Original Rule entitled "Variance Requests" adopted. F. July 15, 2015; eff. August 4, 2015.

Subject 391-3-31. RULES FOR WATER CONSERVATION BEST MANAGEMENT PRACTICES AND CERTIFICATION.

Rule 391-3-31-.01. Definitions.

When used in this Chapter:

- (1) "Best Management Practices" or "BMPs" means those practices that, when implemented by a facility, result in an efficient use of water.
- (2) "Car Wash" means a permanent facility car wash such as a self-serve car wash, a conveyor car wash, or a roll over/in bay car wash, generally available for use by the public.
- (3) "Certification" means the Division has determined a facility is in compliance with the applicable best management practices.

Cite as Ga. Comp. R. & Regs. R. 391-3-31-.01

Authority: O.C.G.A. Secs. [12-5-31](#), [12-5-102](#)*et seq.*

History. Original Rule entitled "Definitions" adopted. F. May 27, 2009; eff. June 16, 2009.

Rule 391-3-31-.02. Applicability of Rule.

- (1) These rules may apply to any facility for which the Division has adopted best management practices, such as a permanent facility car wash.
- (2) Car washes, which the Division has certified as meeting best management practices, are not considered to be an outdoor water use for purposes of any outdoor watering restrictions.

Cite as Ga. Comp. R. & Regs. R. 391-3-31-.02

Authority: O.C.G.A. Secs. [12-5-31](#), [12-5-102](#)*et seq.*

History. Original Rule entitled "Applicability of Rule" adopted. F. May 27, 2009; eff. June 16, 2009.

Rule 391-3-31-.03. Carwash Best Management Practices and Certification.

(1) Best Management Practices for car washes:

- (a) The facility will have a backflow prevention device installed on the potable water supply.
- (b) All spray nozzles will be changed annually.
- (c) All water leaks will be repaired as they occur.
- (d) All hoses and faucets will be attended or shut off. All hoses will utilize an automatic shutoff valve.
- (e) All hand-held hoses must have a flow no greater than 3 gallons a minute.
- (f) Driveways and impervious surfaces may be washed with high pressure, low volume systems for health/safety purposes only.
- (g) If spot-free reverse osmosis water is used, the reverse osmosis reject water shall be reused in the vehicle wash process.
- (h) For Self-Serve Car Washes, the wash nozzle and pump system will be high-pressure and flow at no greater than 3 gallons per minute.
- (i) For Conveyor Car Washes, automatic high-level water cut-offs will be installed in all towel and chamois washing machines.
- (j) For Conveyor Car Washes constructed after January 1, 2000, a minimum of 50% of water utilized will be recycled.

(2) Carwash Certification:

- (a) Certification Program Requirements:
 - 1. Car washes must be inspected at least annually by a backflow assembly tester, accredited per [391-3-5-.13\(7\)](#), for compliance with the applicable best management practices using an inspection form developed by the Division.
 - 2. Car washes that fail inspection and do not provide an adequate remedy within 30 days of the inspection failure will have their certifications revoked.

3. The inspector shall issue an accreditation, which shall have the date of issuance, date for reaccreditation, the name of the car wash, and the name, license or certification number, and signature of the inspector.
4. The individual car wash must submit a copy of the accreditation and \$50.00 for each individual permanent facility car wash to the Division. Such certification and payment of fee must occur annually.

(b) Certification:

1. A car wash shall be considered certified when it has been issued a certification by the Division and the certification has not expired.
2. Failure to renew a certification shall mean the car wash is considered an outdoor water use for purposes of any outdoor watering restrictions.

Cite as Ga. Comp. R. & Regs. R. 391-3-31-.03

Authority: O.C.G.A. Secs. [12-5-31](#), [12-5-102](#)*et seq.*

History. Original Rule entitled "Carwash Best Management Practices and Certification" adopted. F. May 27, 2009; eff. June 16, 2009.

Subject 391-3-32. REGIONAL WATER PLANNING.

Rule 391-3-32-.01. Preparation of Regional Water Development and Conservation Plans.

- (1) **Purpose.** The purpose of Section 391-3-32-.01 is to provide minimum uniform statewide regulations for the preparation of Regional Water Development and Conservation Plans. As authorized by O.C.G.A. §§ [12-5-31](#) and [12-5-96](#), in a manner consistent with O.C.G.A. §§ [12-5-520](#), *et seq.*, and as provided in the Comprehensive State-wide Water Management Plan, Regional Water Development and Conservation Plans shall promote the sustainable use of Georgia's waters through the selection of an array of management practices, to support the State's economy, to protect public health and natural systems, and to enhance the quality of life for all citizens.
- (2) **Policy.** As provided in the Comprehensive State-wide Water Management Plan, the characteristics of water resources and water users vary significantly in differing regions across Georgia. Protecting the ability of the State's water resources to meet needs for water supply and assimilation of waterborne contaminants requires regional, resource-based plans that identify the management practices appropriate to the resources and users in each region.

- (3) **Definitions.** All terms used in this Section shall be interpreted in accordance with the definitions as set forth in this Paragraph, or in any other Paragraph of this Section:
- (a) "Aquifer" means a geological formation, group of such formations, or a part of such a formation that is water bearing;
 - (b) "Assimilative capacity" is a determination describing the amount of contaminant load that can be discharged to a specific water body without exceeding water quality standards or criteria. Assimilative capacity is used to define the ability of a water body to naturally absorb and use a discharged substance without water quality becoming impaired or aquatic life being harmed;
 - (c) "Comprehensive State-wide Water Management Plan" is the plan provided for by O.C.G.A. § [12-5-520](#)*et seq.* whose purpose is to help guide the stewardship of Georgia's water resources to ensure that those resources continue to support the State's economy while maintaining healthy natural systems. The Comprehensive State-wide Water Management Plan mandates preparation of regional Water Development and Conservation Plans;
 - (d) "Consumptive use" is the difference between the total amount of water withdrawn from a defined hydrologic system of surface water or groundwater and the total amount of the withdrawn water that is returned to that same hydrologic system over a specified period of time;
 - (e) "Consumptive use assessment" is a determination describing the water reliably available for consumptive use over a specified period of time from a defined hydrologic system of surface water or groundwater sources in a dry year, beyond the quantities needed to meet flow regime requirements or in-aquifer needs, which the Division will establish. A consumptive use assessment will establish a baseline that may be increased through either selected modifications of the source, such as increasing water storage capacity, or supplementing the source. This baseline for the water available from each water source will be provided for the purposes of regional planning. Water use above the baseline defined by the dry year consumptive use assessments may be permitted by the Division in normal and wet years;
 - (f) "Director" is the Director of the Environmental Protection Division of the Department of Natural Resources;
 - (g) "Division" means the Environmental Protection Division of the Department of Natural Resources;
 - (h) "Dry year" means the time period of lowest precipitation and/or streamflow for which water supply and wastewater facilities are designed and operated;

- (i) "Flow regime" is a description of the pattern of flow variability for an individual surface water source. Flow regime involves the magnitude, timing, duration, frequency and rate of water movement;
- (j) "Future" means the time period over which one might reasonably forecast water uses and users;
- (k) "Human use" refers to all the ways in which water is employed for human benefit, including, without limitation, public health purposes, human consumption, agricultural and industrial production, recreation, municipal, and commercial purposes. This list of uses is not in priority order and does not alter priorities for water use established by the Georgia Code;
- (l) "Hydrologically connected" means the situation in which defined surface areas and/or subsurface areas drain to common points or regions under natural conditions;
- (m) "Instream uses" means all those human and ecological uses of water which occur within the banks of rivers and streams, including, without limitation, waste assimilation, hydropower production, recreation, maintenance of aquatic habitats, and support of biological integrity;
- (n) "Management practices" are reasonable methods, considering available technology and economic factors, for managing water demand, water supply, return of water to its sources, and prevention and control of pollution of the waters of the state;
- (o) "Natural systems" means the biological, ecological, and physical systems that arise and persist through mechanisms of nature as opposed to having been designed, constructed, and operated by mankind;
- (p) "Offstream uses" means the purposes for which water is withdrawn from streams, rivers, lakes, or aquifers;
- (q) "Stormwater" means stormwater runoff, snow-melt runoff, and surface runoff and drainage;
- (r) "Sustainable" means using water resources to meet current needs without unreasonably foreclosing the ability of future generations to meet their own water needs;
- (s) "Water conservation" is the beneficial reduction of water use, water waste, and water loss;
- (t) "Water Development and Conservation Plan," as provided in O.C.G.A. §§ [12-5-31\(h\)](#) and [12-5-96\(e\)](#), means a regional resource-based plan, developed in

accordance with O.C.G.A. §§ [12-5-520](#)*et seq.*, that promotes the efficient use of water resources, promotes the conservation and reuse of water, guards against a shortage of water, and is consistent with the public welfare of the state, or an addendum to any statutorily required water management plan(s) prepared to satisfy the purposes of this rule and the Comprehensive State-wide Water Management Plan. Such plans include water development, conservation, and sustainable use and are based upon detailed scientific analysis of water sources, the projected future condition of the resources, current demand, and estimated future demands on the resources. Furthermore, as provided in the Comprehensive State-wide Water Management Plan, such plans identify the water management practices to be employed in each Water Planning Region to ensure that current and future needs for water supply and assimilative capacity are met within the capacity of the water resources;

- (u) "Water Planning Council" means a regional planning entity responsible for overseeing the preparation of a recommended Regional Water Development and Conservation Plan for a Water Planning Region. This includes, without limitation, those entities to whom the Director has designated as responsible for overseeing preparation of such plans, and any statutorily designated regional planning entity with water management responsibilities that may include, but are not limited to watershed, storm-water, waste-water, and water supply and conservation management within that entity's area;
- (v) "Water Planning Region" is a defined area that includes one or more water quantity and/or quality resources;
- (w) "Water resource" is a body of surface water or groundwater that is available or potentially available for off stream and/or instream use, including, without limitation, agricultural, industrial, residential, recreational, or environmental activities, among others. Water resources may include freshwater bodies, brackish waters, and ocean water;
- (x) "Water resource assessment" is comprised of the assimilative capacity determination and the consumptive use assessment for both groundwater and surface water for a given area.
- (y) "Water use" means utilization of water for natural and human uses. See also human use, instream use and offstream use;
- (z) "Water users" means those who utilize water for human uses;
- (aa) "Watershed" means the land area tributary to a given point along a stream or river;

(4) Regional Water Development and Conservation Plans.

- (a) All Regional Water Planning Councils, shall oversee preparation of recommended Regional Water Development and Conservation Plans;
- (b) No Water Planning Council whose duties have been designated by the Director, shall commence the preparation of recommended Regional Water Development and Conservation Plans until that Council has received, from the Director, a letter of delegation providing notice of delegation of duties and a notice to proceed with preparation of such plans;
- (c) All Regional Water Planning Councils shall execute a memorandum of agreement (MOA) with the Division and the Department of Community Affairs (DCA) according to a schedule established by the Division and DCA. The execution of an MOA shall be a condition precedent to issuance of the Director's letter of delegation. For any statutorily designated regional Water Planning Council, MOAs shall be consistent with that entity's enabling legislation, the purposes of this rule and the Comprehensive State-wide Water Management Plan. As provided in paragraph (3) of Section 14 of the Comprehensive State-wide Water Management Plan, MOAs for those entities designated by the Director for preparing recommended Regional Water Development and Conservation Plans shall, include but not be limited to the following:
 - 1. Have at minimum a three-year term and be subject to renewal. Renewal of MOAs shall be contingent on performance, which shall be evaluated according to regional water planning guidance;
 - 2. Establish procedures including but not limited to:
 - (i) Decision-making procedures;
 - (ii) Provisions for appropriate public sector involvement in Water Development and Conservation Plan development and implementation of management practices;
 - (iii) Provisions for an advisory body of local elected officials, composed of one representative from each county and city in the Water Planning Region, to provide recommendations and input on regional population, economic and employment forecasts and on other data and information required for preparation of the Water Development and Conservation Plan. Water Planning Councils shall also consider input from this advisory body on elements of Water Development and Conservation Plans that impact the fiscal responsibilities of local governments;
 - (iv) Specifications for other advisory bodies and processes as necessary, including opportunities for meaningful public participation in Water Development and Conservation Plan development;

- (v) Provisions for consultation with local governments located outside the planning region boundary that rely on, or impact, water resources within the planning region;
- (vi) Provisions necessary to ensure communication and coordination among Water Planning Councils, across the boundaries of adjoining planning regions, among councils using hydrologically connected water resources, and among councils affected by water management activities in adjacent planning regions;
- (vii) Procedures for coordination with the Department of Community Affairs to ensure implementation of Regional Water Development and Conservation Plans is coordinated with the regional and local government comprehensive planning process in accordance with O.C.G.A. §§ [12-2-8](#) and [50-8-30](#)*et seq.*;
- (viii) Provisions for alternatives for dispute resolution as provided in guidance;
- (ix) Other requirements established by the Director.

(d) Regional Water Development and Conservation Plans shall:

1. For any statutorily designated regional planning council responsible for preparing recommended Regional Water Development and Conservation Plans, be consistent with that entity's enabling legislation, the purposes of this rule and the Comprehensive State-wide Water Management Plan;
2. Incorporate technical assistance provided by the Division, including water quantity and water quality assessments, forecasts, following guidance on the use of this technical assistance and other guidance as provided by the Division. Regional Water Development and Conservation Plan preparation shall also follow guidance for the preparation of recommended Regional Water Development and Conservation Plans. Such guidance includes those elements identified in paragraph (6) of Section 14 of the Comprehensive State-wide Water Management Plan;
3. Identify actions that will be taken to ensure forecasted needs are met within the water resources' capabilities, as specified in the water resource assessments provided by the Division to the regional Water Planning Councils;
4. Address those areas, local governments, and other major water users lying wholly within or in part of (i.e. at the periphery) a water planning region;

5. Include surface water and groundwater sources and their conditions, as provided in guidance issued by the Director;
6. Include forecasts of 10-, 20-, 30-, and 40-year population expectations, employment characteristics, water demands, wastewater returns, land surface types and distribution, developed in consultation with the Division. Water demand and wastewater return forecasts will identify domestic, commercial, agricultural, industrial and power-generation water uses;
7. Provide forecasted uses of water bodies for water supply, wastewater discharge, and storm flows for each forecast period;
8. Provide water quantity and quality management objectives for 10-, 20-, 30-, and 40-year time horizons, and any recommended actions required of the state to support those objectives;
9. Compare forecasts with the consumptive use assessments and assimilative capacities of water resources as determined by the water quantity and water quality assessments.
10. Provide recommendations for appropriate management practices for stormwater management, wastewater treatment, water supply, water conservation, and the general protection of water quality within the planning region;
11. Provide proposals for addressing data and information needs;
12. Define benchmarks for assessment of Water Development and Conservation Plan effectiveness and identification of required revisions;
13. Provide other elements as required by guidance issued by the Director, including any guidance specific to any statutorily designated regional planning council.

(5) Regional Water Development and Conservation Plan Review and Adoption.

- (a) Regional Water Planning Councils shall submit recommended regional Water Development and Conservation Plans to the Director. The Director will review such plans and any amendments thereto to determine if they are consistent with this Chapter and guidance adopted pursuant to this rule. The Division will consult with the Department of Community Affairs to ensure implementation of the Water Development and Conservation Plan is coordinated with the regional and local government comprehensive planning process in accordance with O.C.G.A. §§ [12-2-8](#) and [50-8-30](#)*et seq.*

- (b) Upon review of recommended Water Development and Conservation Plans, the Division will take one of the three following actions:
 - 1. Adopt a recommended Water Development and Conservation Plan if it is complete and consistent with the provisions of this chapter and guidance provided by the Director; or
 - 2. Advise the regional Water Planning Council as to additional measures that must be taken to complete a recommended Water Development and Conservation Plan and make it consistent with the provisions of this Rule and guidance provided by the Director; or
 - 3. Adopt a recommended Water Development and Conservation Plan with conditions.
- (c) For any Water Planning Region for which a recommended Water Development and Conservation Plan is not submitted by the date specified in the guidance for plan development, the Director shall prepare the regional Water Development and Conservation Plan consistent with the provisions of this Rule and guidance provided by the Director.
- (d) Before taking action to adopt any regional Water Development and Conservation Plan, the Director shall provide state-wide public notice of the recommended plan and a state-wide comment period of at least forty-five days.

(6) Review and Revision of Regional Water Development and Conservation Plan.

- (a) Water Development and Conservation Plans will be subject to review by the appropriate regional Water Planning Council every five years, unless otherwise required by the Director for earlier review. Such review will be conducted as provided in guidance provided by the Director and shall include:
 - 1. Consideration of the current resource assessments and regional population and employment forecasts provided by the Division;
 - 2. Assessment of progress against Water Development and Conservation Plan objectives and benchmarks for water quality and quantity;
 - 3. Assessment of the need for further scientific assessment of issue(s) relevant to water planning in the region;
 - 4. Updates, where necessary, of water and wastewater forecasts; and
 - 5. Recommended changes in the Water Development and Conservation Plan.

- (b) Revisions and adoption of revised Water Development and Conservation Plans shall be conducted in accordance with this Rule and guidance provided by the Director.

(7) Use by Division of Adopted Regional Water Development and Conservation Plans.

- (a) As provided in O.C.G.A. §§ [12-5-31](#), [12-5-96](#), and [12-5-522](#), the Director shall ensure that the issuance of any permit for the use of water is based upon the Comprehensive State-wide Water Management Plan and all applicable Water Development and Conservation Plans. Additionally, any political subdivision or local water authority not in compliance with the Comprehensive State-wide Water Management Plan shall be ineligible for state grants or loans for water projects, except for those projects designed to bring such political subdivision or local water authority into compliance with the plan.

Cite as Ga. Comp. R. & Regs. R. 391-3-32-.01

Authority: O.C.G.A. Secs. [12-5-20](#) *et seq.*, 12-5-31, 12-5-90 *et seq.*, 12-5-96, 12-5-520 *et seq.*

History. Original Rule entitled "Preparation of Regional Water Development and Conservation Plans" adopted. F. Mar. 23, 2009; eff. Apr. 12, 2009.

Subject 391-3-33. RULES FOR PUBLIC WATER SYSTEMS TO IMPROVE WATER SUPPLY EFFICIENCY.

Rule 391-3-33-.01. Purpose of Rule.

The purpose of these Rules is to establish policies, procedures, requirements and standards to implement Chapter 5 of Title 12 of the Official Code of Georgia Annotated (O.C.G.A.), relating to water resources as amended in the new Code Section [12-5-4.1](#), and as included in the Georgia Water Stewardship Act of 2010 to carry out the purposes of adopting standards for public water systems to improve the efficiency of water supply through the development and improvement of water loss abatement programs and to implement the industry's best management practices for controlling water loss by achieving recommended standards.

Cite as Ga. Comp. R. & Regs. R. 391-3-33-.01

Authority: O.C.G.A. Secs. [12-5-4](#) and [12-5-4.1](#).

History. Original Rule entitled "Purpose of Rule" adopted. F. July 15, 2015; eff. August 4, 2015.

Rule 391-3-33-.02. Definitions.

When used in this Chapter:

- (1) "Apparent losses" means the sum of unauthorized consumption (theft or illegal use), customer water meter under-registration (inaccuracies with customer water meters) and data handling errors (meter reading and billing).
- (2) "Billed metered consumption" means all metered consumption which is billed from all groups of customers, such as domestic, commercial, industrial or institutional. It does not include water that is metered and then billed, and exported to neighboring public water systems.
- (3) "Certification statement" means that a Qualified Water Loss Auditor has certified that the auditor has examined the annual water loss audit results and the results meet the requirements in the Georgia Water System Audits and Water Loss Control Manual and the American Water Works Association methodology for water loss auditing.
- (4) "Current Annual Real Losses (CARL)" means the real losses determined during the reporting year.
- (5) "Director" means the Director of Environmental Protection Division of the Department of Natural Resources.
- (6) "Division" means the Environmental Protection Division of the Department of Natural Resources.
- (7) "Economic Level of Leakage" means the determination of the level of real (leakage) losses where the sum of the cost of the real loss reduction and the cost impact of the real losses is at a minimum. Reducing leakage levels below the Economic Level of Leakage is not cost-effective, as the cost of the leak abatement activities exceeds the value of water saved. Economic Level of Leakage is used for leakage reduction target setting and setting the frequency of leak survey investigations.
- (8) "Infrastructure Leakage Index (ILI)" means the dimensionless performance indicator calculated by dividing the Current Annual Real Loss by the Unavoidable Annual Real Loss (i.e., CARL / UARL) best used for benchmarking leakage within a public water system.
- (9) "Non-Revenue Water" means the sum of apparent losses, real losses, and authorized water consumption (unbilled metered and unmetered) that does not provide any revenue to the utility.
- (10) "Operational Basic Apparent Losses" means a basic performance indicator that assesses Apparent Losses in gallons per service connection per day.
- (11) "Operational Basic Real Losses" means a basic performance indicator that assesses Real Losses in gallons per service connection per day or gallons per miles of water distribution mains per day depending on the public water system's connection density.

- (12) "Public water system" means a system for the provision to the public of piped water for human consumption, if such system regularly serves at least 3,300 individuals. Such term includes but is not limited to any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.
- (13) "Qualified Water Loss Auditor" means an individual who has completed a basic water loss auditing course approved by the Division and who demonstrates the knowledge, skills and ability to validate water loss audits in accordance with the Georgia Water System Audits and Water Loss Control Manual.
- (14) "Real Losses" means the physical water losses from reservoir(s), the water treatment facility(ies), the pressurized public water system and the finished water storage tanks, up to the point of customer consumption. In metered systems this is the customer meter; in unmetered situations this is the first point of consumption within the property. The annual volume lost through all types of leaks, breaks and overflows depends on frequencies, flow rates, and average duration of individual leaks, breaks and overflows.
- (15) "Unavoidable Annual Real Losses (UARL)" means a theoretical reference value representing the technical low limit of leakage that could be achieved if all of current best technology could be successfully applied and is a key variable in the calculation of the Infrastructure Leakage Index.
- (16) "Unbilled metered consumption" means metered water consumption which is, for any reason, unbilled and does not include water exported to neighboring public water systems or utilities that is metered but unbilled.
- (17) "Unbilled unmetered water consumption" means any kind of water consumption authorized by the public water system which is neither billed nor metered, and may include items such as fire-fighting, flushing of mains and sewers, or street cleaning, and does not include water exported to neighboring public water systems or utilities that is unmetered and unbilled.
- (18) "Water audit data validity score" means a weighted scale, from 0 to 100, for the components of consumption and water loss that demonstrates a public water system's confidence and accuracy of data entered into a water audit software application.
- (19) "Water loss audit" means the investigation and completion of an assessment of public water system infrastructure leakages and other losses in conformance with the Georgia Water Loss Audit guidance, International Water Association (IWA) and American Water Works Association (AWWA) methodology for water loss auditing and the latest release of the AWWA Water Loss Audit software application package.
- (20) "Water exported" means the water sold to a neighboring water utility, public water system or regional water authority.

- (21) "Water use efficiency" means the minimal amount of water that is technically and economically feasible to achieve an intended water use function and reduce water waste.

Cite as Ga. Comp. R. & Regs. R. 391-3-33-.02

Authority: O.C.G.A. Secs. [12-5-4](#) and [12-5-4.1](#).

History. Original Rule entitled "Definitions" adopted. F. July 15, 2015; eff. August 4, 2015.

Rule 391-3-33-.03. Applicability.

These rules apply to any public water system that regularly serves 3,300 or more individuals.

Cite as Ga. Comp. R. & Regs. R. 391-3-33-.03

Authority: O.C.G.A. Secs. [12-5-4](#) and [12-5-4.1](#).

History. Original Rule entitled "Applicability" adopted. F. July 15, 2015; eff. August 4, 2015.

Rule 391-3-33-.04. Water Loss Audits.

- (1) **Water Loss Audits.** Public water systems shall conduct an annual water loss audit in accordance with the International Water Association (IWA) and American Water Works Association (AWWA) methodology for water loss auditing as provided by the Division in the most current versions of the Georgia Water System Audits and Water Loss Control Manual and AWWA Water Audit Software.
- (2) **Reporting.** By March 1 of each calendar year, annual water loss audit results for the previous calendar year shall be submitted to the Division in a form and manner prescribed by the Division and shall include documentation of the basis of the audit in the comments section of the Reporting Worksheet. A certification statement shall be included with each annual water loss audit reporting that a Qualified Water Loss Auditor has examined the annual water loss audit results and the results meet the requirements in the Georgia Water System Audits and Water Loss Control Manual and the American Water Works Association methodology for water loss auditing.
- (3) **Review by the Division.** Public water systems shall cooperate with the Division during Division review of the submitted water loss audits, including providing responses to follow up questions by the Division and the submittal of additional supporting information for the audits. If the Division determines that an audit is of poor quality, the Division may require the Public water system to have their audit reviewed and resubmitted by a third party Qualified Water Loss Auditor.

Cite as Ga. Comp. R. & Regs. R. 391-3-33-.04

Authority: O.C.G.A. Secs. [12-5-4](#) and [12-5-4.1](#).

History. Original Rule entitled "Water Loss Audits" adopted. F. July 15, 2015; eff. August 4, 2015.

Rule 391-3-33-.05. Water Supply Efficiency Improvement.

- (1) **Water Loss Control Program.** By July 1, 2016, Public water systems shall develop and conduct a water loss control program to investigate, assess, and implement efforts to improve water supply efficiency. Water loss control programs shall be updated periodically as needed. Water loss control programs may include, but are not limited to, the following:
 - (a) Leakage Management, including distribution system water leakage detection and repairs;
 - (b) Finished Water Meter Flow Verification;
 - (c) Customer Water Meter Testing and Calibration;
 - (d) Resource Allocation, including planned preventive maintenance; and
 - (e) Revenue Recovery Activities.
- (2) **Individualized Goals.** Each public water system shall establish individual goals to set measures of water supply efficiency and to improve water supply efficiency. These measures may include, but are not limited to:
 - (a) Infrastructure Leakage Index;
 - (b) Water Audit Data Validity Score;
 - (c) Operational Basic Apparent Losses;
 - (d) Operational Basic Real Losses; and
 - (e) Economic Level of Leakage
- (3) **Demonstration of Progress.**
 - (a) Public water systems shall make progress toward improving water supply efficiency. Progress may be demonstrated through process and performance measures:
 1. Improvement in data validity score to the extent practicable for a specific utility as a process measure of data reliability;
 2. The development and implementation of the water loss control program;
 3. Improvement in performance measures once a reliable level of validity score has been achieved:

* Operational Basic Real Losses;

* Operational Basic Apparent Losses; and

4. Economic Level of Leakage has been achieved and maintained.

(b) Demonstration of progress shall be documented by public water systems upon application to the Division for a water withdrawal permit or a Permit to Operate a Public Water System as listed below, and may be evaluated by the Division as part of the review of the following applications:

1. An application to renew a water withdrawal permit under the Georgia Groundwater Use Act of 1972, O.C.G.A. Section [12-5-90](#) et seq., or the Georgia Water Quality Control Act, O.C.G.A. Section [12-5-20](#) et seq.;
2. An application to modify an existing water withdrawal permit which includes an increase in the permitted water supply under the Georgia Groundwater Use Act of 1972, O.C.G.A. Section [12-5-90](#) et seq., or the Georgia Water Quality Control Act, O.C.G.A. Section [12-5-20](#) et seq.;
3. An application to renew a Permit to Operate a Public Water System for a purchased water system (one that does not otherwise hold a water withdrawal permit from the Division) under the Georgia Safe Drinking Water Act of 1977, O.C.G.A. Section [12-5-170](#) et seq.; or
4. An application to increase the number of permitted service connections issued to a public water system under the Georgia Safe Drinking Water Act of 1977, O.C.G.A. Section [12-5-170](#) et seq.

(c) For applications submitted after July 1, 2016 as described under paragraph (3)(b) above, failure to demonstrate progress toward improving water supply efficiency may result in an action by the Director including, but not limited to, the following:

1. A reduction under paragraph (3)(b)1. above in the permitted water quantity for a water withdrawal permit issued to the public water system under the Georgia Groundwater Use Act of 1972, O.C.G.A. Section [12-5-90](#) et seq., or the Georgia Water Quality Control Act, O.C.G.A. Section [12-5-20](#) et seq.;
2. A denial under paragraph (3)(b)2. above of an application to modify any water withdrawal permit issued to the public water system under the Georgia Groundwater Use Act of 1972, O.C.G.A. Section [12-5-90](#) et seq., or the Georgia Water Quality Control Act, O.C.G.A. Section [12-5-20](#) et seq.;

3. A denial under paragraph (3)(b)3. above of an application to renew a Permit to Operate a Public Water System for a purchased water system under the Georgia Safe Drinking Water Act of 1977, O.C.G.A. Section [12-5-170](#) et seq.; or
4. A denial under paragraph (3)(b)4. above of an application to increase the number of permitted service connections issued to the public water system under the Georgia Safe Drinking Water Act of 1977, O.C.G.A. Section [12-5-170](#) et seq.

(4) Administration and Enforcement.

The administration and enforcement of this Rule shall be in accordance with the Georgia Water Quality Control Act, the Georgia Groundwater Use Act, the Georgia Safe Drinking Water Act, and the Georgia Administrative Procedure Act.

Cite as Ga. Comp. R. & Regs. R. 391-3-33-.05

Authority: O.C.G.A. §§ [12-5-4](#), [12-5-4.1](#), [12-5-20](#) et seq., [12-5-90](#) et seq., [12-5-170](#) et seq.

History. Original Rule entitled "Water Supply Efficiency Improvement" adopted. F. July 15, 2015; eff. August 4, 2015.

Amended: F. Mar. 24, 2021; eff. Apr. 13, 2021.

Chapter 391-4. WILDLIFE RESOURCES DIVISION.

Subject 391-4-1. RESERVED - 391-4-1.

Subject 391-4-2. HUNTING REGULATIONS.

[Rule 391-4-2-.01. \[Repealed\].](#)

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.01

Authority: O.C.G.A. § [27-1-4](#).

History. Original Rule entitled "Effective Date" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule of the same title adopted. Filed December 9, 1973; effective December 29, 1975.

Amended: Rule repealed and a new Rule of the same title adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed and a new Rule of the same title adopted. Filed September 14, 1977; effective October 4, 1977.

Repealed: F. June 8, 2021; eff. June 28, 2021.

[Rule 391-4-2-.02. Definitions.](#)

- (1) Except as otherwise specifically defined herein, all words shall be defined in accordance with O.C.G.A. Section [27-1-2](#).
- (2) "Mobility Impaired" is as defined in O.C.G.A. § [27-2-4.4\(a\)](#).
- (3) "Hunt and Learn" means a department hosted event during which the department provides one-on-one mentored hunting opportunity to new or inexperienced hunters, and may be application only and limited by quota.
- (4) "Specialty" hunt means a Wildlife Management Area hunt open to Youth (as specified in [391-4-2-.64](#)), women, Disability License holders, Returning Georgia Veterans Honorary License holders, and hunters age 65 years and older.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.02

Authority: O.C.G.A. § [27-1-4](#).

History. Original Rule entitled "Legal Hours" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule of same title adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: New Rule entitled "Definitions" adopted. F. Sept. 14, 1977; eff. Oct. 4, 1977.

Repealed: New Rule of same title adopted. F. Sept. 6, 1978; eff. Sept. 26, 1978.

Repealed: New Rule of same title adopted. F. July 26, 1979; eff. August 15, 1979.

Amended: F. June 2, 1994; eff. June 22, 1994.

Amended: F. Feb. 28, 1996; eff. Mar. 19, 1996.

Amended: F. May 29, 2001; eff. June 18, 2001.

Repealed: New Rule of same title adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. June 4, 2019; eff. June 24, 2019.

Rule 391-4-2-.03. Harvest Recording and Reporting Requirements.

- (1) It is unlawful for any person killing a black bear, deer, wild turkey, or alligator to:
 - (a) remove such carcass from the place of killing without first recording all information specified by the department in the manner specified by the department.
 - (b) fail to report the harvest of each black bear, alligator, deer, or turkey within 24 hours of carcass recovery by providing such information specified by the department in the manner specified by the department; provided, however, that such wildlife killed by a motor vehicle (O.C.G.A. Sec. [27-3-28](#)), taken under authorization of a department-issued permit (O.C.G.A. Secs. [27-2-18](#), [27-2-21](#), or [27-2-31](#)) or tagged by authorized personnel at a public land hunt are exempt from harvest recording and reporting requirements.
 - (c) transfer possession to any private or commercial cold storage or processing facility without first providing the harvest-reporting confirmation number unless the

animal was killed by a motor vehicle, taken under authorization of a department-issued permit, or tagged by authorized personnel at a public land hunt.

- (d) transport a carcass (not processed for human consumption) killed by another person unless the following written information is attached to the carcass: name and address of the hunter who killed such black bear, deer, turkey, or alligator, date and county of kill, and the harvest-reporting confirmation number, if applicable in accordance with (b) above.
 - (e) provide false harvest recording or reporting information.
- (2) It is unlawful for any private or commercial cold storage or processing facility to take possession of a black bear, deer, wild turkey, or alligator without first recording the following information for each carcass: name of the hunter who killed the animal, date and county of kill, and sex of the animal.
- (3) It is unlawful for a person to hunt black bear, deer, wild turkey, or alligator without first procuring from the department an annual Harvest Record for the current season. The Harvest Record must be carried on the hunter's person either in printed paper or electronic format when hunting.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.03

Authority: O.C.G.A. § [27-3-29](#).

History. Original Rule entitled "Required Clothing" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule of same title adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: New Rule entitled "Legal Hours" adopted. F. Sept. 14, 1977; eff. Oct. 4, 1977.

Repealed: F. Jun. 13, 2013; eff. July 3, 2013.

Adopted: New Rule entitled "Harvest Recording and Reporting Requirements." F. May 26, 2015; eff. June 15, 2015.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Repealed: New Rule of same title adopted. F. May 27, 2020; eff. June 16, 2020.

Amended: F. June 7, 2021; eff. June 27, 2021.

Rule 391-4-2-.04. Required Clothing.

It is unlawful for any person to hunt deer or bears or for any person to accompany another person hunting deer or bears during firearms and primitive weapons deer or bear seasons unless each person shall wear a total of at least 500 visible square inches of daylight fluorescent orange material as an outer garment. This also includes any deer or bear firearms and primitive weapons hunt on a wildlife management area, or any other hunt so designated in [391-4-2-.70](#) or [391-4-2-.71](#) regardless of state season. Such clothing must be worn above the waistline and may include a head covering.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.04

Authority: O.C.G.A. §§ [27-1-4](#), [27-3-25](#), [27-3-40](#).

History. Original Rule entitled "Legal Weapons" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule of same title adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: New Rule entitled "Closed Areas" adopted. F. Sept. 14, 1977; eff. Oct. 4, 1977.

Repealed: New Rule of same title adopted. F. May 29, 2001; eff. June 18, 2001.

Repealed: F. Jun. 13, 2013; eff. July 3, 2013.

Adopted: New Rule entitled "Required Clothing." F. May 26, 2015; eff. June 15, 2015.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Rule 391-4-2-.05. Hunter Education Courses.

- (1) Recognized courses of hunter education instruction shall align with educational standards established by a national governing body for hunter education, including but not limited to those endorsed by the International Hunter Education Association or the Association of Fish and Wildlife Agencies.
- (2) Upon the successful completion of a recognized course established under this rule, the trainee shall receive a hunter education certificate according to policies and procedures approved by the Department. This certificate is evidence of successful completion of the prescribed course of study and shall satisfy the requirements of O.C.G.A. § [27-2-5](#).
- (3) The Department may accept similar certificates issued outside the State for completion of a course that meets educational standards established by a national governing body for hunter education such as the International Hunter Education Association or the Association of Fish and Wildlife Agencies, as valid for the requirements of this section that persons have successfully completed firearm safety, hunter education, or similar courses as evidence of compliance with O.C.G.A. § [27-2-5](#).
- (4) Classroom courses shall be free of charge to participants with the exception that volunteers may charge nominal fees, in accordance with policies established by the Department, to cover training costs such as facility fees or instructional supplies. The Department may charge participants for special training courses, home study, equivalency testing, educational materials, and other programs as approved by the Department.
- (5) The Department may offer an online or electronic course of instruction under the hunter education program in hunter ethics, wildlife laws and regulations, and competency and safety in the handling of firearms provided that such course meets educational standards established by a national governing body for hunter education including but not limited to those endorsed by the International Hunter Education Association or the Association of Fish and Wildlife Agencies.
- (6) The Wildlife Resources Division Director is authorized to issue a conditional hunter education certificate to a resident with developmental disabilities as defined in O.C.G.A. § [37-1-1](#).

- (7) A resident with developmental disabilities shall be required to complete the hunter education course as provided in § [27-2-5](#) in the presence of a licensed adult, but is not required to attain a particular score on the course examination or take the course more than once.
- (8) A person issued a conditional hunter education certificate shall be accompanied by an adult at least twenty-five (25) years of age or older, while the individual with the developmental disability is hunting. The accompanying adult shall have a valid hunting license unless otherwise license exempt while hunting.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.05

Authority: O.C.G.A. § [27-2-5](#).

History. Original Rule entitled "Possession of Firearms" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule of same title adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: New Rule entitled "Unprotected Species" adopted. F. Sept. 14, 1977; eff. Oct. 4, 1977.

Repealed: F. May 29, 2001; eff. June 18, 2001.

Adopted: New Rule entitled "Hunter Education Courses." F. June 4, 2019; eff. June 24, 2019.

Rule 391-4-2-.06. Hunter Education Instructors.

- (1) An employee or volunteer of the department may become a hunter education instructor upon satisfactory completion of an instructor led training program administered or approved by the department.
- (2) Persons or agencies authorized to administer a recognized course of hunter instruction shall submit to the Department a list of all persons who have successfully completed the course of instruction in accordance with the department's hunter education instructor handbook.
- (3) Volunteer and staff instructors must have a valid Georgia hunter education instructor certificate on record at the time they conduct a course.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.06

Authority: O.C.G.A. § [27-2-5](#).

History. Original Rule entitled "Transportation of Loaded Firearms" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule of same title adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: New Rule entitled "Importation of Wildlife" adopted. F. Sept. 14, 1977; eff. Oct. 4, 1977.

Repealed: F. May 29, 2001; eff. June 18, 2001.

Adopted: New Rule entitled "Hunter Education Instructors." F. June 4, 2019; eff. June 24, 2019.

Rule 391-4-2-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.07

Authority: O.C.G.A. Sec. [27-1-4](#).

History. Original Rule entitled "Firearms on Archery Hunts" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule of same title adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: New Rule entitled "Fur, Hide and Pelt Reports" adopted. F. Sept. 14, 1977; eff. Oct. 4, 1977.

Repealed: F. May 29, 2001; eff. June 18, 2001.

Rule 391-4-2-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.08

Authority: O.C.G.A. Secs. [27-1-4](#), [27-2-5](#).

History. Original Rule entitled "Closed Areas" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule of same title adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: New Rule entitled "Exportation of Furs, Hides or Pelts" adopted. F. Sept. 14, 1977; eff. Oct. 4, 1977.

Repealed: F. May 29, 2001; eff. June 18, 2001.

Rule 391-4-2-.09. General.

- (1) Hunting seasons or dates on lands within the boundaries of wildlife management areas, other department managed lands, State or Federal Wildlife Refuges, and military reservations may not coincide with statewide, regional, local or general seasons or regulations unless so stated pursuant to [391-4-2-.70](#) through [391-4-2-.73](#).
- (2) It is unlawful to hunt any wildlife on that portion of Morgan Falls Lake (Bull Sluice) impoundment lying within Fulton County and that portion lying within Willeo Creek.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.09

Authority: Authority O.C.G.A. Secs. [27-1-4](#).

History. Original Rule entitled "Game Management Areas" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule of same title adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: New Rule entitled "General" adopted. F. Sept. 14, 1977; eff. Oct. 4, 1977.

Amended: F. Aug. 30, 1990; eff. Sept. 19, 1990.

Amended: F. May 29, 2001; eff. June 18, 2001.

Repealed: New Rule of same title adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Rule 391-4-2-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.10

Authority: O.C.G.A. Secs. [27-1-4](#), [27-3-24](#) and [40-7-5](#).

History. Original Rule entitled "State and Federal Parks" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule of same title adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.
Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.
Repealed: New Rule entitled "General Regulations for All Management Areas" adopted. F. Sept. 14, 1977; eff. Oct. 4, 1977.
Repealed: New Rule entitled "General Regulations on All Management Areas" adopted. F. July 26, 1979; eff. August 15, 1979.
Repealed: New Rule of same title adopted. F. July 29, 1980; eff. August 18, 1980.
Repealed: New Rule of same title adopted. F. Aug. 10, 1981; eff. Aug. 30, 1981.
Repealed: New Rule of same title adopted. F. July 6, 1982; eff. July 26, 1982.
Repealed: New Rule of same title adopted. F. July 25, 1983; eff. August 14, 1983.
Repealed: New Rule of same title adopted. F. July 30, 1984; eff. August 19, 1984.
Repealed: New Rule of same title adopted. F. July 17, 1985; eff. August 6, 1985.
Repealed: New Rule of same title adopted. F. July 31, 1986; eff. August 20, 1986.
Repealed: New Rule of same title adopted. F. July 16, 1987; eff. August 5, 1987.
Repealed: New Rule of same title adopted. F. July 15, 1988; eff. August 4, 1988.
Amended: F. July 17, 1989; eff. August 6, 1989.
Amended: F. July 24, 1990; eff. August 13, 1990.
Amended: F. July 17, 1991; eff. August 6, 1991.
Amended: F. June 5, 1992; eff. June 25, 1992.
Amended: F. June 3, 1993; eff. June 23, 1993.
Amended: F. June 2, 1994; eff. June 22, 1994.
Amended: F. May 25, 1995; eff. June 14, 1995.
Amended: F. May 30, 1996; eff. June 19, 1996.
Amended: F. June 2, 1997; eff. June 22, 1997.
Amended: F. May 21, 1998; eff. June 10, 1998.
Repealed: New Rule entitled "General Regulations on All Wildlife Management Areas" adopted. F. May 29, 2001; eff. June 18, 2001.
Amended: F. May 30, 2003; eff. June 19, 2003.
Amended: F. May 24, 2007; eff. June 13, 2007.
Amended: F. May 27, 2009; eff. June 16, 2009.
Repealed: New Rule of same title adopted. F. June 1, 2011; eff. June 21, 2011.
Repealed: F. Jun. 13, 2013; eff. July 3, 2013.

Rule 391-4-2-.11. Quota Hunts.

- (1) Applicants for department administered quota hunts shall complete an online application provided by the department, except as otherwise instructed in Rule [391-4-2-.70](#).
- (2) Only selected applicants may hunt, except that selected applicants for waterfowl, quail, and rabbit may bring no more than two hunting guests; selected parties for dog-deer may bring no more than eighteen hunting guests; selected applicants for a dog-bear hunt may bring no more than nine guests, and selected applicants for dog-feral hog may bring no more than four hunting guests. The individual selected for the hunt shall be present except that only one member of a selected dog-deer party must be present, and may designate up to eighteen hunting guests at check-in on the day of the hunt.
- (3) The total hunting party size shall not exceed 5 for deer, State Park, dove, 10 for dog-bear hunts and feral hog hunts; 20 for dog-deer hunts; and 3 for alligator and turkey quota hunts unless otherwise specified in Rule [391-4-2-.70](#).

- (4) Only persons aged sixteen (16) years or less may apply for Youth hunts.
- (5) An individual shall not participate in more than 3 quail quota hunts in a single season.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.11

Authority: O.C.G.A. § [27-1-4](#).

History. Original Rule entitled "Reporting Kill" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule of same title adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: New Rule entitled "Quota Hunts: Computer Drawing" adopted. F. Sept. 14, 1977; eff. Oct. 4, 1977.

Repealed: New Rule entitled "Quota Hunts" adopted. F. July 25, 1983; eff. August 14, 1983.

Repealed: New Rule of same title adopted. F. July 30, 1984; eff. August 19, 1984.

Repealed: New Rule of same title adopted. F. July 17, 1985; eff. August 6, 1985.

Amended: F. June 5, 1992; eff. June 25, 1992.

Amended: F. June 3, 1993; eff. June 23, 1993.

Amended: F. June 2, 1994; eff. June 22, 1994.

Amended: F. May 25, 1995; eff. June 14, 1995.

Amended: F. June 2, 1997; eff. June 22, 1997.

Amended: F. May 21, 1998; eff. June 10, 1998.

Amended: F. April 30, 1999; eff. May 20, 1999.

Amended: F. May 29, 2001; eff. June 18, 2001.

Repealed: New Rule of same title adopted. F. May 30, 2003; eff. June 19, 2003.

Repealed: New Rule of same title adopted. F. Aug. 25, 2006; eff. Sept. 14, 2006.

Repealed: New Rule of same title adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. May 26, 2015; eff. June 15, 2015.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Repealed: New Rule of same title adopted. F. June 4, 2019; eff. June 24, 2019.

Rule 391-4-2-.12. Trapping.

- (1) The trapping season for raccoon, mink, otter, fox, opossum, muskrat, skunk, bobcat and weasel is December 1 through the last day of February except that on private lands not managed by the department there is no closed season on trapping of beaver, coyotes, opossum, and raccoon.
- (2) Within thirty (30) days after the close of trapping season, all trappers must report to the department in writing the number of furs, hides or pelts which have been taken during the open season. Completion of the annual trapping survey distributed by the department satisfies the reporting requirements herein.
- (3) All bobcats and otters trapped in Georgia and exported out of Georgia shall be tagged with a department-provided Federal Export Tag. The tag must be attached to the hide or carcass no later than thirty (30) days after closure of trapping season.
- (4) Snares may be used for trapping beaver provided that snares are set in water or on land within ten (10) feet of water, including swamps, marshes, and tidal areas. All snares must be marked with the trapper's name or identification number.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.12

Authority: O.C.G.A. §§ [27-1-4](#), [27-3-8](#), [27-3-62](#).

History. Original Rule entitled "Tagging Game" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule of same title adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: New Rule entitled "Trapping" adopted. F. Sept. 14, 1977; eff. Oct. 4, 1977.

Repealed: New Rule of same title adopted. F. July 26, 1979; eff. August 15, 1979.

Repealed: New Rule of same title adopted. F. July 29, 1980; eff. August 18, 1980.

Repealed: New Rule of same title adopted. F. July 6, 1982; eff. July 26, 1982.

Amended: F. July 25, 1983; eff. August 14, 1983.

Amended: F. June 5, 1992; eff. June 25, 1992.

Amended: F. May 29, 2001; eff. June 18, 2001.

Amended: F. June 16, 2005; eff. July 6, 2005.

Amended: F. Jun. 1, 2011; eff. Jun. 21, 2011.

Repealed: New Rule of same title adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Amended: F. June 22, 2022; eff. July 12, 2022.

Rule 391-4-2-.13. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.13

Authority: O.C.G.A. § [27-1-4](#).

History. Original Rule entitled "Proof of Sex of Deer" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule of same title adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: F. Sept. 14, 1977; eff. Oct. 4, 1977.

Amended: New Rule entitled "Wildlife Management Area Stamp" adopted. F. Jan. 4, 1980; eff. Jan. 24, 1980.

Repealed: New Rule of same title adopted. F. July 29, 1980; eff. August 18, 1980.

Amended: ER. 391-4-2-0.12-.13 adopted. F. Mar. 30, 1987; eff. Mar. 25, 1987, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.

Amended: F. July 16, 1987; eff. August 5, 1987.

Amended: ER. 391-4-2-0.22-.13 adopted. F. Feb. 28, 1992; eff. Feb. 26, 1992, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.

Amended: Permanent Rule adopted. F. Mar. 16, 1992; eff. Apr. 5, 1992.

Amended: F. May 25, 1995; eff. June 14, 1995.

Repealed: New Rule entitled "Wildlife Management Area License" adopted. F. May 29, 2001; eff. June 18, 2001.

Repealed: New Rule of same title adopted. F. Aug. 28, 2001; eff. Sept. 17, 2001.

Repealed: New Rule of same title adopted. F. May 27, 2009; eff. June 16, 2009.

Repealed: New Rule of same title adopted. F. Sept. 8, 2009; eff. Sept. 28, 2009.

Repealed: F. June 4, 2019; eff. June 24, 2019.

Rule 391-4-2-.14. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.14

Authority: O.C.G.A. Secs. [27-1-4](#) and [27-2-7](#).

History. Original Rule entitled "Maximum Limits" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule entitled "Taking Deer in Lakes or Streams" adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: F. Sept. 14, 1977; eff. Oct. 4, 1977.

Amended: New Rule entitled "Regulations on Private Lands on Management Areas" adopted. F. July 26, 1979; eff. August 15, 1979.

Repealed: F. July 16, 1987; eff. August 5, 1987.

Amended: New Rule entitled "Florida Resident Senior Citizen Hunting and Fishing Certificate" adopted. F. July 15, 1988; eff. August 4, 1988.

Amended: Rule retitled "Florida Resident Senior Citizen Hunting and Fishing Certificate, Seven Day Florida Hunting License, and Season Florida Hunting License". F. July 24, 1990; eff. August 13, 1990.

Amended: ER. 391-4-2-0.23-.14 adopted. F. Feb 28, 1992; eff. February 26, 1992, the date of adoption.

Amended: Permanent Rule adopted. F. Mar. 16, 1992; eff. Apr. 5, 1992.

Amended: F. June 3, 1993; eff. June 23, 1993.

Repealed: New Rule of same title adopted. F. May 29, 2001; eff. June 18, 2001.

Repealed: New Rule of same title adopted. F. May 30, 2003; eff. June 19, 2003.

Repealed: F. Jun. 13, 2013; eff. July 3, 2013.

Rule 391-4-2-.15. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.15

Authority: O.C.G.A. Secs. [27-1-4](#).

History. Original Rule entitled "Taking or Attempting to Take Deer in Lakes or Streams" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule entitled "Taking Deer in Lakes or Streams" adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule entitled "Wanton Waste" adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule of same title adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed. Filed September 14, 1977; effective October 4, 1977.

Amended: Rule entitled "Morgan Falls and Lake Sinclair" adopted. Filed August 10, 1981; effective August 30, 1981.

Amended: Rule repealed, and a new Rule entitled "Morgan Falls, Lake Sinclair and Big Hammock Natural Area" adopted. Filed July 30, 1984; effective August 19, 1984.

Amended: Filed July 16, 1987, effective August 5, 1987.

Amended: F. Jun. 2, 1994, eff. Jun. 22, 1994.

Repealed: F. Jun. 13, 2013; eff. July 3, 2013.

Rule 391-4-2-.16. Possession of Non-game Nonprotected Wildlife.

It shall be unlawful to possess live coyotes, armadillos, groundhogs, and beaver except as provided in O.C.G.A. [27-2-12](#), 27-213, and [27-2-22](#). Coyotes may be held live in accordance with the same provisions for live fox as provided in O.C.G.A. [27-2-22.1](#), except coyotes trapped for sale to commercial fox hunting preserves may be held at any time for up to five days until sold.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.16

Authority: Ga. L. 1997, p. 396; O.C.G.A. Sec. [27-1-4](#), [27-1-28](#).

History. Original Rule entitled "Wanton Waste" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new rule entitled "Game Birds" adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule of the same title adopted. Filed August 5, 1976; effective August 25,

1976.

Amended: Rule repealed. Filed September 14, 1977; effective October 4, 1977.

Amended: Rule entitled "Firearms for Hunting Fetal Hogs" adopted. Filed July 6, 1982; effective July 26, 1982.

Repealed: New Rule entitled "Possession of Nongame Nonprotected Wildlife, adopted. F. Jun. 3, 1993; eff. Jun. 23, 1993.

Amended: F. May 25, 1995; eff. June 14, 1995.

Rule 391-4-2-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.17

Authority: O.C.G.A. Secs. [27-1-4](#).

History. . Original Rule entitled "Game Animals" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule entitled "Game Birds" adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: F. Sept. 14, 1977; eff. Oct. 4, 1977.

Amended: New Rule entitled "Use of Crossbows for Hunting" adopted. F. June 2, 1994; eff. June 22, 1994.

Amended: F. May 29, 2001; eff. June 18, 2001.

Repealed: F. June 4, 2002; eff. June 24, 2002.

Amended: New Rule entitled "Hunting Deer With Dogs" adopted. F. Sept. 2, 2003; eff. Sept. 22, 2003.

Amended: F. Aug. 25, 2006; eff. Sept. 14, 2006.

Repealed: F. Jun. 13, 2013; eff. July 3, 2013.

Rule 391-4-2-.18. Confinement of White-tailed Deer.

- (1) Definitions. As used in these Rules and Regulations, the following term is defined as follows:
 - (a) "Confine" is to capture, possess or impede free egress of white-tailed deer with a fenced enclosure on an area less than 640 contiguous acres.
 - (b) "Contiguous" means a single unit of land that shall not be transected by public roads, creeks, rivers, or rights-of-way of public service corporations.
- (2) It shall be unlawful to confine live white-tailed deer in an enclosure less than 640 contiguous acres except as permitted in O.C.G.A. § [27-2-12](#), § [27-2-13](#), AND § [27-2-22](#) and in enclosures more than 300 but less than 640 acres registered with the Department of Natural Resources as required in paragraph (5).
- (3) White-tailed deer shall be considered to be confined in an enclosure where any portion of the fence is equal to or exceeds six feet in total height. Such fencing includes but is not limited to game fencing, high fencing, deer-proof fencing, game-proof fencing, high tensile wire, woven wire, red top, hog wire or electric wires.
- (4) Anyone installing a high-fence (6 feet or higher) that encloses a contiguous land area less than 640 acres must either ensure:

- (a) that no deer are captured, on purpose or inadvertently, inside the enclosure;
 - (b) that multiple ground-level locations are provided on all sides of an enclosure for deer to egress; or
 - (c) that no less than 25% of the total length of the fence is 4 feet in height or less.
- (5) Owners of existing enclosures which confine white-tailed deer on more than 300 but less than 640 contiguous acres must register the site with the Department of Natural Resources within ninety days after the effective date of this regulation. No such enclosure shall be eligible for registration unless it is complete requiring no further expenditure of labor or material. Any enclosure registered with the Department of Natural Resources must be maintained for the registration to remain in effect. If any registered enclosure suffers damage through neglect or due to natural causes and ceases to be effective in confining white-tailed deer for a period exceeding ninety days, the registration becomes invalid and the enclosure cannot be renovated or repaired in the future for the purpose of confining white-tailed deer.
- (6) In the event that a parcel of property including an enclosure, or an enclosure itself, as herein described is sold or transfer of ownership is effected, the new owner shall re-register such enclosure with the Department of Natural Resources within ninety days after the effective date of such sale or transfer.
- (7) It is unlawful to construct any mound, platform, one-way door, one-way gate, or other device designed to allow white-tailed deer into an enclosed area regardless of size of the enclosure.
- (8) Upon registration, the owner or his registering agent shall provide a means of access to the enclosure to law enforcement personnel of the Department of Natural Resources to allow them to exercise their authority to enforce all Game and Fish laws and regulations.
- (9) The provisions of paragraphs (2), (3) and (4) shall not apply to local, state or federally-owned public lands or airport authority on which fences are erected to protect public health, safety or national security.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.18

Authority: O.C.G.A. Sec. [27-1-4](#).

History. Original Rule entitled "Game Birds" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule entitled "Fur Bearing Animals" adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: F. Sept. 14, 1977; eff. Oct. 4, 1977.

Amended: New Rule entitled "Confinement of White-tailed Deer" adopted. F. June 2, 1997; eff. June 22, 1997.

Repealed: New Rule of same title adopted. F. May 30, 2003; eff. June 19, 2003.

Repealed: New Rule of same title adopted. F. June 16, 2005; eff. July 6, 2005.

Rule 391-4-2-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.19

Authority: Ga. L. 1977, p. 396.

History. Original Rule entitled "Fur Bearing Animals" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule entitled "Totally Protected Species" adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule of same title adopted. Filed August 6, 1976; effective August 25, 1976.

Amended: Rule repealed. Filed September 14, 1977; effective October 4, 1977.

Rule 391-4-2-.20. General Regulations for Hunting Alligators.

- (1) It is unlawful to:
 - (a) hunt alligators except for hunters with a valid alligator harvest permit issued by the department for such purpose and except for assistants directly accompanying the alligator harvest permit holder if the assistant has in their possession a required valid license to hunt.
 - (b) transfer an alligator harvest permit to another person.
 - (c) hunt alligators in any management zone or any harvest period not designated on the alligator harvest permit.
 - (d) to fail to affix a department issued CITES (Convention on the International Trade in Endangered Species) tag to an alligator carcass as specified by the department in the manner specified by the department.
 - (e) transfer a CITES tag to another person or use a CITES tag more than once.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.20

Authority: O.C.G.A. §§ [27-1-4](#), [27-3-15](#), [27-3-19](#).

History. Original Rule entitled "Totally Protected Species" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule entitled "Unprotected Species" adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule of same title adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed. Filed September 14, 1977; effective October 4, 1977.

Adopted: New Rule entitled "General Regulations for Hunting Alligators." F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. June 4, 2019; eff. June 24, 2019.

Repealed: New Rule of same title adopted. F. May 27, 2020; eff. June 16, 2020.

Rule 391-4-2-.21. Alligator Seasons, Zones, Quotas and Limits.

- (1) The open season for alligators is from sunset on the day immediately preceding the 3rd Saturday in August through sunrise the day immediately following the 1st Sunday in October for persons in possession of a valid alligator harvest permit only.
- (2) The bag limit on alligators is one (1), greater than or equal to forty-eight (48) inches in length as measured from the end of the snout to the tip of the tail, per season, except that in Zone 1A only alligators greater than or equal to ninety-six (96) inches in length as measured from the end of the snout to the tip of the tail may be taken.
- (3) For the purpose of hunting alligators, the State is divided into eleven hunting zones with established quotas:

ZONE	COUNTY	QUOTA
1	Calhoun, Chattahoochee, Clay, Early, Harris, Marion, Muscogee, Quitman, Randolph, Stewart, Talbot, Terrell, and Webster Cos.	35
1A	Lake Walter F. George	30
2	Baker, Decatur, Grady, Miller, Mitchell, and Seminole Cos.	220
3	Crawford, Crisp, Dooly, Dougherty, Houston, Lee, Macon, Monroe, Peach, Schley, Sumter, Taylor, Upson, and Worth Cos.	60
4	Berrien, Brooks, Colquitt, Cook, Irwin, Lanier, Lowndes, Thomas, Tift, and Turner Cos.	85
5	Baldwin, Ben Hill, Bibb, Bleckley, Coffee, Dodge, Jeff Davis, Jones, Laurens, Montgomery, Pulaski, Telfair, Treutlen, Twiggs, Wheeler, Wilcox, and Wilkinson Cos.	100
6	Atkinson, Bacon, Brantley, Camden, Charlton, Clinch, Echols, Pierce and Ware Cos.	80
7	Appling, Glynn, Long, McIntosh, Tattnall, Toombs, and Wayne Cos.	150
8	Bryan, Bulloch, Candler, Chatham (excluding the Bradley River, Cane Patch Creek, and Rush Creek areas located within the boundaries of Ossabaw Island), Effingham, Evans, and Liberty Cos.	160
8A	Fort Stewart	30
9	Burke, Columbia, Emanuel, Glascock, Hancock, Jefferson, Jenkins, Johnson, McDuffie, Richmond, Screven, Warren, and Washington Cos.	80

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.21

Authority: O.C.G.A. §§ [27-1-4](#), [27-2-6](#), [27-3-15](#).

History. Original Rule entitled "Unprotected Species" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule entitled "Possession, Sale or Transportation of Alligators and Their Hides" adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: F. Sept. 14, 1977; eff. Oct. 4, 1977.

Adopted: New Rule entitled "Alligator Seasons, Zones, Quotas and Limits." F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. May 26, 2015; eff. June 15, 2015.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Repealed: New Rule of same title adopted. F. May 27, 2020; eff. June 16, 2020.

Rule 391-4-2-.22. Bear.

- (1) Bears may be taken with archery equipment during the statewide archery deer season, with primitive weapons during the statewide primitive weapons deer season, and with firearms during the statewide firearms deer season in Barrow, Carroll, DeKalb, Fulton, Gwinnett, Hart, Jackson, Madison, and Walton counties and all counties north of these counties except that county specific weapons restrictions enumerated in [391-4-2-.25](#) and [391-4-2-.26](#) shall apply to bear hunting in such counties. Youth under 16 years of age may hunt bear with any firearm legal for hunting deer during the northern zone primitive weapons season for bears.
- (2) Bears harvested in the counties specified in subsection (1) must be reported within 24 hours of carcass recovery pursuant to [391-4-2-.03](#). The entire hide and skull of any harvested bear shall be taken during normal business hours to any Game Management facility listed as open for bear check-in in the annual Hunting Seasons and Regulations guide for tagging by the department within 3 business days of harvest.
- (3) Bears may be taken in Brantley, Camden, Charlton, Clinch, Echols, Lanier, Lowndes and Ware counties on the last two (2) Thursdays of September and the Friday and Saturday immediately following each, and the first two (2) Thursdays of October and the Friday and Saturday immediately following each. Hunting with dogs is allowed except that still hunting only is allowed in Lanier and Lowndes counties. Bears must be checked and tagged at the Georgia Forestry Commission Office at Fargo, the Georgia Forestry Commission Office at Folkston, or the Dixon Memorial check station during the hours and dates listed as open for bear check-in in the annual Hunting Seasons and Regulations guide.
- (4) Bears may be taken in Bibb, Bleckley, Houston and Twiggs counties on the third Saturday in December. Hunting with dogs is prohibited. Bears must be checked and tagged at the Oaky Woods WMA check station from 12 noon through 9 p.m. on the day of hunt.
- (5) It is unlawful to kill a female with cubs or kill a cub having a live weight of less than 75 pounds.
- (6) It is unlawful to possess a bear unless it is reported and tagged as stated in subsections (1), (2) and (3) above.
- (7) Bag limit 2; provided, however, that an individual may take no more than 1 bear per season from Bibb, Brantley, Bleckley, Camden, Charlton, Clinch, Echols, Houston, Lanier, Lowndes, Twiggs or Ware counties.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.22

Authority: O.C.G.A. §§ [27-1-4](#), [27-3-15](#), [27-3-26](#).

History. Original Rule entitled "Possession, Sale or Transportation of Alligators and Their Hides" was filed on October 19, 1973; effective November 6, 1973.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule entitled "Importation of Wildlife" adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule of same title adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed. Filed September 14, 1977; effective October 4, 1977.

Adopted: New Rule entitled "Bear." F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. May 26, 2015; eff. June 15, 2015.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Repealed: New Rule of same title adopted. F. June 4, 2019; eff. June 24, 2019.

Repealed: New Rule of same title adopted. F. June 26, 2019; eff. July 16, 2019.

Amended: F. June 7, 2021; eff. June 27, 2021.

Rule 391-4-2-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.23

Authority: Ga. L. 1977, p. 396.

History. Original Rule entitled "Importation of Wildlife" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule entitled "Fur, Hide, and Pelt Reports" adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule of same title adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed. Filed September 4, 1977; effective October 4, 1977.

Rule 391-4-2-.24. General Regulations for Hunting Deer.

- (1) Except as otherwise provided in this Rule 391-4-2-.24, the season bag limit shall be 10 antlerless deer and 2 antlered bucks per hunter. One of the antlered bucks must have at least 4 points, one inch or longer, on one side of the antlers or a minimum outside antler spread of fifteen (15) inches.
- (2) Deer harvested on public land during bonus deer hunts do not count toward the statewide bag limit when such deer are tagged with department issued single-use tags.
- (3) Still hunting for deer is permitted in any area at any time during the legal season for hunting deer with dogs.
- (4) In Dooly and Macon Cos., antlered bucks may be taken on private land only if they have a minimum outside antler spread of fifteen (15) inches.
- (5) In Hancock, Harris, Meriwether, Montgomery, Randolph, Talbot, and Troup Cos., antlered bucks may be taken on private land only if they have a minimum of 4 antler points 1 inch or longer on one side of the antlers or a minimum outside antler spread of fifteen (15) inches.

- (6) In accordance with O.C.G.A. Sec [27-3-15\(a\) and \(b\)](#), the department is authorized to prescribe property-specific harvest objectives, based solely on sound wildlife management principles, relating to bag limit and season on properties enrolled in a deer management assistance program as established by the department.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.24

Authority: O.C.G.A. §§ [27-1-4](#), [27-3-15](#).

History. Original Rule entitled "Fur, Hide, and Pelt Reports" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule entitled "Exportation of Furs, Hides, or Pelts" adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule of same title adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed. Filed September 14, 1977; effective October 4, 1977.

Adopted: New Rule entitled "General Regulations for Hunting Deer." F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. May 26, 2015; eff. June 15, 2015.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Repealed: New Rule of same title adopted. F. June 28, 2018; eff. July 18, 2018.

Repealed: New Rule of same title adopted. F. June 4, 2019; eff. June 24, 2019.

Repealed: New Rule of same title adopted. F. Aug. 27, 2019; eff. Sept. 16, 2019.

Amended: F. June 7, 2021; eff. June 27, 2021.

Rule 391-4-2-.25. Archery Deer Hunting.

- (1) Deer of either sex may be taken with archery equipment in all counties of the state from the second (2nd) Saturday in September through the last day of firearms deer season, except as may otherwise be specified.
- (2) Deer of either sex may be taken with archery equipment in Barrow, Bibb, Chatham, Cherokee, Clarke, Clayton, Cobb, Columbia, Decatur, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Muscogee, Paulding, Rockdale, and Seminole counties from the second (2nd) Saturday in September through the last day of January.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.25

Authority: O.C.G.A. §§ [27-1-4](#), [27-3-15](#).

History. Original Rule entitled "Exportation of Furs, Hides, or Pelts" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule entitled "Use of Electronic Devices for Calling Fox Prohibited" adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule of same title adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed. Filed September 14, 1977; effective October 4, 1977.

Adopted: New Rule entitled "Archery Deer Hunting." F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Repealed: New Rule of same title adopted. F. June 4, 2019; eff. June 24, 2019.

Amended: F. June 7, 2021; eff. June 27, 2021.

Rule 391-4-2-.26. Primitive Weapons Deer Hunting.

Deer of either sex may be taken with primitive weapons in all counties except Clayton, Cobb, DeKalb and that portion of Fulton Co. lying north of Georgia Highway 92, from the first Saturday after Oct. 8 through the following Friday.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.26

Authority: O.C.G.A. Secs. [27-1-4](#), [27-3-15](#).

History. Original Rule entitled "Use of Electronic Devices for Calling Fox Prohibited" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule entitled "Use of Drugs, Poisons, Chemicals, Smoke, Gas or Explosives to Take Game" adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule entitled "Use of Drugs, Poisons, Chemicals, Smoke, Gas or Explosives and Electronic Communication Equipment to Take Game" adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: New Rule entitled "Deer Statewide (Archery)" adopted. F. Sept. 14, 1977; eff. Oct. 4, 1977.

Repealed: New Rule entitled "Deer Northern and Southern Zone (Archery)" adopted. F. Sept. 6, 1978; eff. Sept. 26, 1978.

Repealed: New Rule entitled "Deer" adopted. F. July 26, 1979; eff. August 15, 1979.

Repealed: New Rule of same title adopted. F. July 29, 1980; eff. August 18, 1980.

Repealed: New Rule of same title adopted. F. Aug. 10, 1981; eff. Aug. 30, 1981.

Repealed: New Rule of same title adopted. F. July 6, 1982; eff. July 26, 1982.

Repealed: New Rule of same title adopted. F. July 25, 1983; eff. August 14, 1983.

Repealed: New Rule of same title adopted. F. July 30, 1984; eff. August 19, 1984.

Amended: F. Oct. 4, 1984; eff. Oct. 24, 1984.

Repealed: New Rule of same title adopted. F. July 17, 1985; eff. August 6, 1985.

Repealed: New Rule of same title adopted. F. July 31, 1986; eff. August 20, 1986.

Repealed: New Rule of same title adopted. F. July 16, 1987; eff. August 5, 1987.

Amended: F. July 15, 1988; eff. August 4, 1988.

Amended: F. July 17, 1989; eff. August 6, 1989.

Amended: F. July 24, 1990; eff. August 13, 1990.

Amended: F. July 17, 1991; eff. August 6, 1991.

Amended: F. June 5, 1992; eff. June 25, 1992.

Amended: F. June 3, 1993; eff. June 23, 1993.

Amended: F. June 2, 1994; eff. June 24, 1994.

Amended: F. May 25, 1995; eff. June 14, 1995.

Amended: F. May 30, 1996; eff. June 19, 1996.

Amended: F. June 2, 1997; eff. June 22, 1997.

Amended: F. May 21, 1998; eff. June 10, 1998.

Amended: F. Apr. 30, 1999; eff. May 20, 1999.

Amended: F. June 1, 2000; eff. June 21, 2000.

Amended: F. May 29, 2001; eff. June 18, 2001.

Repealed: New Rule of same title adopted. F. June 4, 2002; eff. June 24, 2002.

Amended: F. May 30, 2003; eff. June 19, 2003.

Amended: F. June 16, 2005; eff. July 6, 2005.

Amended: F. May 24, 2007; eff. June 13, 2007.

Amended: F. May 27, 2009; eff. June 16, 2009.

Amended: F. Jun. 1, 2011; eff. Jun. 21, 2011.

Repealed: New Rule entitled "Primitive Weapons Deer Hunting" adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Rule 391-4-2-.27. Firearms Deer Hunting.

- (1) Deer may be taken statewide with firearms authorized by law in accordance with the counties, sex, and seasons set forth below, except as otherwise specified. Deer of either sex may be taken with archery equipment any day during open firearms deer season, except as otherwise specified.

COUNTY	SEX	SEASON
(a) All counties, except Clayton, Cobb, DeKalb, that portion of Forsyth lying south of GA Hwy 20, that portion of Fulton lying north of GA Hwy 92 and that portion of Glynn lying within Jekyll Island. In that portion of Forsyth lying south of GA Hwy 20, only shotguns and muzzleloaders may be used.	Antlered Bucks	First Saturday after Oct. 15 through the second Sunday in January.
(b) Baker, Ben Hill, Bibb, Bleckley, Brooks, Burke, Calhoun, Candler, Chatham, Chattahoochee, Clarke, Clay, Colquitt, Columbia, Crisp, Decatur, Dodge, Dooly, Douglas, Dougherty, Early, Emanuel, Fayette, Forsyth, Fulton (South of Hwy. 92), Glascock, Grady, Gwinnett, Hall, Hancock, Harris, Henry, Houston, Irwin, Jefferson, Jenkins, Johnson, Laurens, Lee, Macon, Marion, Meriwether, Miller, Mitchell, Montgomery, Muscogee, Peach, Pulaski, Quitman, Randolph, Richmond, Rockdale, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Treutlen, Troup, Turner, Twiggs, Washington, Webster, Wheeler, Wilcox, Wilkinson, and Worth. In that portion of Forsyth lying south of GA Hwy 20, only shotguns and muzzleloaders may be used.	Either-sex	First Saturday after Oct. 15 through the second Sunday in January.
(c) Dawson, Gilmer, Habersham, Lumpkin, Murray, Pickens, Stephens, White, and Whitfield.	Either-sex	Nov. 22-28, 2021 and Jan. 1, 2022 & Nov. 21-27, 2022 and Jan. 1, 2023
(d) Fannin, Rabun, Towns, and Union.	Either-sex	Nov. 27-28, 2021 and Jan. 1, 2022 & Nov. 26-27, 2022 and Jan. 1, 2023
(e) Appling, Atkinson, Bacon, Berrien, Brantley, Bryan, Bulloch, Camden, Charlton, Clinch, Coffee, Cook, Echols, Effingham, Evans, Glynn (except that portion lying within Jekyll Island), Jeff Davis, Lanier, Liberty, Long, Lowndes, McIntosh, Pierce, Screven, Tattnall, Toombs, Ware, and Wayne	Either-sex	Oct. 18, 2021 - Jan. 9, 2022 & Oct. 24, 2022 - Jan. 8, 2023
(f) Baldwin, Banks, Barrow, Bartow, Butts, Catoosa, Carroll, Chattooga, Cherokee, Coweta, Crawford, Dade, Elbert, Floyd, Franklin, Gordon, Green, Jackson, Jasper,	Either-sex	Oct. 30 2021 - Jan. 9, 2022 &

Jones, Hall, Haralson, Hart, Heard, Lamar, Lincoln,
Madison, McDuffie, Monroe, Morgan, Newton, Oconee,
Oglethorpe, Paulding, Pike, Polk, Putnam, Spalding,
Taliaferro, Upson, Walker, Walton, Warren, Wilkes.

Nov. 5, 2022 -
Jan. 8, 2023

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.27

Authority: O.C.G.A. §§ [27-1-4](#), [27-3-15](#).

History. Original Rule entitled "Use of Drugs, Poisons, Chemicals, Smoke, Gas Explosives to Take Game" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: New Rule of same title adopted. F. July 22, 1974; eff. August 11, 1974.

Repealed: New Rule entitled "Training Dogs" adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule of same title adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: New Rule entitled "Deer Firearms Zone 1" adopted. F. Sept. 14, 1977; eff. Oct. 4, 1977.

Repealed: New Rule entitled "Deer Northern Zone (Firearms)" adopted. F. Sept. 6, 1978; eff. Sept. 26, 1978.

Repealed: New Rule entitled "Bobcat, Fox, Grouse, Opossum, Quail, Rabbit, Raccoon, Squirrel" adopted. F. July 26, 1979; eff. August 16, 1979.

Repealed: New Rule of same title adopted. F. July 29, 1980; eff. August 18, 1980.

Repealed: New Rule of same title adopted. F. Aug. 10, 1981; eff. Aug. 30, 1981.

Repealed: New Rule of same title adopted. F. July 6, 1982; eff. July 26, 1982.

Repealed: New Rule of same title adopted. F. July 25, 1983; eff. August 14, 1983.

Repealed: New Rule entitled "Fox, Grouse, Opossum, Quail, Rabbit, Raccoon, Squirrel, Bobcat" adopted. F. July 30, 1984; eff. August 19, 1984.

Repealed: New Rule of same title adopted. F. July 17, 1985; eff. August 6, 1985.

Amended: F. July 31, 1986; eff. August 20, 1986.

Repealed: New Rule of same title adopted. F. July 16, 1987; eff. August 5, 1987.

Repealed: New Rule of same title adopted. F. July 15, 1988; eff. August 4, 1988.

Amended: F. July 17, 1989; eff. August 6, 1989.

Amended: F. July 17, 1991; eff. August 6, 1991.

Amended: F. June 5, 1992; eff. June 25, 1992.

Amended: F. June 3, 1993; eff. June 23, 1993.

Amended: F. May 25, 1995; eff. June 14, 1995.

Amended: F. May 21, 1998; eff. June 10, 1998.

Repealed: New Rule of same title adopted. F. May 30, 2003; eff. June 19, 2003.

Repealed: New Rule entitled "Firearms Deer Hunting" adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. May 30, 2014; eff. June 19, 2014.

Repealed: New Rule of same title adopted. F. May 26, 2015; eff. June 15, 2015.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017

Repealed: New Rule of same title adopted. F. June 4, 2019; eff. June 24, 2019.

Amended: F. June 7, 2021; eff. June 27, 2021.

Rule 391-4-2-.28. Hunting Deer with Dogs.

- (1) Dogs may be used to hunt deer pursuant to O.C.G.A. § [27-3-17](#) in the following counties during the seasons set forth below:

COUNTY	SEASON
Baker, Brantley, Bryan, Bulloch, Burke, Calhoun, Camden, (a) Candler, Charlton, Chatham, Clinch, Decatur, Dougherty, Early, Echols, Effingham, Emanuel, Evans, Glynn (except that	First Saturday after Oct. 15 through

portion lying within Jekyll Island), Grady, Jenkins, that portion of Lanier lying east of the Alapaha River and southeast of US Hwy 221, Liberty, Long, McIntosh, that portion of Pierce lying southeast of US Hwy 84, and that portion lying northwest of US Hwy 84 and east of Scenic Drive, Screven, Seminole, Tattnall, Thomas, that portion of Ware lying south of US Hwy 82 and that portion lying north of US Hwy 82 and southeast of US Hwy 84, that portion of Washington lying north of GA Hwy 24, and that portion of Wayne lying north of US Hwy 341 and west of Beard's Bluff Road, north of GA Hwy 169 and southeast of US Hwy 84.

second Sunday in Jan.
First Saturday after Dec. 2 through second Sunday in Jan.

(b) Colquitt, Marion, Stewart, Terrell, and Webster

(c) That portion of Atkinson lying south of US Hwy 82, Jefferson, and that portion of Johnson lying east of GA Hwy 15.

Thanksgiving Day through second Sunday in Jan.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.28

Authority: O.C.G.A. Secs. [27-1-4](#), [27-3-15](#) and [27-3-17](#).

History. Original Rule entitled "Training Dogs" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule entitled "Field Trial Permits" adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule entitled "Taxidermist License and Requirements" adopted. Filed September 14, 1976; effective October 4, 1976.

Amended: Rule repealed and a new Rule entitled "Deer Firearms Zone II" adopted. Filed September 14, 1977; effective October 4, 1977.

Amended: Rule repealed and a new Rule entitled "Deer Southern Zone (Firearms)" adopted. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule repealed. Filed July 26, 1979; effective August 15, 1979.

Adopted: New Rule entitled "Hunting Deer with Dogs." F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. May 26, 2015; eff. June 15, 2015.

Rule 391-4-2-.29. Hunting Deer with Dogs, Permits and Violations.

(1) For purposes of administering O.C.G.A. Sec. [27-3-17](#) and issuance of permits, the following terms are defined:

(a) "Contiguous acres" means a single unit of land described on an application for a permit to hunt deer with dogs that may include multiple ownerships and may be transected by public roads, creeks, rivers, or rights-of-way of any public service corporation.

- (b) "Eligible tracts" are those tracts of real property that contain a minimum of 1000 contiguous acres or a minimum of 250 contiguous acres owned by the applicant; provided, however, that any eligible tract or any part thereof which was included in an application for a permit pursuant to this Chapter which has been the subject of a revocation or non-renewal pursuant to O.C.G.A. Sec. [27-2-25](#) shall not be eligible for inclusion in any subsequent application for a permit for a period up to 2 years regardless of a change in the name or membership of the applicant until the expiration period of revocation or non-renewal.
 - (c) "Hunting deer with dogs" includes the act of placing, releasing or in any other manner causing or procuring the cause of dog(s) to be, or attempting to be, in the pursuit of running, trailing or baying deer, whether such act results in a taking or attempted taking or not. Once the owner of the dog(s), his agents, or permittees place, release or otherwise cause dog(s) to be in the pursuit of running, trailing or baying deer, then the owner, his agents or permittees are deemed to be "hunting deer with dogs" until such time that the dog owner, his agents or permittees have regained physical possession and control of the dog(s), or the dog(s) have otherwise ceased in the pursuit or attempted pursuit of running, trailing or baying deer.
- (2) Permit applications are to include a written description of the eligible tract boundaries and associated acreage. Acceptable documents are limited to certified plats, recorded deeds, surveys, tax maps or notarized leases. Additionally, any person not included on the membership list provided with the application for the permit and hunting under the authority of the permit is considered a guest of the permittee and must possess written permission on his or her person from the permittee. Finally, permit applications are to be received by the department not less than 30 days prior to the first day for hunting deer with dogs on an eligible tract.
- (3) It is unlawful to:
- (a) enter or exit permitted property for any purpose other than points of access from public roads marked on the map without the express written permission of the adjacent landowner upon whose land entry or exit is made. The express written permission of the adjacent landowner or a copy thereof must be carried on the person making the entry or exit; or,
 - (b) fail to control hunting dogs to keep them on the permitted property; or,
 - (c) interfere with the right of any person to freely, and in an unrestricted manner, travel any public road or stream transecting or bordering the permitted property; or,
 - (d) violate any of the terms and/or conditions of a permit; or,

- (e) submit false information on a permit application. The submission of false information makes said permit invalid and persons hunting under authority of that permit may be considered hunting in violation of the laws, rules and regulations authorizing the hunting of deer with dogs.
- (4) A serious or habitual violation of laws, rules and regulations or conditions of a permit while engaged in deer hunting with dog activities on or commencing from permitted tracts provide justification for revocation and or denial of permitted activities.
- (5) The Commissioner, pursuant to O.C.G.A. Sec. [50-13-18\(c\)\(1\)](#) may, upon a finding that the public health, safety, or welfare imperatively requires emergency action, incorporate such a finding into his order and order a summary suspension of a permit pending proceedings for revocation or other action, which proceeding shall be promptly instituted and determined. Evidence of physical harm or threats of physical harm to adjacent landowners, interference with the free and unrestricted travel of public roads or streams, significant destruction of the property of adjacent landowners or multiple violations of a permit in a single season is sufficient for a finding that the public health, safety, or welfare imperatively requires emergency action.
- (6) Revocation or denial of a permit is for an eligible tract in its entirety, regardless of size, and remains in effect for a period of up to two years.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.29

Authority: O.C.G.A. §§ [27-1-4](#), [27-3-17](#).

History. Original Rule entitled "Field Trial Permits" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule entitled "Taxidermist Permits" adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule entitled "Trapping" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed and a new Rule entitled "Deer Firearms Zone III" adopted. Filed September 14, 1977; effective October 4, 1977.

Amended: Rule repealed and a new Rule entitled "Fox Statewide" adopted. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule repealed. Filed July 26, 1979; effective August 15, 1979.

Adopted: New Rule entitled "Permit Requirements for Hunting Deer with Dogs." F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. July 13, 2017; eff. August 2, 2017.

Amended: New title "Hunting Deer with Dogs, Permits and Violations." F. June 8, 2021; eff. June 28, 2021.

Rule 391-4-2-.30. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.30

Authority: O.C.G.A. § [27-1-4](#).

History. Original Rule entitled "Taxidermist Permits" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule entitled "Trapping" adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule entitled "General" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed and a new Rule entitled "Deer Firearms Zone IV" adopted. Filed September 14, 1977; effective October 4, 1977.

Amended: Rule repealed and a new Rule entitled "Bobcat Statewide" adopted. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule repealed. Filed July 26, 1979; effective August 15, 1979.

Adopted: New Rule entitled "Feral Hog Hunting Weapons." F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: F. June 4, 2019; eff. June 24, 2019.

Rule 391-4-2-.31. Fox, Grouse, Opossum, Quail, Rabbit, Raccoon, Squirrel, Bobcat.

- (1) The following species may be hunted in accordance with the areas, seasons, and daily bag limits set forth below, except as otherwise specifically provided herein:

Species	Area	Season	Bag Limit
(a) Bobcat	Statewide	Dec. 1 through last day in February	No Limit
(b) Fox	Statewide	Dec. 1 through last day in February	No Limit
(c) Grouse	Statewide	Oct. 15 through last day in February	Daily: 3
(d) Opossum	Department managed lands:	August 15 through the last day of February Jan. 1 - Dec. 31	No Limit
	All other lands:		No Limit
(e) Quail	Statewide	First Saturday after Nov. 11 through last day in February	Daily: 12
(f) Rabbit	Statewide	First Saturday after Nov. 11 through last day in February	Daily: 12
(g) Raccoon	Department managed lands:	August 15 through the last day of February Jan. 1 - Dec. 31	No Limit
	All other lands:		No Limit
(h) Squirrel	Statewide	August 15 through last day in February	Daily: 12

- (2) Hunting with dogs is allowed. Electronic calls may not be used for hunting fox and bobcats.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.31

Authority: O.C.G.A. §§ [27-1-4](#), [27-3-15](#).

History. Original Rule entitled "Trapping" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule entitled "Deer" adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule entitled "Deer Statewide (Archery)" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed and a new Rule entitled "Deer Firearms Zone V" adopted. Filed September 14, 1977; effective October 4, 1977.

Amended: Rule repealed and a new Rule entitled "Grouse Statewide" adopted. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule repealed. Filed July 26, 1979; effective August 15, 1979.

Adopted: New Rule entitled "Fox, Grouse, Opossum, Quail, Rabbit, Raccoon, Squirrel, Bobcat." F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Amended: F. June 22, 2022; eff. July 12, 2022.

Rule 391-4-2-.32. Turkey.

- (1) Turkeys may be taken from the first Saturday after March 26 through May 15 in all counties of the state.
- (2) The bag limit is 2 gobblers per hunter per season.
- (3) The daily bag limit is 1 gobbler per hunter.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.32

Authority: O.C.G.A. §§ [27-1-4](#), [27-3-15](#).

History. Original Rule entitled "Deer" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule entitled "Deer Firearms Zone I" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed and a new Rule entitled "Deer Firearms Zone VI" adopted. Filed September 14, 1977; effective October 4, 1977.

Amended: Rule repealed and a new Rule entitled "Opossum" adopted. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule repealed. Filed July 26, 1979; effective August 15, 1979.

Adopted: New Rule entitled "Turkey." F. Jun. 13, 2013; eff. July 3, 2013.

Amended: F. June 7, 2021; eff. June 27, 2021.

Rule 391-4-2-.33. Special Opportunity Turkey Season.

- (1) Mobility impaired persons, as defined in O.C.G.A. § [27-2-4.4\(a\)](#), and youth (not greater than 16 years of age) may take turkeys on the consecutive Saturday and Sunday immediately preceding the statewide open turkey season as prescribed in Rule [391-4-2-.32](#).
- (2) Not less than one (1) adult, at least 18 years of age, shall accompany any youth or mobility impaired person participating in this season but such adult may not take or attempt to take a turkey.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.33

Authority: O.C.G.A. Secs. [27-1-4](#), [27-2-4.4](#).

History. Original Rule entitled "Deer" was filed on October 19, 1973; effective November 8, 1973;

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule entitled "Deer Firearms Zone II" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed and a new Rule entitled "Deer Firearms Zone VII" adopted. Filed September 14, 1977; effective October 4, 1977.

Amended: Rule repealed and a new Rule entitled "Quail Statewide" adopted. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule repealed. Filed July 26, 1979; effective August 15, 1979.

Adopted: New Rule entitled "Special Opportunity Turkey Season." F. Aug. 28, 2013; eff. Sept. 17, 2013.

Rule 391-4-2-.34. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.34

Authority: Ga. L. 1977, p. 396.

History. Original Rule entitled "Deer" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule entitled "Deer Firearms Zone III" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed and a new Rule entitled "Fox Statewide" adopted. Filed September 14, 1977; effective October 4, 1977.

Amended: Rule repealed and a new Rule entitled "Rabbit Statewide" adopted. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule repealed. Filed July 26, 1979; effective August 15, 1979.

Rule 391-4-2-.35. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.35

Authority: Ga. L. 1977, p. 396.

History. Original Rule entitled "Deer" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule of the same title adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule entitled "Deer Firearms Zone IV" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed and a new Rule entitled "Bobcat Statewide" adopted. Filed September 14, 1977; effective October 4, 1977.

Amended: Rule repealed and a new Rule entitled "Raccoon" adopted. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule repealed. Filed July 26, 1979; effective August 15, 1979.

Rule 391-4-2-.36. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.36

Authority: Ga. L. 1977, p. 396.

History. Original Rule entitled "Deer" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.
Amended: Rule repealed and a new Rule of the same title adopted. Filed December 9, 1975; effective December 29, 1975.
Amended: Rule repealed and a new Rule entitled "Deer Firearms Zone V" adopted. Filed August 5, 1976; effective August 25, 1976.
Amended: Rule repealed and a new Rule entitled "Grouse Statewide" adopted. Filed September 14, 1977; effective October 4, 1977.
Amended: Rule repealed and a new Rule entitled "Squirrel" adopted. Filed September 6, 1978; effective September 26, 1978.
Amended: Rule repealed. Filed July 26, 1979; effective August 15, 1979.

Rule 391-4-2-.37. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.37

Authority: Ga. L. 1977, p. 396.

History. Original Rule entitled "Deer" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule of the same title adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule entitled "Deer Firearms Zone VI" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed and a new Rule entitled "Opossum" adopted. Filed September 14, 1977; effective October 4, 1977.

Amended: Rule repealed. Filed September 6, 1978; effective September 26, 1978.

Rule 391-4-2-.38. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.38

Authority: Ga. L. 1977, p. 396.

History. Original Rule entitled "Deer" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule of the same title adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule entitled "Deer Firearms Zone VII" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed and a new Rule entitled "Quail Statewide" adopted. Filed September 14, 1977; effective October 4, 1977.

Amended: Rule repealed. Filed September 6, 1978; effective September 26, 1978.

Rule 391-4-2-.39. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.39

Authority: Ga. L. 1977, p. 396.

History. Original Rule entitled "Fox" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule entitled "Fox; Bobcat" adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule of the same title adopted. Filed March 29, 1976; effective April 18, 1976.

Amended: Rule repealed and a new Rule entitled "Fox Statewide" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed and a new Rule entitled "Rabbit Statewide" adopted. Filed September 14, 1977; effective October 4, 1977.

Amended: Rule repealed. Filed September 6, 1978; effective September 26, 1978.

Rule 391-4-2-.40. General Regulations for Hunting Federally Regulated Migratory Game Birds.

- (1) It is unlawful for any person 16 years of age or older to hunt waterfowl unless such person possesses a valid Federal Migratory Bird Hunting and Conservation Stamp in addition to all other required licenses.
- (2) Legal hours for hunting migratory game birds shall conform to Federal Regulations except as may be otherwise specified in this Subject.
- (3) Federally approved nontoxic shot size F or smaller is required for all duck and goose hunting; no lead shot may be in possession.
- (4) The possession limits for federally regulated migratory game birds is three (3) times the daily bag limit, singly, combined, or in the aggregate, as established for a species.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.40

Authority: O.C.G.A. § [27-3-15\(d\)](#).

History. Original Rule entitled "Grouse" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule of the same title adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule entitled "Bobcat" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed and a new Rule entitled "Raccoon" adopted. Filed September 14, 1977; effective October 4, 1977.

Amended: Rule repealed. Filed September 6, 1978; effective September 26, 1978.

Adopted: New Rule entitled "General Regulations for Hunting Federally Regulated Migratory Game Birds." F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. May 26, 2015; eff. June 15, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

Rule 391-4-2-.41. Baiting of Federally Regulated Migratory Game Birds.

No person shall take migratory game birds by the aid of baiting, or on or over any baited area, where a person knows or reasonably should have known that the area is or has been baited. As used in this paragraph, "baiting" shall mean the direct or indirect placing, exposing, depositing, distributing, or scattering of grain, salt, or other feed that could serve as a lure, or attraction for migratory game birds to, on, or over any areas where hunters are attempting to take them; and "baited area" means any area on which grain, salt, or other feed has been placed, exposed,

deposited, distributed, or scattered if that grain, salt, or other feed could serve as a lure or attraction for migratory game birds to, on, or over any areas where hunters are attempting to take them and such area shall remain in a baited area for ten (10) days following complete removal of all such grain, salt, or other feed; "normal agricultural planting, harvesting, or post-harvest manipulation" means a planting or harvesting undertaken for the purpose of producing and gathering a crop, or manipulation after such harvest and removal of grain that is conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Dept. of Agriculture; "normal agricultural operation" means a normal agricultural planting, harvesting, post-harvest manipulation, or agricultural practice that is undertaken for purposes other than to produce and gather a crop - such as livestock feeding or wildlife management, and is conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Dept. of Agriculture; "manipulation" means the alteration of natural vegetation or agricultural crops by activities that include but are not limited to mowing, shredding, disking, rolling, chopping, trampling, flattening, burning, or herbicide treatments. This term does not include the distributing or scattering of grain, seed, or other feed after removal from or storage on the field where grown; and "natural vegetation" means any non-agricultural, native, or naturalized plant species that grows at a site in response to planting or from existing seeds or other propagules. This term does not include planted millet. However planted millet that grows on its own in subsequent years after the year of planting is considered natural vegetation. However, nothing in this paragraph prohibits:

- (1) The taking of any migratory game birds, including waterfowl, on or over the following lands or areas that are not otherwise baited areas: standing crops or flooded standing crops (including aquatics); standing, flooded, or manipulated natural vegetation; flooded harvested croplands; or lands or areas where seeds or grains have been scattered solely as the result of a normal agricultural planting, harvesting, postharvest manipulation, or soil stabilization practice; and
- (2) The taking of any migratory game birds, except waterfowl, on or over any lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on land where grown, or solely as the result of a normal agricultural operation.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.41

Authority: O.C.G.A. Secs. [27-1-4](#), [27-3-15\(d\)](#).

History. Original Rule entitled "Opossum" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule of the same title adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Filed March 29, 1976; effective April 18, 1976.

Amended: Rule repealed and a new Rule entitled "Grouse" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed and a new Rule entitled "Squirrel" adopted. Filed September 14, 1977; effective October 4, 1977.

Amended: Rule repealed. Filed September 6, 1978; effective September 26, 1978.

Adopted: New Rule entitled "Baiting of Federally Regulated Migratory Game Birds." F. Jun. 13, 2013; eff. July 3,

Rule 391-4-2-.42. Special Regulations for Hunting Waterfowl on Certain Reservoirs.

- (1) No vegetation shall be cut or removed on Corps of Engineers or Georgia Power property. Temporary hunting blinds may be constructed, but are to be removed completely at the end of each day.
- (2) The following U. S. Army Corps of Engineers Lakes are open to hunting during statewide seasons and during federal special opportunity hunting days, unless otherwise specified: Allatoona Lake, Carters Lake, George W. Andrews Lake, Hartwell Lake, J. Strom Thurmond Lake (Lake Clarks Hill), Lake Seminole, Lake Sidney Lanier (after Labor Day), Richard B. Russell Lake, Walter F. George Lake (Lake Eufaula), and West Point Lake.
- (3) Special regulations for Walter F. George Lake:
 - (a) A permit purchased from the US Army Corps of Engineers Resource Management in Ft. Gaines, Georgia is required to hunt waterfowl.
 - (b) Hunting from land is prohibited outside of specified hunting areas and wildlife management areas.
 - (c) Waterfowl hunting is prohibited on the waters of Walter F. George Lake within the Eufaula National Wildlife Refuge unless otherwise specified by the U. S. Fish and Wildlife Service.
 - (d) Hunting is prohibited within 600 feet of docks, structures, vessels, roads, public parks, public walking/biking trails, and other developed areas such as subdivisions.
- (4) Special regulations for Lake Sidney Lanier:
 - (a) No hunting without written permission is allowed within 600 feet of any dock, house, structure, bridge, road, boat ramp, marina, or open recreation area outside of Lula Bridge WMA.
 - (b) Hunting hours are from 30 minutes before sunrise to 10:00 AM daily during September and conform to federal legal hunting hours thereafter.
 - (c) Waterfowl hunting is permitted on closed parks as designated by the U. S. Army Corps of Engineers. The 600 feet restriction does not apply within closed parks where waterfowl hunting is permitted.
- (5) Special Regulations for Lake Allatoona:

- (a) No hunting without written permission is allowed within 600 feet of any dock, house, structure, bridge, road, boat ramp, marina, or open recreation area.
 - (b) Waterfowl hunting is permitted on closed parks as designated by the U. S. Army Corps of Engineers. The 600 feet restriction does not apply within closed parks where waterfowl hunting is permitted.
- (6) No hunting without written permission is allowed within 300 feet of any dock, house, structure, bridge, road, boat ramp, marina, or open recreation area on Lake Seminole or Lake Blackshear.
 - (7) The following Georgia Power Lakes are open to hunting during statewide seasons and during federal special opportunity hunting days unless otherwise specified: Lake Burton, Lake Seed, Lake Rabun, Tallulah Falls Lake, Lake Tugalo, Lake Yonah, Lake Oconee, Lake Sinclair, Lake Oliver, Lake Harding, Goat Rock Lake, Lake Worth, and the Langdale and Riverview Projects.
 - (8) No hunting without written permission is allowed within 300 feet of any dock, house, structure, bridge, road, boat ramp, marina, or open recreation area on Lake Burton, Lake Seed, Lake Rabun, Tallulah Falls Lake, Lake Tugalo, Lake Yonah, Lake Oconee, Lake Sinclair, and that portion of Lake Oliver south of Standing Boy Creek.
 - (9) It is unlawful to hunt waterfowl on Lake Sinclair from the confluence of Shoulder Bone Creek north to Wallace Dam except as may otherwise be provided.
 - (10) The main portion of Lake Jackson is closed to waterfowl hunting. Those portions of Lake Jackson lying north of Georgia Highway 36 and north of Newton Factory Bridge Road are open under statewide regulations.
 - (11) It is unlawful to hunt waterfowl on Lake North Highlands.
 - (12) Waterfowl regulations specific to Rum Creek Wildlife Management Area shall apply to Lake Juliette.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.42

Authority: O.C.G.A. § [27-1-4](#).

History. Original Rule entitled "Quail" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule of the same title adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule entitled "Opossum" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed. Filed September 14, 1977; effective October 4, 1977.

Adopted: New Rule entitled "Special Regulations for Hunting Waterfowl on Certain Reservoirs" adopted. F. June 1, 2017; eff. June 21, 2017.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Rule 391-4-2-.43. Canada Geese, Snow Geese, White-fronted Geese and Brant.

- (1) The open seasons for hunting Canada Geese are the first Saturday in September and 22 days thereafter; the second Saturday in October and 15 days thereafter; the Saturday preceding Thanksgiving Day and 8 days thereafter; and, the first Saturday after December 5 and 50 days thereafter.
- (2) Snow Geese (including Blue Geese) and White-Fronted Geese may be taken during open seasons for hunting Canada Geese except during September.
- (2) The daily bag limits on Canada Geese and White-Fronted Geese combined are five (5) per day. The daily bag limit on Snow Geese is five (5).
- (3) The season is closed on Atlantic Brant.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.43

Authority: O.C.G.A. § [27-3-15\(d\)](#).

History. Original Rule entitled "Rabbit" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule of same title adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule entitled "Quail" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed. Filed September 14, 1977; effective October 4, 1977.

Adopted: New Rule entitled "Canada Geese, Snow Geese, White-fronted Geese and Brant." F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

Rule 391-4-2-.44. Common (Wilson's) Snipe.

- (1) The open season for hunting snipe shall be from November 15 through February 28.
- (2) The daily bag limit shall be eight (8) and the possession limit shall be twenty-four (24).

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.44

Authority: O.C.G.A. Secs. [27-1-4](#), [27-3-15\(d\)](#).

History. Original Rule entitled "Raccoon" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule of same title adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Filed March 29, 1976; effective April 18, 1976.

Amended: Rule repealed and a new Rule entitled "Rabbit" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed. Filed September 14, 1977; effective October 4, 1977.

Adopted: New Rule entitled "Common (Wilson's) Snipe." F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug 28, 2013; eff. September 17, 2013.

Rule 391-4-2-.45. Coots.

- (1) The open seasons for hunting coots are the Saturday preceding Thanksgiving Day and 8 days thereafter and the first Saturday after December 5 and 50 days thereafter.
- (2) The daily bag limit is fifteen (15).

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.45

Authority: O.C.G.A. § [27-3-15\(d\)](#).

History. Original Rule entitled "Squirrel" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule of same title adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule entitled "Raccoon" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed. Filed September 14, 1977; effective October 4, 1977.

Adopted: New Rule entitled "Coots." F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

Rule 391-4-2-.46. Crows.

- (1) Crows may be taken from the first Saturday in November through the last day in February.
- (2) There is no limit on the number of crows that may be taken.
- (3) Electronic calls may be used.
- (4) Pursuant to [50 CFR 21.43](#), as now or hereafter amended, crows may be taken outside the dates described herein only when crows are found committing or about to commit

depredations upon ornamental or shade trees, agriculture crops, livestock, or wildlife, or when concentrated in such numbers as to constitute a health hazard or other nuisance.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.46

Authority: O.C.G.A. Secs. [27-1-4](#), [27-3-15\(d\)](#).

History. Original Rule entitled "Turkey" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Amended: F. July 22, 1974; eff. August 11, 1974.

Amended: F. Dec. 9, 1975; eff. Dec. 29, 1975.

Repealed: New Rule entitled "Squirrel" adopted. F. Aug. 5, 1976; eff. Aug. 25, 1976.

Repealed: F. Sept. 14, 1977; eff. Oct. 4, 1977.

Amended: New Rule entitled "Extended Falconry Season for Ducks, Coots, Gallinules (Common Moorhen), Mergansers and Sea Ducks" adopted. F. Oct. 22, 1986; eff. Nov. 11, 1986.

Amended: F. Sept. 22, 1987; eff. Oct. 12, 1987.

Amended: F. Oct. 14, 1988; eff. Nov. 3, 1988.

Amended: F. Oct. 7, 1991; eff. Oct. 27, 1991.

Amended: F. June 5, 1992; eff. June 25, 1992.

Amended: F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Aug. 26, 1999; eff. Sept. 15, 1999.

Amended: F. Aug. 28, 2000; eff. Sept. 17, 2000.

Amended: F. Aug. 28, 2001; eff. Sept. 17, 2001.

Amended: F. Aug. 19, 2002; eff. Sept. 8, 2002.

Amended: F. Sept. 2, 2003; eff. Sept. 22, 2003.

Amended: F. Aug. 27, 2004; eff. Sept. 16, 2004.

Amended: F. Aug. 25, 2005; eff. Sept. 14, 2005.

Amended: F. Aug. 24, 2006; eff. Sept. 13, 2006.

Amended: F. Aug. 30, 2007; eff. Sept. 19, 2007.

Amended: F. Sept. 2, 2008; eff. Sept. 22, 2008.

Amended: F. Sept. 8, 2009; eff. Sept. 28, 2009.

Amended: F. Sept. 1, 2010; eff. Sept. 21, 2010.

Amended: F. Aug. 25, 2011; eff. Sept. 14, 2011.

Amended: F. Sep. 5, 2012; eff. Sept. 25, 2012.

Repealed: New Rule entitled "Crows" adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Rule 391-4-2-.47. Ducks.

- (1) The open seasons for hunting ducks are the Saturday preceding Thanksgiving Day and 8 days thereafter and the first Saturday after December 5 and 50 days thereafter.
- (2) The daily bag limit on ducks is six (6). This limit cannot include more than three (3) wood ducks daily; nor more than two (2) mallards daily of which no more than one (1) may be a hen; nor more than one (1) black duck or mottled duck daily; nor more than one (1) pintail daily; nor more than two (2) redheads daily; nor more than one (1) lesser or greater scaup daily; nor more than two (2) canvasback daily; nor more than one (1) fulvous whistling duck daily; nor more than four (4) scoters daily; nor more than four (4) eiders daily; and nor more than four (4) long-tailed ducks daily.
- (3) The season is closed for the taking of harlequin ducks.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.47

Authority: O.C.G.A. § [27-3-15\(d\)](#).

History. Original Rule entitled "Turkey" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: Rule reserved. F. July 22, 1974; eff. August 11, 1974.

Amended: New Rule entitled "Rails" adopted. F. Oct. 15, 1974; eff. Nov. 4, 1974.

Repealed: Rule reserved. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Amended: New Rule entitled "Rails" adopted. F. Dec. 10, 1975; eff. Dec. 30, 1975.

Repealed: F. Aug. 5, 1976; eff. Aug. 25, 1976.

Amended: New Rule entitled "Mourning Doves" adopted. F. Aug. 24, 1976; eff. Sept. 13, 1976.

Amended: F. Sept. 2, 1977; eff. Aug. 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: F. Aug. 11, 1978; eff. Aug. 31, 1978.

Repealed: F. Sept. 6, 1978; eff. Sept. 26, 1978.

Amended: New Rule entitled "Mourning Doves" adopted. F. Aug. 9, 1979; eff. Aug. 29, 1979.

Amended: F. Aug. 6, 1980; eff. Aug. 26, 1980.

Amended: F. Aug. 6, 1981; eff. Aug. 26, 1981.

Amended: F. July 29, 1982; eff. August 18, 1982.

Amended: F. July 25, 1983; eff. August 14, 1983.

Amended: F. July 30, 1984; eff. August 19, 1984.

Amended: F. July 17, 1985; eff. August 6, 1985.

Amended: F. July 31, 1986; eff. August 20, 1986.

Amended: F. July 16, 1987; eff. August 5, 1987.

Amended: F. July 15, 1988; eff. August 4, 1988.

Amended: F. July 17, 1989; eff. August 6, 1989.

Amended: F. July 24, 1990; eff. August 13, 1990.

Amended: F. July 17, 1991; eff. August 6, 1991.

Amended: F. June 5, 1992; eff. June 25, 1992.

Amended: F. June 2, 1994; eff. June 22, 1994.

Amended: F. Apr. 30, 1999; eff. May 20, 1999.

Amended: F. May 30, 2003; eff. June 19, 2003.

Repealed: New Rule of same title adopted. F. July 1, 2004; eff. July 21, 2004.

Amended: F. May 29, 2008; eff. June 18, 2008.

Amended: F. Sept. 2, 2008; eff. Sept. 22, 2008.

Amended: F. Sept. 1, 2010; eff. Sept. 21, 2010.

Repealed: New Rule entitled "Ducks" adopted. F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

Rule 391-4-2-.48. Extended Falconry Season for Ducks, Coots, Gallinules (Common Moorhen), Mergansers and Sea Ducks.

- (1) The open seasons for hunting ducks by means of falconry are during the September and October Canada Goose seasons, the Youth, Active Duty Military, and Veterans season, the duck seasons, and the Monday immediately following Thanksgiving Day and 5 days thereafter.

(2) The daily bag limit is three (3) of a single species or in the aggregate of the above species.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.48

Authority: O.C.G.A. § [27-3-15\(d\)](#).

History. Original Rule entitled "Turkey" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: Rule reserved. F. July 22, 1974; eff. August 11, 1974.

Amended: New Rule entitled "Woodcock" adopted. F. Oct. 15, 1974; eff. Nov. 4, 1974.

Repealed: Rule reserved. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Amended: New Rule entitled "Woodcock" adopted. F. Dec. 10, 1975; eff. Dec. 30, 1975.

Repealed: F. Aug. 5, 1976; eff. Aug. 25, 1976.

Amended: New Rule entitled "Rails" adopted. F. Aug. 24, 1976; eff. Sept. 13, 1976.

Repealed: New Rule entitled "Rails (Marsh Hens)" adopted. F. Sept. 2, 1977; eff. Aug. 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Repealed: New Rule of same title adopted. F. Aug. 11, 1978; eff. Aug. 31, 1978.

Repealed: F. Sept. 6, 1978; eff. Sept. 26, 1978.

Amended: New Rule entitled "Rails (Marsh Hens)" adopted. F. Aug. 9, 1979; eff. Aug. 29, 1979.

Amended: F. Aug. 6, 1980; eff. Aug. 26, 1980.

Amended: F. Aug. 6, 1981; eff. Aug. 26, 1981.

Amended: F. July 29, 1982; eff. August 18, 1982.

Amended: F. July 25, 1983; eff. August 14, 1983.

Amended: F. July 30, 1984; eff. August 19, 1984.

Amended: F. July 17, 1985; eff. August 6, 1985.

Amended: F. July 31, 1986; eff. August 20, 1986.

Amended: F. July 16, 1987; eff. August 5, 1987.

Amended: F. July 15, 1988; eff. August 4, 1988.

Amended: F. July 17, 1989; eff. August 6, 1989.

Amended: F. July 24, 1990; eff. August 13, 1990.

Amended: F. July 17, 1991; eff. August 6, 1991.

Amended: F. June 5, 1992; eff. June 25, 1992.

Amended: F. June 3, 1993; eff. June 23, 1993.

Amended: F. June 2, 1994; eff. June 22, 1994.

Amended: F. May 25, 1995; eff. June 14, 1995.

Amended: F. May 30, 1996; eff. June 19, 1996.

Amended: F. June 2, 1997; eff. June 22, 1997.

Amended: F. May 21, 1998; eff. June 10, 1998.

Amended: F. Apr. 30, 1999; eff. May 20, 1999.

Amended: F. May 29, 2001; eff. June 18, 2001.

Amended: F. May 30, 2003; eff. June 19, 2003.

Amended: F. June 16, 2005; eff. July 6, 2005.

Amended: F. May 24, 2007; eff. June 13, 2007.

Amended: F. May 27, 2009; eff. June 16, 2009.

Amended: F. Jun. 1, 2011; eff. Jun. 21, 2011.

Amended: F. Sep. 5, 2012; eff. Sept. 25, 2012.

Repealed: New Rule entitled "Extended Falconry Season for Ducks, Coots, Gallinules (Common Moorhen), Mergansers and Sea Ducks" adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

Rule 391-4-2-.49. Gallinules (Common Moorhen).

- (1) The open seasons for hunting gallinules are the Saturday preceding Thanksgiving Day and 8 days thereafter and the first Saturday after December 5 and 50 days thereafter.
- (2) The daily bag limit on gallinules is fifteen (15).

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.49

Authority: O.C.G.A. § [27-3-15\(d\)](#).

History. Original Rule entitled "Turkey" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Amended: F. Jan. 21, 1974; eff. Feb. 10, 1974.

Repealed: Rule reserved. F. July 22, 1974; eff. August 11, 1974.

Amended: New Rule entitled "Mourning Doves" adopted. F. Oct. 15, 1974; eff. Nov. 4, 1974.

Repealed: Rule reserved. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Amended: New Rule entitled "Mourning Doves" adopted. F. Dec. 10, 1975; eff. Dec. 30, 1975.

Repealed: F. Aug. 5, 1976; eff. Aug. 25, 1976.

Amended: New Rule entitled "Woodcock" adopted. F. Aug. 24, 1976; eff. Sept. 13, 1976.

Amended: F. Sept. 2, 1977; eff. Aug. 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: F. Aug. 11, 1978; eff. Aug. 31, 1978.

Repealed: F. Sept. 6, 1978; eff. Sept. 26, 1978.

Amended: Rule entitled "Woodcock" adopted. F. Aug. 9, 1979; eff. Aug. 29, 1979.

Amended: F. Aug. 6, 1980; eff. Aug. 26, 1980.

Amended: F. Aug. 6, 1981; eff. Aug. 26, 1981.

Amended: F. July 29, 1982; eff. August 18, 1982.

Amended: F. July 25, 1983; eff. August 14, 1983.

Amended: F. July 30, 1984; eff. August 19, 1984.

Amended: F. July 17, 1985; eff. August 6, 1985.

Amended: F. July 31, 1986; eff. August 20, 1986.

Amended: F. July 16, 1987; eff. August 5, 1987.

Amended: F. July 15, 1988; eff. August 4, 1988.

Amended: F. June 3, 1993; eff. June 23, 1993.

Amended: F. Aug. 27, 1997; eff. Sept. 16, 1997.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Aug. 26, 1999; eff. Sept. 15, 1999.

Amended: F. Aug. 28, 2000; eff. Sept. 17, 2000.

Amended: F. May 29, 2001; eff. June 18, 2001.

Amended: F. May 30, 2003; eff. June 19, 2003.

Amended: F. June 16, 2005; eff. July 6, 2005.

Amended: F. May 24, 2007; eff. June 13, 2007.

Amended: F. May 27, 2009; eff. June 16, 2009.

Amended: F. Jun. 1, 2011; eff. Jun. 21, 2011.

Amended: F. Sep. 5, 2012; eff. Sept. 25, 2012.

Repealed: New Rule entitled "Gallinules (Common Moorhen)" adopted. F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

Rule 391-4-2-.50. Mergansers.

- (1) The open seasons for hunting mergansers are the Saturday preceding Thanksgiving Day and 8 days thereafter and the first Saturday after December 5 and 50 days thereafter.
- (2) In addition to the limits applying to other ducks during the regular duck season, the daily bag limit on mergansers is five (5).

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.50

Authority: O.C.G.A. § [27-3-15\(d\)](#).

History. Original Rule entitled "Rails" was filed on November 14, 1973; effective December 4, 1973.

Amended: Rule repealed. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule entitled "Common (Wilson's) Snipe" adopted. Filed October 15, 1974; effective November 4, 1974.

Amended: Rule repealed. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule entitled "Common (Wilson's) Snipe" adopted. Filed August 24, 1976; effective September 13, 1976.

Amended: Rule repealed and a new Rule of the same title adopted. Filed September 2, 1977; effective August 26, 1977; the day of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: Rule repealed and a new Rule of same title adopted. Filed August 11, 1978; effective August 31, 1978.

Amended: Rule repealed. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule entitled "Common (Wilson's) Snipe" adopted. Filed August 9, 1979; effective August 29, 1979.

Amended: Filed August 6, 1980; effective August 26, 1980.

Amended: Filed August 6, 1981; effective August 26, 1983.

Amended: Filed July 30, 1984; effective August 19, 1984.

Amended: Filed July 17, 1985; effective August 6, 1985.

Amended: Filed July 31, 1986; effective August 20, 1986.

Amended: Filed July 16, 1987; effective August 5, 1987.

Amended: Filed July 15, 1988; effective August 4, 1988.

Amended: F. Sept. 10, 1991; eff. Sept. 30, 1991.

Amended: F. Aug. 25, 1995; eff. Sept. 14, 1995.

Repealed: New Rule entitled "Mergansers" adopted. F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

Rule 391-4-2-.51. Mourning Doves.

- (1) For the purpose of hunting mourning doves and white-winged doves, the open seasons are from the first Saturday in September and 36 days thereafter; the Saturday before Thanksgiving and 8 days thereafter, and December 19 through January 31.
- (2) The daily bag limit is fifteen (15) mourning and white-winged doves in the aggregate.
- (3) Daily shooting hours are from one-half hour before sunrise to sunset.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.51

Authority: O.C.G.A. §§ [27-3-3](#), [27-3-15\(d\)](#).

History. Original Rule entitled "Woodcock" was filed on November 14, 1973; effective December 4, 1973.

Amended: Rule repealed. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule entitled "Ducks" adopted. Filed October 15, 1974; effective November 4, 1974.

Amended: Rule repealed. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule entitled "Baiting" adopted. Filed August 24, 1976; effective September 13, 1976.

Amended: Rule repealed and a new rule of same title adopted. Filed September 2, 1977; effective August 26, 1977; the day of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: Rule repealed and a new Rule of same title adopted. Filed August 11, 1978; effective August 31, 1978.

Amended: Rule repealed. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule entitled "Baiting" adopted. Filed August 9, 1979; effective August 29, 1979.

Repealed: New Rule of same title adopted. F. Aug. 26, 1999; eff. Sept. 15, 1999.

Repealed: New Rule entitled "Mourning Doves" adopted. F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. May 26, 2015; eff. June 15, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

Rule 391-4-2-.52. Rails (Marsh Hens).

- (1) The open season for hunting rails (marsh hens) is not to exceed 70 days in a single or two segments as determined and published annually by the department.
- (2) The daily bag limit on marsh hens (king and clapper rails) is fifteen (15), either singly or in combination.
- (3) In addition to marsh hens, a daily bag limit of twenty-five (25) sora and Virginia rails may be taken, either singly or in combination.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.52

Authority: O.C.G.A. § [27-3-15\(d\)](#).

History. Original Rule entitled "Mourning Doves" adopted. F. Nov. 14, 1973; eff. Dec. 4, 1973.

Repealed: Rule reserved. F. July 22, 1974; eff. August 11, 1974.

Amended: New Rule entitled "Extra Scaup Limit" adopted. F. Oct. 15, 1974; eff. Nov. 4, 1974.

Repealed: Rule reserved. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Amended: New Rule entitled "Extra Scaup Limit" adopted. F. Dec. 10, 1975; eff. Dec. 30, 1975.

Repealed: F. Aug. 5, 1976; eff. Aug. 25, 1976.

Amended: Rule entitled "Ducks" adopted. F. Oct. 26, 1976; eff. Nov. 15, 1976.

Repealed: New Rule of same title adopted. F. Sept. 16, 1977; eff. Aug. 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: Rule repealed. F. Sept. 6, 1978; eff. Sept. 26, 1978.

Amended: New Rule entitled "Ducks" adopted. F. Nov. 2, 1978; eff. Sept. 29, 1978, as specified by Certification of said Rule in accordance with Ga. Code Sec. 45-513(d).

Amended: F. Nov. 2, 1979; eff. Nov. 22, 1979.

Amended: F. Sept. 12, 1980; eff. Oct. 2, 1980.

Amended: F. Sept. 22, 1981; eff. Oct. 12, 1981.

Amended: F. July 29, 1982; eff. August 18, 1982.

Amended: F. July 25, 1983; eff. August 14, 1983.

Amended: F. July 30, 1984; eff. August 19, 1984.

Amended: F. July 17, 1985; eff. August 6, 1985.

Amended: ER. 391-4-2-0.7-.52 adopted. F. Oct. 1, 1985; eff. Sept. 25, 1985, the date of adoption.

Amended: F. Oct. 22, 1986; eff. Nov. 11, 1986.

Amended: F. Sept. 22, 1987; eff. Oct. 12, 1987.

Amended: F. Oct. 14, 1988; eff. Nov. 3, 1988.

Amended: F. Sept. 12, 1989; eff. Oct. 2, 1989.

Amended: F. Aug. 30, 1990; eff. Sept. 19, 1990.

Amended: F. July 17, 1991; eff. August 6, 1991.

Amended: F. Sept. 10, 1991; eff. Sept. 30, 1991.

Amended: F. June 5, 1992; eff. June 25, 1992.

Amended: F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. Dec. 14, 1992; eff. Jan. 3, 1993.

Amended: F. Aug. 27, 1993; eff. Sept. 16, 1993.

Amended: F. Sept. 1, 1994; eff. Sept. 21, 1994.

Amended: F. Aug. 25, 1995; eff. Sept. 14, 1995.

Amended: F. Sept. 6, 1996; eff. Sept. 26, 1996.

Amended: F. Aug. 27, 1997; eff. Sept. 16, 1997.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Aug. 26, 1999; eff. Sept. 15, 1999.

Amended: F. Aug. 28, 2000; eff. Sept. 17, 2000.

Amended: F. Aug. 28, 2001; eff. Sept. 17, 2001.

Amended: F. Aug. 19, 2002; eff. Sept. 8, 2002.

Amended: F. Sept. 2, 2003; eff. Sept. 22, 2003.

Amended: F. Aug. 27, 2004; eff. Sept. 16, 2004.

Amended: F. Aug. 25, 2005; eff. Sept. 14, 2005.

Amended: F. Aug. 24, 2006; eff. Sept. 13, 2006.

Amended: F. Aug. 30, 2007; eff. Sept. 19, 2007.

Amended: F. Sept. 2, 2008; eff. Sept. 22, 2008.

Amended: F. Sept. 8, 2009; eff. Sept. 28, 2009.

Amended: F. Sept. 1, 2010; eff. Sept. 21, 2010.

Amended: F. Aug. 25, 2011; eff. Sept. 14, 2011.

Amended: F. Sep. 5, 2012; eff. Sept. 25, 2012.

Repealed: New Rule entitled "Rails (Marsh Hens)" adopted. F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. May 26, 2015; eff. June 15, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

Rule 391-4-2-.53. Sea Ducks (Scoters, Eiders, Long-tailed Ducks).

- (1) The open seasons for hunting scoters, eiders, and long-tailed ducks are the Saturday preceding Thanksgiving Day and 8 days thereafter and the first Saturday after December 5 and 50 days thereafter.
- (2) The daily bag limit on sea ducks is four (4) and applies to the six (6) duck daily bag limit. This limit cannot include more than three (3) scoters daily; nor more than three (3) eiders daily of which no more than one (1) may be a hen; and no more than three (3) long-tailed ducks daily.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.53

Authority: O.C.G.A. [27-3-15\(d\)](#).

History. Original Rule entitled "Common (Wilson's) Snipe" was filed on November 14, 1973; effective December 4, 1973.

Amended: Rule repealed. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule entitled "Extra Blue-Winged Teal Limit" adopted. Filed October 15, 1974; effective November 4, 1974.

Amended: Rule repealed. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule entitled "Extra Blue Winged Teal Limit" adopted. Filed December 10, 1975; effective December 30, 1975.

Amended: Rule repealed. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule entitled "Extra Scaup Limit" adopted. Filed October 26, 1976; effective November 15, 1976.

Amended: Rule repealed and a new Rule of same title adopted. Filed September 16, 1977; effective August 26, 1977; the day of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: Rule repealed. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule entitled "Extra Scaup Limit" adopted. Filed November 2, 1978; effective September 29, 1978, as specified by Certification of said Rule in accordance with Ga. Code. Sec. 45-513(d).

Amended: Rule repealed. Filed October 14, 1988; effective November 3, 1988.

Adopted: New Rule entitled "Sea Ducks (Scoters, Eiders, Long-tailed Ducks)." F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

Note: Rule 391-4-2-.53, correction of non-substantive typographical errors in paragraph (2), "... four (3) scoters daily;... four (3) eiders daily... and no more than four (3) long-tailed ducks daily." corrected to "... three (3) scoters daily;... three (3) eiders daily... and no more than three (3) long-tailed ducks daily.", as requested by the Agency. Effective July 18, 2022.

Rule 391-4-2-.54. Teal.

- (1) In addition to the open seasons for hunting ducks, the open season for hunting teal is the second Saturday in September and 15 days thereafter.
- (2) The daily bag limit on teal during this season is six (6).

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.54

Authority: O.C.G.A. § [27-3-15\(d\)](#).

History. Original Rule entitled "Ducks" was filed on November 14, 1973; effective December 4, 1973.

Amended: Rule repealed. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule entitled "Coots" adopted. Filed October 15, 1974; effective November 4, 1974.

Amended: Rule repealed. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule entitled "Coots" adopted. Filed December 10, 1975; effective December 30, 1975.

Amended: Rule repealed. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule entitled "Extra Blue-Winged Teal Limit" adopted. Filed October 26, 1976; effective November 15, 1976.

Amended: Rule repealed and a new Rule of same title adopted. Filed September 16, 1977; effective August 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: Rule repealed. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule entitled "Extra Blue-Winged Teal Limit" adopted. Filed November 2, 1978; effective September 29, 1978, as specified by Certification of said Rule in accordance with Ga. Code Sec. 45-513(d).

Amended: Rule repealed and a new Rule entitled "Extra Teal Limit" adopted. Filed November 2, 1979; effective November 22, 1979.

Amended: Rule repealed and a new Rule of same title adopted. Filed September 12, 1980; effective October 2, 1980.

Amended: Filed September 22, 1981; effective October 12, 1981.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 17, 1985; effective August 6, 1985.

Amended: Emergency Rule 391-4-2-0.7-.54 adopted. Filed October 1, 1985; effective September 25, 1985, the date of adoption to remain in effect for a period of 120 days, as specified by the Agency to comply with U.S. Fish and Wildlife Services.

Amended: Rule repealed and a new Rule of same title adopted. Filed October 22, 1986; effective November 11, 1986.

Amended: Filed September 22, 1987; effective October 12, 1987.

Amended: Rule repealed. Filed October 14, 1988; effective November 3, 1988.

Adopted: New Rule entitled "Teal." F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

Rule 391-4-2-.55. Woodcock.

- (1) The open season for hunting woodcock shall be from the first Saturday after December 4 through 44 days thereafter.

(2) The daily bag limit shall be three (3) and the possession limit shall be nine (9).

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.55

Authority: O.C.G.A. Secs. [27-1-4](#), [27-3-15\(d\)](#).

History. Original Rule entitled "Extra Scaup Limit" adopted. F. Nov. 14, 1973; eff. Dec. 4, 1973.

Repealed: Rule reserved. F. July 22, 1974; eff. August 11, 1974. A

Amended: New Rule entitled "Gallinules" adopted. F. Oct. 15, 1974; eff. Nov. 4, 1974.

Repealed: Rule reserved. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Amended: New Rule entitled "Gallinules" adopted. F. Dec. 10, 1975; eff. Dec. 30, 1975.

Repealed: F. Aug. 5, 1976; eff. Aug. 25, 1976.

Amended: New Rule entitled "Coots" adopted. F. Oct. 26, 1976; eff. Nov. 15, 1976.

Repealed: New Rule of same title adopted. F. Sept. 16, 1977; eff. Aug. 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: Rule repealed. F. Sept. 6, 1978; eff. Sept. 26, 1978.

Amended: New Rule entitled "Coots" adopted. F. Nov. 2, 1978; eff. Sept. 29, 1978, as specified by Certification of said Rule in accordance with Ga. Code Sec. 45-513(d).

Repealed: New Rule of same title adopted. F. Nov. 2, 1979; eff. Nov. 22, 1979.

Amended: F. Sept. 12, 1980; eff. Oct. 2, 1980.

Amended: F. Sept. 22, 1981; eff. Oct. 12, 1981.

Amended: F. July 29, 1982; eff. August 18, 1982.

Amended: F. July 25, 1983; eff. August 14, 1983.

Amended: F. July 30, 1984; eff. August 19, 1984.

Amended: F. July 17, 1985; eff. August 6, 1985.

Amended: ER. 391-4-2-0.9-.55 adopted. F. Oct. 1, 1985; eff. Sept. 25, 1985, the date of adoption.

Amended: F. Oct. 22, 1986; eff. Nov. 11, 1986.

Amended: F. Sept. 22, 1987; eff. Oct. 12, 1987.

Amended: F. Oct. 14, 1988; eff. Nov. 3, 1988.

Amended: F. Sept. 12, 1989; eff. Oct. 2, 1989.

Amended: F. Aug. 30, 1990; eff. Sept. 19, 1990.

Amended: F. Sept. 10, 1991; eff. Sept. 30, 1991.

Amended: F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. Aug. 27, 1993; eff. Sept. 16, 1993.

Amended: F. Sept. 1, 1994; eff. Sept. 21, 1994.

Amended: F. Aug. 25, 1995; eff. Sept. 14, 1995.

Amended: F. Sept. 6, 1996; eff. Sept. 26, 1996.

Amended: F. Aug. 27, 1997; eff. Sept. 16, 1997.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Aug. 26, 1999; eff. Sept. 15, 1999.

Amended: F. Aug. 28, 2000; eff. Sept. 17, 2000.

Amended: F. Aug. 28, 2001; eff. Sept. 17, 2001.

Amended: F. Aug. 19, 2002; eff. Sept. 8, 2002.

Amended: F. Sept. 2, 2003; eff. Sept. 22, 2003.

Amended: F. Aug. 27, 2004; eff. Sept. 16, 2004.

Amended: F. Aug. 25, 2005; eff. Sept. 14, 2005.

Amended: F. Aug. 24, 2006; eff. Sept. 13, 2006.

Amended: F. Aug. 30, 2007; eff. Sept. 19, 2007.

Amended: F. Sept. 2, 2008; eff. Sept. 22, 2008.

Amended: F. Sept. 8, 2009; eff. Sept. 28, 2009.

Amended: F. Sept. 1, 2010; eff. Sept. 21, 2010.

Amended: F. Aug. 25, 2011; eff. Sept. 14, 2011.

Amended: F. Sep. 5, 2012; eff. Sept. 25, 2012.

Repealed: New Rule entitled "Woodcock" adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug 28, 2013; eff. September 17, 2013.

Rule 391-4-2-.56. Youth, Active Duty Military, and Veteran Waterfowl Season.

- (1) The open season for youths 17 years of age or less, active duty military, and veterans hunting ducks, coots, gallinules (common moorhen), mergansers, sea ducks, Canada Geese and Snow Geese is the Saturday and Sunday preceding the November duck season.
- (2) An adult at least 18 years of age must accompany the youth into the field during this season but may not hunt.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.56

Authority: O.C.G.A. § [27-3-15\(d\)](#).

History. Original Rule entitled "Coots" adopted. F. Nov. 14, 1973; eff. Dec. 4, 1973.

Repealed: Rule reserved. F. July 22, 1974; eff. August 11, 1974.

Amended: New Rule entitled "Mergansers" adopted. F. Oct. 15, 1974; eff. Nov. 4, 1974.

Repealed: Rule reserved. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Amended: New Rule entitled "Mergansers" adopted. F. Dec. 10, 1975; eff. Dec. 30, 1975.

Repealed: F. Aug. 5, 1976; eff. Aug. 25, 1976.

Amended: New Rule entitled "Gallinules" adopted. F. Oct. 26, 1976; eff. Nov. 15, 1976.

Repealed: New Rule of same title adopted. F. Sept. 16, 1977; eff. Aug. 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: Rule repealed. F. Sept. 6, 1978; eff. Sept. 26, 1978.

Amended: Rule entitled "Gallinules" adopted. F. Nov. 2, 1978; eff. Sept. 29, 1978, as specified by Certification of said Rule in accordance with Ga. Code Sec. 45-513(d).

Amended: F. Nov. 2, 1979; eff. Nov. 22, 1979.

Amended: F. Sept. 12, 1980; eff. Oct. 2, 1980.

Amended: F. Sept. 22, 1981; eff. Oct. 12, 1981.

Amended: F. July 29, 1982; eff. August 18, 1982.

Amended: F. July 25, 1983; eff. August 14, 1983.

Amended: F. July 30, 1984; eff. August 19, 1984.

Amended: F. July 17, 1985; eff. August 6, 1985.

Amended: F. Oct. 22, 1986; eff. Nov. 11, 1986.

Amended: F. Sept. 22, 1987; eff. Oct. 12, 1987.

Amended: F. Oct. 14, 1988; eff. Nov. 3, 1988.

Amended: F. Sept. 12, 1989; eff. Oct. 2, 1989.

Amended: F. Aug. 30, 1990; eff. Sept. 19, 1990.

Amended: F. Sept. 10, 1991; eff. Sept. 30, 1991.

Amended: F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. Aug. 27, 1993; eff. Sept. 16, 1993.

Amended: F. Sept. 1, 1994; eff. Sept. 21, 1994.

Amended: F. Aug. 25, 1995; eff. Sept. 14, 1995.

Amended: F. Sept. 6, 1996; eff. Sept. 26, 1996.

Amended: F. Aug. 27, 1997; eff. Sept. 16, 1997.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Aug. 26, 1999; eff. Sept. 15, 1999.

Amended: F. Aug. 28, 2000; eff. Sept. 17, 2000.

Amended: F. Aug. 28, 2001; eff. Sept. 17, 2001.

Amended: F. Aug. 19, 2002; eff. Sept. 8, 2002.

Amended: F. Sept. 2, 2003; eff. Sept. 22, 2003.

Amended: F. Aug. 27, 2004; eff. Sept. 16, 2004.

Amended: F. Aug. 25, 2005; eff. Sept. 14, 2005.

Amended: F. Aug. 24, 2006; eff. Sept. 13, 2006.

Amended: F. Aug. 30, 2007; eff. Sept. 19, 2007.
Amended: F. Sept. 2, 2008; eff. Sept. 22, 2008.
Amended: F. Aug. 25, 2011; eff. Sept. 14, 2011.
Amended: F. Sep. 5, 2012; eff. Sept. 25, 2012.
Repealed: New Rule entitled "Youth Waterfowl Season" adopted. F. June 13, 2013; eff. July 3, 2013.
Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.
Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.
Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.
Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.
Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.
Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.
Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.
Repealed: New Rule entitled "Special Opportunity Waterfowl Season" adopted. F. May 1, 2020; eff. May 21, 2020.
Amended: New title "Youth, Active Duty Military, and Veteran Waterfowl Season." F. May 6, 2021; eff. May 26, 2021.
Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

Rule 391-4-2-.57. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.57

Authority: O.C.G.A. Secs. [27-1-4](#) and [27-3-15\(d\)](#).

History. Original Rule entitled "Gallinules" adopted. F. Nov. 14, 1973; eff. Dec. 4, 1973.

Repealed: Rule reserved. F. July 22, 1974; eff. August 11, 1974.

Amended: New Rule entitled "Waterfowl Shooting Hours" adopted. F. Oct. 15, 1974; eff. Nov. 4, 1974.

Repealed: Rule reserved. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Amended: New Rule entitled "Sea Ducks" adopted. F. Dec. 10, 1975; eff. Dec. 30, 1975.

Repealed: F. Aug. 5, 1976; eff. Aug. 25, 1976.

Amended: New Rule entitled "Mergansers" adopted. F. Oct. 26, 1976; eff. Nov. 15, 1976.

Repealed: New Rule of same title adopted. F. Sept. 16, 1977; eff. Aug. 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Repealed: F. Sept. 6, 1978; eff. Sept. 26, 1978.

Amended: New Rule entitled "Mergansers" adopted. F. Nov. 2, 1978; eff. Sept. 29, 1978, as specified by Certification of said Rule in accordance with Ga. Code Sec. 45-513(d).

Amended: F. Nov. 2, 1979; eff. Nov. 22, 1979.

Amended: F. Sept. 12, 1980; eff. Oct. 2, 1980.

Amended: F. Sept. 22, 1981; eff. Oct. 12, 1981.

Amended: F. July 29, 1982; eff. August 18, 1982.

Amended: F. July 25, 1983; eff. August 14, 1983.

Amended: F. July 30, 1984; eff. August 19, 1984.

Amended: F. July 17, 1985; eff. August 6, 1985.

Amended: ER. 391-4-2-0.10-.57 adopted. F. Oct. 1, 1985; eff. Sept. 25, 1985, the date of adoption.

Amended: F. Oct. 22, 1986; eff. Nov. 11, 1986.

Amended: F. Sept. 22, 1987; eff. Oct. 12, 1987.

Amended: F. Oct. 14, 1988; eff. Nov. 3, 1988.

Amended: F. Sept. 12, 1989; eff. Oct. 2, 1989.

Amended: F. Aug. 30, 1990; eff. Sept. 19, 1990.

Amended: F. Sept. 10, 1991; eff. Sept. 30, 1991.

Amended: F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. Aug. 27, 1993; eff. Sept. 16, 1993.

Amended: F. Sept. 1, 1994; eff. Sept. 21, 1994.

Amended: F. Aug. 25, 1995; eff. Sept. 14, 1995.

Amended: F. Sept. 6, 1996; eff. Sept. 26, 1996.

Amended: F. Aug. 27, 1997; eff. Sept. 16, 1997.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Aug. 26, 1999; eff. Sept. 15, 1999.
Amended: F. Aug. 28, 2000; eff. Sept. 17, 2000.
Amended: F. Aug. 28, 2001; eff. Sept. 17, 2001.
Amended: F. Aug. 19, 2002; eff. Sept. 8, 2002.
Amended: F. Sept. 2, 2003; eff. Sept. 22, 2003.
Amended: F. Aug. 27, 2004; eff. Sept. 16, 2004.
Amended: F. Aug. 25, 2005; eff. Sept. 14, 2005.
Amended: F. Aug. 24, 2006; eff. Sept. 13, 2006.
Amended: F. Aug. 30, 2007; eff. Sept. 19, 2007.
Amended: F. Sept. 2, 2008; eff. Sept. 22, 2008.
Amended: F. Sept. 8, 2009; eff. Sept. 28, 2009.
Amended: F. Sept. 1, 2010; eff. Sept. 21, 2010.
Amended: F. Aug. 25, 2011; eff. Sept. 14, 2011.
Amended: F. Sept. 5, 2012; eff. Sept. 25, 2012.
Repealed: F. Jun. 13, 2013; eff. July 3, 2013.

Rule 391-4-2-.58. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.58

Authority: O.C.G.A. Secs. [27-1-4](#) and [27-3-15\(d\)](#).

History. Original Rule entitled "Mergansers" adopted. F. Nov. 14, 1973; eff. Dec. 4, 1973.

Repealed: Rule reserved. F. July 22, 1974; eff. August 11, 1974.

Amended: New Rule entitled "Migratory Bird Stamp" adopted. F. Oct. 15, 1974; eff. Nov. 4, 1974.

Repealed: Rule reserved. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Amended: New Rule entitled "Snow Geese (including Blue Geese)" adopted. F. Dec. 10, 1975; eff. Dec. 30, 1975.

Repealed: F. Aug. 5, 1976; eff. Aug. 25, 1976.

Amended: New Rule entitled "Sea Ducks (Scoters, Eiders, Old Squaws)" adopted. F. Oct. 26, 1976; eff. Nov. 15, 1976.

Repealed: New Rule of same title adopted. F. Sept. 16, 1977; eff. Aug. 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Repealed: F. Sept. 6, 1978; eff. Sept. 26, 1978.

Amended: Rule entitled "Sea Ducks (Scoters, Eiders, Old Squaws)" adopted. F. Nov. 2, 1978; eff. Sept. 29, 1978, as specified by Certification of said Rule in accordance with Ga. Code Sec. 45- 513(d).

Amended: F. Nov. 2, 1979; eff. Nov. 22, 1979.

Amended: F. Sept. 12, 1980; eff. Oct. 2, 1980.

Amended: F. Sept. 22, 1981; eff. Oct. 12, 1981.

Amended: F. July 29, 1982; eff. August 8, 1982.

Amended: F. July 25, 1983; eff. August 14, 1983.

Amended: F. July 30, 1984; eff. August 19, 1984.

Amended: F. July 17, 1985; eff. August 6, 1985.

Amended: ER. 391-4-2-0.11-.58 adopted. F. Oct. 1, 1985; eff. Sept. 25, 1985, the date of adoption.

Amended: F. Oct. 22, 1986; eff. Nov. 11, 1986.

Amended: F. Sept. 22, 1987; eff. Oct. 12, 1987.

Amended: F. Oct. 14, 1988; eff. Nov. 3, 1988.

Amended: F. Sept. 12, 1989; eff. Oct. 2, 1989.

Amended: F. Aug. 30, 1990; eff. Sept. 19, 1990.

Amended: F. Sept. 10, 1991; eff. Sept. 30, 1991.

Amended: F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. Aug. 27, 1993; eff. Sept. 16, 1993.

Amended: F. Sept. 1, 1994; eff. Sept. 21, 1994.

Amended: F. Aug. 25, 1995; eff. Sept. 14, 1995.

Amended: F. Sept. 6, 1996; eff. Sept. 26, 1996.

Amended: F. Aug. 27, 1997; eff. Sept. 16, 1997.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Aug. 26, 1999; eff. Sept. 15, 1999.
Amended: F. Aug. 28, 2000; eff. Sept. 17, 2000.
Amended: F. Aug. 28, 2001; eff. Sept. 17, 2001.
Amended: F. Aug. 19, 2002; eff. Sept. 8, 2002.
Amended: F. Sept. 2, 2003; eff. Sept. 22, 2003.
Amended: F. Aug. 27, 2004; eff. Sept. 16, 2004.
Amended: F. Aug. 25, 2005; eff. Sept. 14, 2005.
Amended: F. Aug. 24, 2006; eff. Sept. 13, 2006.
Amended: F. Aug. 30, 2007; eff. Sept. 19, 2007.
Amended: F. Sept. 2, 2008; eff. Sept. 22, 2008.
Repealed: New Rule entitled "Sea Ducks (Scoters, Eiders, Long-tailed Ducks)" adopted. F. Sept. 8, 2009; eff. Sept. 28, 2009.
Amended: F. Sept. 1, 2010; eff. Sept. 21, 2010.
Amended: F. Aug. 25, 2011; eff. Sept. 14, 2011.
Amended: F. Sep. 5, 2012; eff. Sept. 25, 2012.
Repealed: F. Jun. 13, 2013; eff. July 3, 2013.

Rule 391-4-2-.59. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.59

Authority: O.C.G.A. Secs. [27-1-4](#) and [27-3-15\(d\)](#).

History. Original Rule entitled "Turkey" was filed on March 14, 1975; effective April 3, 1975.

Amended: Rule repealed. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule entitled "Atlantic Brant" adopted. Filed December 10, 1975; effective December 30, 1975.

Amended: Rule repealed. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule entitled "Federal Migratory Bird Hunting Stamp" adopted. Filed October 26, 1976; effective November 15, 1976.

Amended: Rule repealed and a new Rule of same title adopted. Filed September 16, 1977; effective August 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: Rule repealed. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule entitled "Federal Migratory Bird Hunting Stamp" adopted. Filed November 2, 1978; effective September 29, 1978, as specified by Certification of said Rule in accordance with Ga. Code Sec. 45-513(d).

Repealed: F. Jun. 13, 2013; eff. July 3, 2013.

Rule 391-4-2-.60. General Regulations on Wildlife Management Areas.

- (1) It is unlawful for any person to place bait or any wildlife food on a Wildlife Management Area (WMA).
- (2) It is unlawful for any person to consume or use alcoholic beverages on any WMA except in houses or at campsites on these areas; provided, however, that this provision does not apply to national forest lands.
- (3) The use of paintballs, paintball guns and related activities is prohibited on WMAs except on WMAs located on national forest lands.
- (4) Dogs entering WMAs must be kept on a leash or otherwise confined except when hunting or while training dogs during designated seasons and on designated areas. Dog owners

are responsible for their dogs and any damage the dogs may do to wildlife not being legally hunted.

- (5) Except for Public Fishing Areas, fishing on WMAs is allowed in accordance with statewide seasons and limits, unless otherwise indicated or posted at the WMA check station.
- (6) U.S. Forest Service regulations shall apply on all WMAs located on National Forest lands.
- (7) It is unlawful for any person to unreasonably disturb or annoy others through abrasive, insulting or threatening words or actions, or physically harm or threaten any other person, or disobey any lawful order of a law enforcement official or act in a manner resulting in a breach of the peace.
- (8) Camping, pre-season scouting, hiking, picnicking, horse riding, canoeing, and other recreational uses are allowed year-round unless otherwise indicated or posted at the WMA check station or at a specific recreation site. The department may close specific sites as needed for management purposes by posting at the site.
- (9) It is unlawful for any unauthorized person to close or restrict access to roads, trails or other access features using motor vehicles, signage, or other methods. Roads, trails and other access features may be closed at the discretion of the department.
- (10) It is unlawful to shoot from a motor vehicle except that disabled hunters on a designated handicapped access road or hunters who have been issued a department Special Use Permit as specified in said permit may shoot from a vehicle provided such vehicle is stationary and not under power.
- (11) It shall be unlawful for any person to possess a loaded firearm in designated camping areas except as provided in O.C.G.A. § [16-11-126](#).
- (12) O.C.G.A. Section [27-3-1.1](#) prohibits loaded long guns being carried in a motor vehicle on WMAs except for provisions stated in (10) above. Handguns may be loaded only as provided in O.C.G.A. § [16-11-126](#). A firearm shall be considered loaded if a shell is in the chamber or magazine except that muzzle-loading firearms are considered loaded only if a cap is on the nipple or powder is present on the frizzen pan. Crossbows must be un-cocked while being transported in a vehicle on a WMA.
- (13) Suppressed firearms may be used for hunting on WMAs.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.60

Authority: O.C.G.A. §§ [12-3-9](#), [27-1-4](#), [27-3-4](#).

History. Original Rule entitled "Turkey" was filed on March 14, 1975; effective April 3, 1975.

Amended: Rule repealed. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule entitled "Shooting Hours" adopted. Filed October 26, 1976; effective November 15, 1976.

Amended: Rule repealed and a new Rule of same title adopted. Filed September 16, 1977; effective August 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: Rule repealed. Filed September 6, 1978; effective September 26, 1978.
Amended: Rule entitled "Shooting Hours" adopted. Filed November 2, 1978; effective September 29, 1978, as specified by Certification of said Rule in accordance with Ga. Code Sec. 45-513(d).
Amended: Filed October 14, 1988; effective November 3, 1988.
Amended: F. Sept. 12, 1989; eff. Oct. 2, 1989.
Repealed: New Rule, same Title, adopted. F. Jun. 6, 1992; eff. Jun. 25, 1992.
Repealed: New Rule entitled "General Regulations on Wildlife Management Areas" adopted. F. Jun. 13, 2013; eff. July 3, 2013.
Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.
Repealed: New Rule of same title adopted. F. June 4, 2019; eff. June 24, 2019.
Amended: F. June 7, 2021; eff. June 27, 2021.

Rule 391-4-2-.61. Camping Regulations on Wildlife Management Areas.

- (1) All camps or fires shall be in designated campgrounds unless otherwise posted at the check station, except that camping is allowed anywhere on National Forest lands unless otherwise indicated or signed. U.S. Forest Service regulations govern camping on WMAs located on National Forest lands. All campers must comply with any conditions of use as posted or provided by the site.
- (2) Unless otherwise provided through written permission by the Department, camping, or establishment of a campsite, shall be limited to a period of time not to exceed 14 consecutive days; after which the campsite shall be vacated and all personally owned property or physical features of the camp removed for a period of not less than 7 days. During such 7-day period a new campsite may neither be established within the boundaries of the same WMA nor within a 1-mile straight-line radius of the vacated campsite on any other WMA by the same person(s).
- (3) It is unlawful for any person to use any musical instruments, radios, televisions, generators or other noise making devices after 10:00 p.m. daily, in such a manner that such devices may be heard by other WMA visitors. Nothing in this regulation shall be construed to prevent use of medically needed devices or aids to disabled persons.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.61

Authority: O.C.G.A. §§ [12-3-9](#), [27-1-4](#).

History. Original Rule entitled "Turkey" was filed on March 14, 1975; effective April 3, 1975.

Amended: Rule repealed. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule entitled "Turkey Bag Limits" adopted. Filed March 14, 1977; effective April 3, 1977 (Not Published at request of the Agency as the adoption of a new Chapter 391-4-2 was contemplated in April, 1977).

Amended: Rule repealed and a new Rule entitled "State Wide Turkey Season" adopted. Filed March 6, 1978; effective March 26, 1978.

Amended: Rule repealed. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule entitled "Season" adopted. Filed March 2, 1979; effective March 22, 1979.

Amended: Rule repealed and a new Rule of same title adopted. Filed March 3, 1980; effective March 23, 1980.

Amended: Rule repealed and a new Rule of same title adopted. Filed December 22, 1980; effective January 11, 1981.

Amended: Rule repealed and a new Rule of same title adopted. Filed February 2, 1982; effective February 22, 1982.

Amended: Rule repealed and a new Rule entitled "Turkey" adopted. Filed July 6, 1982; effective July 26, 1982.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 25, 1983; effective August 14, 1983.
Amended: Rule repealed and a new Rule of same title adopted. Filed July 31, 1984; effective August 19, 1984.
Amended: Rule repealed and a new Rule of same title adopted. Filed July 17, 1985; effective August 6, 1985.
Amended: Rule repealed and a new Rule of same title adopted. Filed July 31, 1986; effective August 20, 1986.
Amended: Rule repealed and a new Rule adopted. Filed July 15, 1988; effective August 4, 1988.
Amended: F. Jul. 17, 1989; eff. Aug. 6, 1989.
Amended: F. Jul. 24, 1990; eff. Aug. 13, 1990.
Amended: F. Jul. 17, 1991; eff. Aug. 6, 1991.
Repealed: New Rule, same title, adopted. F. Jun. 5, 1992; eff. Jun. 25, 1992.
Repealed: New Rule entitled "Camping Regulations on Wildlife Management Areas" adopted. F. Jun. 13, 2013; eff. July 3, 2013
Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.
Repealed: New Rule of same title adopted. F. June 4, 2019; eff. June 24, 2019.

Rule 391-4-2-.62. Vehicle, Horse, ATV and Other Conveyance Use on Wildlife Management Areas.

(1) As used in this Rule:

- (a) "all-terrain vehicle" or "ATV" means a tracked or wheeled motor vehicle powered by an electrical or motor fuel engine and generally characterized by low-pressure tires, an open operator area, a seat designed to be straddled by the operator or a bench style seat, handlebars, lever arms or steering wheel for steering, and is intended for off-road use by an individual or multiple riders on natural terrain. This includes off-road motorcycles (dirt bikes), utility vehicles, golf carts, 4 and 3-wheeled cycles and other off road vehicles.
- (b) "Open roads" shall mean those roads not closed with a gate, sign, earthen berm, or similar device.
- (c) "Bicycle" includes electric assisted bicycles as defined in O.C.G.A [40-1-1](#).

- (2) Horses, bicycles and all motor vehicles, including off-road vehicles, are restricted to open roads. Provided, however, that horses and bicycles may use designated trails or designated areas; bicycles may be used on closed roads for hunter access; horses may be used off roads and trails during permitted field trials.
- (3) Vehicles, including ATVs, marked by official handicap license plates, placard, or sticker for special handicap access may be used on roads otherwise closed for vehicular access but specifically designated by the department for handicapped hunter access. WMA users possessing a Department issued Other Power-Driven Mobility Device (OPDMD) Special Use Permit may also use OPDMD's on handicap access roads or any other closed roads and locations as specified by the Department in the OPDMD Special Use Permit.
- (4) Motor vehicles must meet safety, insurance, licensing, and registration requirements for use on public roads. However, 3-wheel and 4-wheel All-Terrain Vehicles, (ATVs) need

not be licensed (tagged) to be operated on a WMA unless the WMA is on National Forest lands.

- (5) ATVs may be operated only on roads within WMAs during the period between 2 hours before sunrise and 2 hours after sunset one day prior to and during big game, small game, and special hog only hunts by hunters actively participating in the hunt except where otherwise specified in [391-4-2-.70](#).
- (6) ATV operators must be at least 16 years old.
- (7) Trails and areas open to horses and bicycles may be closed during certain hunting seasons or certain times of day to avoid user conflicts.
- (8) Horses and non-motorized bicycles may be used on National Forest lands not otherwise closed.
- (9) No person may operate any motor vehicle, including off-road vehicles, in a reckless and negligent manner, or in a manner that willfully causes damage to improved roads, open roads, seasonal roads, ditches, wildlife openings, wildlife habitat, berms, firebreaks, campgrounds, or parking areas.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.62

Authority: O.C.G.A. §§ [12-3-9](#), [27-1-4](#), [40-7-5](#).

History. Original Rule entitled "Turkey" adopted. F. Mar. 14, 1975; eff. Apr. 3, 1975.

Repealed: Rule reserved. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Amended: New Rule entitled "Turkey" adopted. F. Mar. 14, 1977; eff. Apr. 3, 1977 (Not Published at request of the Agency as the adoption of a new Chapter 391-4-2 was contemplated in April, 1977).

Repealed: New Rule entitled "General Information" adopted. F. Mar. 6, 1978; eff. Mar. 26, 1978.

Repealed: F. Sept. 6, 1978; eff. Sept. 26, 1978.

Amended: New Rule entitled "General Information" adopted. F. Mar. 2, 1979; eff. Mar. 22, 1979.

Amended: F. June 3, 1993; eff. June 23, 1993.

Repealed: F. June 2, 1997; eff. June 22, 1997.

Amended: New Rule entitled "Alligators" adopted. F. May 30, 2003; eff. June 19, 2003.

Amended: F. July 1, 2004; eff. July 21, 2004.

Amended: F. June 16, 2005; eff. July 6, 2005.

Amended: F. May 24, 2007; eff. June 13, 2007.

Amended: F. May 27, 2009; eff. June 16, 2009.

Amended: F. Sept. 8, 2009; eff. Sept. 28, 2009.

Amended: F. June 7, 2010; eff. June 27, 2010.

Repealed: New Rule entitled "Vehicle, Horse, ATV and Other Conveyance Use on Wildlife Management Areas" adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Repealed: New Rule of same title adopted. F. June 4, 2019; eff. June 24, 2019.

Amended: F. June 7, 2021; eff. June 27, 2021.

Rule 391-4-2-.63. Hunting Structures on Wildlife Management Areas.

- (1) For purposes of this Rule, "hunting structure" means any portable tree stand, ground blind, stool, chair, bucket, waterfowl blind, or other similar device used for hunting.
- (2) For small game hunts, hunting structures may be placed and shall be removed from the WMA only on the day of the hunt, except that on opening day of dove season hunters shall not enter a managed dove field and hunting structures shall not be placed on a managed dove field prior to 10 a.m. or as otherwise noted in Rule [391-4-2-.70](#).
- (3) For big game and feral hog/coyote hunts, hunting structures shall not be placed any sooner than one day prior to the hunt and shall be removed from the WMA no later than 12:00 noon the day following the hunt.
- (4) It is unlawful for any person to place any tree stand on utility poles or other structures supporting utility lines.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.63

Authority: O.C.G.A. § [27-1-4](#).

History. Original Rule entitled "Turkey" was filed on March 14, 1975; effective April 3, 1975.

Amended: Rule repealed. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule entitled "Bag Limit" adopted. Filed March 2, 1979; effective March 22, 1979.

Amended: F. Jun. 5, 1992; eff. Jun. 25, 1992.

Repealed: New Rule entitled "Crows" adopted. F. Jun. 3, 1993; eff. Jun. 23, 1993.

Amended: F. Jun. 2, 1994; eff. Jun. 22, 1994.

Amended: F. May 25, 1995; eff. June 14, 1995.

Repealed: New Rule entitled "Hunting Structures on Wildlife Management Areas" adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Rule 391-4-2-.64. Youth Hunting on Wildlife Management Areas.

- (1) As used in this Rule, "Youth" means persons 16 years of age and younger, "Adult" means persons 18 years and older, and "direct supervision" or "directly supervised" means uninterrupted, unaided visual contact and auditory communication of a child by an adult.
- (2) All persons under sixteen (16) years of age shall be accompanied by and under direct supervision of an Adult when hunting.
- (3) On Youth Hunts for big game, only one firearm is allowed and only the Youth may hunt. An Adult shall supervise no more than one Youth.
- (4) On Youth Hunts for small game, one Adult may directly supervise no more than two (2) Youth. Except as otherwise specified in [391-4-2-.70](#), adults and Youth may possess firearms and hunt on small game Youth hunts, provided that an Adult hunting on such hunts shall be directly supervising the Youth or Youths participating in the hunt.

- (5) On Youth hunts, a person of 16 years of age may hunt unsupervised provided that person is properly licensed. The 16- year old may bring an Adult for supervision, provided that the Adult is directly supervising the 16-year old for a big game hunt or directly supervising the 16-year old and no more than one other Youth during a small game hunt.
- (6) On Youth hunts for quail, bird dog handlers may accompany youth parties provided, however, that such handlers may not hunt or carry a firearm except as provided in O.C.G.A. [16-11-129](#).

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.64

Authority: O.C.G.A. § [27-1-4](#).

History. Original Rule entitled "Bear" adopted. F. July 25, 1983; eff. August 14, 1983.

Amended: F. July 30, 1984; eff. August 19, 1984.

Amended: F. July 17, 1985; eff. August 6, 1985.

Amended: F. July 31, 1986; eff. August 20, 1986.

Amended: F. July 16, 1987; eff. August 5, 1987.

Amended: F. July 15, 1988; eff. August 4, 1988.

Amended: F. July 24, 1990; eff. August 13, 1990.

Amended: F. June 5, 1992; eff. June 25, 1992.

Amended: F. June 3, 1993; eff. June 23, 1993.

Amended: F. May 25, 1995; eff. June 14, 1995.

Amended: F. May 21, 1998; eff. June 10, 1998.

Repealed: New Rule of same title adopted. F. May 29, 2001; eff. June 18, 2001.

Amended: F. May 30, 2003; eff. June 19, 2003.

Amended: F. June 16, 2005; eff. July 6, 2005.

Amended: F. May 24, 2007; eff. June 13, 2007.

Amended: F. May 27, 2009; eff. June 16, 2009.

Amended: F. Jun. 1, 2011; eff. Jun. 21, 2011.

Repealed: New Rule entitled "Youth Hunting on Wildlife Management Areas" adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Repealed: New Rule of same title adopted. F. June 4, 2019; eff. June 24, 2019.

[Rule 391-4-2-.65. \[Repealed\].](#)

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.65

Authority: O.C.G.A. § [27-1-4](#).

History. Original Rule entitled "Feral Hog Hunting Weapons" adopted. F. May 30, 2003; eff. June 19, 2003.

Repealed: New Rule entitled "Managed Hunts on Wildlife Management Areas" adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Repealed: New Rule of same title adopted. F. June 4, 2019; eff. June 24, 2019.

Repealed: F. June 7, 2021; eff. June 27, 2021.

[Rule 391-4-2-.66. Big Game Regulations on Wildlife Management Areas.](#)

- (1) Two (2) deer may be killed during any one bonus deer hunt. However, on bonus hunts when antler restrictions are in effect, no more than one (1) of the two (2) deer allowed may be an antlered buck.
- (2) On bonus deer hunts, hunters should not record deer on the harvest record nor enter it in the Georgia Game Check harvest reporting system, but deliver the deer on the date of kill to the Wildlife Resources Division check station on the area where department personnel will provide a single-use tag. On all other deer hunts, the hunter's deer harvest record must be completed and the harvest must be reported pursuant to Rule [391-4-2-.03](#).
- (3) All deer hunts are either sex unless otherwise specified in [391-4-2-.70](#).
- (4) A hunter shall harvest no more than 1 gobbler per season on any single wildlife management area, department-managed property, the Oconee National Forest outside of wildlife management areas or the Chattahoochee National Forest outside of wildlife management areas, unless otherwise specified in [391-4-2-.70](#).
- (5) Turkeys harvested on WMAs must be recorded on the hunter's harvest record and reported pursuant to Rule [391-4-2-.03](#).
- (6) The head and hide of all bears killed during open seasons must be presented at the check station on same date as killed on hunt dates when the check station is staffed. If the check station is unstaffed, the hunter shall report the harvest pursuant to [391-4-2-.03](#).
- (7) Sign in is required for all big game hunts unless otherwise specified in Rule [391-4-2-.70](#).
- (8) Man-drives are prohibited during deer hunts. A man-drive is defined as an organized hunting technique involving three (3) or more hunters using a coordinated effort to drive animals from cover to another hunter for the purpose of shooting.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.66

Authority: O.C.G.A. § [27-1-4](#).

History. Original Rule entitled "Big Game Regulations on Wildlife Management Areas" adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. May 26, 2015; eff. June 15, 2015.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Repealed: New Rule of same title adopted. F. June 4, 2019; eff. June 24, 2019.

Amended: F. June 7, 2021; eff. June 27, 2021.

Rule 391-4-2-.67. Small Game Regulations on Wildlife Management Areas.

- (1) During small game hunts, hunters may hunt any small game in season subject to state seasons, regulations and bag limits except as may otherwise be provided in Rule [391-4-2-.70](#).

- (2) Sign-in is not required for small game hunting (including migratory birds) unless otherwise provided in Rule [391-4-2-.70](#).
- (3) Small game and furbearer hunting are not allowed during quota hunts unless otherwise provided in Rule [391-4-2-.70](#).
- (4) Small game hunters hunting on dates concurrent with deer and bear primitive weapons or firearm hunts must wear fluorescent orange as specified in Rule [391-4-2-.04](#), except for dove hunters hunting on managed dove fields, furbearer hunters hunting at night, and waterfowl hunters hunting on managed waterfowl impoundments or other water bodies.
- (5) Only waterfowl hunting can take place on managed impoundments during waterfowl hunting dates. Waterfowl on all other WMA locations may be taken any day of the waterfowl seasons whenever the area is open for small game hunting unless otherwise specified.
- (6) On quota waterfowl hunts, hunters must hunt from assigned areas. Shooting hours begin in accordance with applicable federal regulations and end at 12:00 noon except that on the last Saturday of the season, hunters may shoot until sunset.
- (7) No night hunting is allowed on any WMA except for raccoon, fox, opossum, or bobcat on open dates. Coyotes and feral hogs may be taken at night while hunting raccoon, fox, opossum, or bobcat. When hunting fox and bobcat at night centerfire weapons may not be used.
- (8) Raccoon, opossum, fox and bobcat may be hunted within statewide seasons during small game and furbearer dates, unless otherwise specified; electronic calls may not be used.
- (9) Permitted alligator hunters may hunt during day or night on open small game and big game dates unless otherwise specified in Rule [391-4-2-.70](#).
- (10) Coyotes and feral hogs may be taken during all hunts but weapon types are restricted to only those weapons allowed for the game species in season. Coyotes and feral hogs may be taken during small game season with any weapon legal for small game except that centerfire rifles may not be used, unless otherwise specified in Rule [391-4-2-.70](#).
- (11) Special coyote season:
 - (a) May 16-May 31 unless otherwise specified in [391-4-2-.70](#).
 - (b) Hunters may use any weapon legal for small or big game unless otherwise specified in [391-4-2-.70](#).
 - (c) Hunters and any person accompanying a hunter afield shall wear a total of at least 500 visible square inches of daylight fluorescent orange material as an outer garment above the waistline.

- (d) Night hunting is prohibited.
 - (e) Feral hogs may not be taken unless otherwise specified in [391-4-2-.70](#).
 - (f) Dogs may not be used to hunt hogs unless otherwise specified in [391-4-2-.70](#).
Where allowed, hunting dogs must be marked with the hunter's name and a valid telephone number.
 - (g) Hogs must be killed immediately upon capture.
- (12) Unless otherwise specified in [391-4-2-.70](#), small game may be taken on WMAs by permitted falconers at any time during the state falconry season pursuant to O.C.G.A. [27-3-15](#) except during any quota big game hunts or small game quota hunts for which the falconer has not been drawn.
- (13) The daily bag limit on fox squirrels is 1 per hunter.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.67

Authority: O.C.G.A. § [27-1-4](#).

History. Original Rule entitled "Small Game Regulations on Wildlife Management Areas" adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. May 26, 2015; eff. June 15, 2015.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Repealed: New Rule of same title adopted. F. June 4, 2019; eff. June 24, 2019.

Amended: F. June 7, 2021; eff. June 27, 2021.

Rule 391-4-2-.68. Training of Hunting Dogs on Wildlife Management Areas.

- (1) The training of hunting dogs for hunting any particular species may occur only during dates open for hunting such species on each WMA, unless otherwise specified, and in accordance with O.C.G.A. Section [27-3-16](#).
- (2) There is no limit on the number of trail dogs for rabbit, fox, squirrel, raccoon, bobcat or opossum unless otherwise provided in Rule [391-4-2-.70](#).
- (3) Trail dogs for rabbit are limited to beagles, bassets and dachshunds only.
- (4) Dogs are not allowed for pursuing big game or for pursuing or catching hogs unless otherwise specified in rules [391-4-2-.70](#), [391-4-2-.71](#) and [391-4-2-.73](#). Hunters whose dogs are found in violation of this regulation shall be deemed in violation of O.C.G.A. Section [27-1-33](#).
- (5) On bird dog training areas, as indicated in [391-4-2-.70](#) for individual WMAs, dog training is restricted to designated portions of WMA only and is allowed year-round and during daylight hours only unless otherwise specified in [391-4-2-.70](#). Pen-reared quail or pigeons

may be used during training exercises on bird dog training areas in accordance with O.C.G.A. [27-3-16](#).

- (6) Dog training is prohibited during quail or rabbit hunts.
- (7) Field trials may be held on WMAs provided the organizer has the proper permit authorized by O.C.G.A. Section [27-2-21](#). The conditions provided in the permit shall be met. No permits will be issued if there are conflicts with area objectives as determined by the department.
- (8) It is unlawful for any person to fail to remove his/her dog(s) from a WMAs upon his/her departure from such WMA.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.68

Authority: O.C.G.A. § [27-1-4](#).

History. Original Rule entitled "Training of Hunting Dogs on Wildlife Management Areas" adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Amended: F. June 7, 2021; eff. June 27, 2021.

Rule 391-4-2-.70. Wildlife Management Areas, Other State Lands, and Federal Areas.

The following species may be hunted on State areas in accordance with restrictions set forth below except as prescribed in [391-4-2-.60](#) through [391-4-2-.68](#), and on Federal areas in accordance with the restrictions set forth below.

Alapaha River WMA
Deer
2021-22
Archery Either Sex Sep 11-Oct 17 Sign-in
Firearms Buck Only Oct 23-Oct 24 Sign-in
Firearms Either Sex Nov 11-Nov 13 Bonus Deer
Firearms Either Sex Nov 24-Nov 28, Dec 14-Dec 19 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 23 Sign-in
Firearms Buck Only Oct 29-Oct 30 Sign-in
Firearms Either Sex Nov 10-Nov 12 Bonus Deer
Firearms Either Sex Nov 23-Nov 27, Dec 13-Dec 18 Sign-in
Dove
Saturdays only during 1st season.

2021-22
Sep 11, Sep 18, Sep 25, Oct 2, Oct 9 Nov 20-Nov 28, Dec 19-Jan 31
Sep 4 Sign-in Quota 50
2022-23
Sep 10, Sep 17, Sep 24, Oct 1, Oct 8, Nov 19-Nov 27, Dec 19-Jan 31
Sep 3 Sign-in Quota 50
Turkey
2021-22
Apr 23-May 15 Sign-in
Apr 9-Apr 15, Apr 16-Apr 22 Sign-in Quota 15
2022-23
Apr 22-May 15 Sign-in
Apr 8-Apr 14, Apr 15-Apr 21 Sign-in Quota 15
Albany Nursery WMA
Special Regulations
Physically Disabled hunters should apply by letter by Mar. 10 to Albany Nursery Quota Turkey Hunt, Game Management, 2024 Newton Road, Albany, Georgia 31701. Include a phone number. See page 74 for all other quota hunt application instructions.; No camping. No May 16-31 coyote season. Dog training in designated area only.
Deer
2021-22
Archery Either Sex Dec 5-Jan 9 Sign-in
Mobility Impaired Firearms Either Sex Oct 28-Oct 31, Nov 25-Nov 28 Sign-in
2022-23
Archery Either Sex Dec 4-Jan 8 Sign-in
Mobility Impaired Firearms Either Sex Oct 27-Oct 30, Nov 24-Nov 27 Sign-in
Dove
Quota on designated fields only. All other areas open to the public.
2021-22
Sep 11-Oct 10, Nov 21-Nov 24, Dec 19-Jan 31
Sep 4 Sign-in Quota 35
2022-23
Sep 10-Oct 9, Nov 19-Nov 23, Dec 19-Jan 31
Sep 3 Sign-in Quota 35
Quail

Quail hunting by quota only. Maximum 3 persons per party. Bag limit is 3 per person. Hunting party must check-in harvest at kiosk or online. Complete one check-in (survey) per party.
2021-22
Jan 15 Sign-in Quota 1
Youth Nov 20, Dec 4 Sign-in Quota 1
2022-23
Jan 14 Sign-in Quota 1
Youth Nov 19, Dec 3 Sign-in Quota 1
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Mobility Impaired Apr 16-Apr 20, Apr 30-May 4 Sign-in Quota 1
Youth Apr 9-Apr 13, Apr 23-Apr 27 Sign-in Quota 1
2022-23
Mobility Impaired Apr 15-Apr 19, Apr 29-May 3 Sign-in Quota 1
Youth Apr 8-Apr 12, Apr 22-Apr 26 Sign-in Quota 1
Alexander WMA
Special Regulations
No camping. Bird dog training allowed year-round in designated areas.
Deer
2021-22
Archery Either Sex Sep 11-Oct 15, Dec 1-Jan 9 Sign-in
Firearms Either Sex Oct 16-Nov 30 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 21, Dec 1-Jan 8 Sign-in
Firearms Either Sex Oct 22-Nov 30 Sign-in
Dove
Quota; No dove hunting outside of dove field; Shooting hours from 12 noon - sunset on quota hunts
2021-22
Sep 18, Sep 25, Oct 2, Oct 9, Nov 20-Nov 28, Dec 19-Jan 31 Sign-in

Sep 4, Sep 11 Sign-in Quota 50
2022-23
Sep 17, Sep 24, Oct 1, Oct 8, Nov 19-Nov 27, Dec 19-Jan 31 Sign-in
Sep 3, Sep 10 Sign-in Quota 50
Small Game
2021-22
Aug 15-Feb 28 Sign-in
2022-23
Aug 15-Feb 28 Sign-in
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Allatoona WMA
Special Regulations
Firearms prohibited in U.S. Corps of Engineers developed campsites. Horse and bicycle trails & areas are closed all day during Firearms Specialty Hunt and before 10:00 a.m. EST during all other deer and turkey seasons. No ATVs. No camping.
Deer/Bear
2021-22
Archery Either Sex Sep 11-Oct 15 Sign-in
Firearms Either Sex Nov 2-Jan 1 Sign-in
Specialty Firearms Either Sex Oct 16-Oct 17 Sign-in
Youth Firearms Either Sex Oct 18-Nov 1 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 21 Sign-in
Firearms Either Sex Nov 1-Jan 1 Sign-in
Specialty Firearms Either Sex Oct 22-Oct 23 Sign-in
Youth Firearms Either Sex Oct 24-Oct 31 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28

Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Alligator Creek WMA
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Either Sex Oct 16-Jan 9 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Either Sex Oct 22-Jan 8 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Altama Plantation WMA
Deer
2021-22
Archery Either Sex Sep 11-Nov 10, Dec 31-Jan 9 Sign-in
Firearms Either Sex Dec 28-Dec 30 Bonus Deer
Firearms Either Sex Nov 11-Nov 13, Dec 2-Dec 4 Sign-in Quota 50
2022-23
Archery Either Sex Sep 10-Nov 9, Dec 30-Jan 8 Sign-in
Firearms Either Sex Dec 27-Dec 29 Bonus Deer
Firearms Either Sex Nov 10-Nov 12, Dec 1-Dec 3 Sign-in Quota 50
Small Game

No furbearer season.
2021-22
Firearms Aug 15-Feb 28
2022-23
Firearms Aug 15-Feb 28
Turkey
2021-22
Firearms Apr 9-May 15 Sign-in
2022-23
Firearms Apr 8-May 15 Sign-in
Altamaha WMA - Buffalo Swamp, Lewis Island, and McGowan Lake Tracts
Special Regulations
This area includes those Altamaha WMA lands west of Butler & Champney Islands.
Coyote
May 16-31. Feral hogs may be hunted with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Buck Only Oct 16-Oct 17 Sign-in
Firearms Either Sex Oct 18-Jan 9 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Buck Only Oct 22-Oct 23 Sign-in
Firearms Either Sex Oct 24-Jan 8 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in
Small Game
2021-22
Firearms Aug 15-Feb 28
2022-23
Firearms Aug 15-Feb 28
Turkey
2021-22
Firearms Apr 9-May 15 Sign-in

2022-23
Firearms Apr 8-May 15 Sign-in
Altamaha WMA - Waterfowl Management Area
Special Regulations
<p>This area includes Broughton, Butler, Champney, Rabbit and Rhett's Islands. Butler Refuge (located on Butler Island east of HWY 17) and Ansley Hodges MARSH Project (located west of HWY 17 on Champney Island) are closed to firearms at all times, but open to archery deer hunting seasons and archery rabbit hunting after the last Saturday of waterfowl season. Airboats are prohibited inside managed waterfowl impoundments. Boats are restricted to one motor of 25hp or less. Access to Rhett's Island at designated crossover sites only. Waterfowl shooting hours end at noon, except last day of season when shooting hours end at sunset. Rhett's Island is closed to fishing, shrimping & crabbing during early teal season & statewide waterfowl season. Butler Island ponds & impoundments closed to cast netting west of Highway 17. Drone use prohibited, including launching and landing.</p>
Coyote
Mar. 1-May 31. Small game weapons only. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Sep 11-Nov 15 Sign-in
2022-23
Archery Either Sex Sep 10-Nov 15 Sign-in
Dove
2021-22
Sep 4-Sep 5, Sep 11-Sep 12, Sep 18-Sep 19, Sep 25-Sep 26
2022-23
Sep 3-Sep 4, Sep 10-Sep 11, Sep 17-Sep 18, Sep 24-Sep 25
Rabbit
Bag Limit of 6/person/day. Archery Youth Only, Butler Refuge Area
2021-22
Youth Archery Jan 29-Jan 30
2022-23
Youth Archery Jan 28-Jan 29
Small Game
Butler Island opens after the last Saturday of waterfowl season. Aug. 15-Nov. 15, Feb. 1-Feb.28. No furbearer season. Snipe: Wed.-Sun. & State Holidays during season.
Turkey

No turkey season
Waterfowl
Shooting hours end at 12 noon, except last day of season when shooting hours end at sunset. Rhett's Island: Wed., Sat., Sun. & State Holidays during statewide season. Q25 Butler Island: Saturday Only. Stand selection drawing will be held at 5:00am. Stand-by hunters will be issued unfilled quota slots based on drawing the morning of the hunt. Maximum of 3 persons per party. Q25 Champney Island: Weekends Only. Quota selection required, no stand-by allowed. Maximum 3 persons per party. First hunt open only to youth and veterans to apply; other 2 party members do not have to be youth or veterans.
2021-22
Butler Island Nov 20, Nov 27, Dec 18, Jan 1, Jan 8, Jan 15, Jan 22, Jan 29 Quota 25
Champney Island Youth and Veterans only: Nov 20-Nov 21 General Quota: Nov 27-Nov 28, Dec 18-Dec 19, Dec 25-Dec 26, Jan 1-Jan 2, Jan 8-Jan 9, Jan 15-Jan 16, Jan 22-Jan 23, Jan 29-Jan 30 Quota 25
2022-23
Butler Island Nov 19, Nov 26, Dec 17, Dec 24, Dec 31, Jan 7, Jan 14, Jan 21, Jan 28 Quota 25
Champney Island Youth and Veterans only: Nov 19-Nov 20; General Quota: Nov 26-Nov 27, Dec 17-Dec 18, Dec 24-Dec 25, Dec 31-Jan 1, Jan 7-Jan 8, Jan 14-Jan 15, Jan 21-Jan 22, Jan 28-Jan 29 Quota 25
Appling County Dove Field VPA
Special Regulations
On opening day, hunters shall not enter a managed dove field and hunting structures shall not be placed on a managed dove field prior to 10:00 am. No May 16-31 coyote season.
Dove
2021-22
Sep 11, Sep 18 Sign-in
Youth Sep 4 Sign-in
2022-23
Sep 10, Sep 17 Sign-in
Youth Sep 3 Sign-in
Arrowhead WMA
Special Regulations
No ATV's except by mobility impaired hunters during mobility impaired hunts. No camping.
Coyote
May 16-31. Small game weapons only.
Deer/Bear
2021-22
Archery Either Sex Dec 6-Jan 9 Sign-in

Mobility Impaired Archery Either Sex Nov 29-Dec 5 Sign-in
Youth Archery Either Sex Nov 1-Nov 28 Sign-in
2022-23
Archery Either Sex Dec 5-Jan 8 Sign-in
Mobility Impaired Archery Either Sex Nov 28-Dec 4 Sign-in
Youth Archery Either Sex Nov 1-Nov 27 Sign-in
Small Game
2021-22
Youth Aug 15-Oct 31, Feb 1-Feb 28
2022-23
Youth Aug 15-Oct 31, Feb 1-Feb 28
Turkey
2021-22
Mobility Impaired Apr 9-Apr 15 Sign-in
Youth Apr 16-May 15 Sign-in
2022-23
Mobility Impaired Apr 8-Apr 14 Sign-in
Youth Apr 15-May 15 Sign-in
Waterfowl
Saturdays only during statewide season.
B.F. Grant WMA
Special Regulations
No hunting on or access through pastures.
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
2021-22
Archery Quality Buck and Antlerless Sep 11-Sep 19, Dec 2-Dec 5 Sign-in
Firearms Quality Buck and Antlerless Nov 4-Nov 6, Nov 18-Nov 20 Bonus Deer Quota 300
Primitive Weapons Quality Buck and Antlerless Dec 17-Dec 19 Sign-in
2022-23
Archery Quality Buck and Antlerless Sep 10-Sep 18, Dec 1-Dec 4 Sign-in
Firearms Quality Buck and Antlerless Nov 3-Nov 5, Nov 17-Nov 19 Bonus Deer Quota 300
Primitive Weapons Quality Buck and Antlerless Dec 16-Dec 18 Sign-in
Dove

2021-22
Sep 4, Sep 11, Sep 18, Sep 25, Oct 2-10, Nov 21-Nov 28, Dec 20-Jan 31
2022-23
Sep 3, Sep 10, Sep 17, Sep 24, Oct 1-9, Nov 20-Nov 27, Dec 19-Jan 31
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 16-Apr 22 Sign-in Quota 80
Apr 23-May 15 Sign-in
Youth Apr 9-Apr 15 Sign-in
2022-23
Apr 15-Apr 21 Sign-in Quota 80
Apr 22-May 15 Sign-in
Youth Apr 8-Apr 14 Sign-in
Waterfowl
No waterfowl hunting on MARSH ponds. Shooting hours end at 12 noon.
2021-22
First Sat. of 2 nd Season, Jan 22 Sign-in Quota 3
2022-23
First Sat. of 2 nd Season, Jan 21 Sign-in Quota 3
Balls Ferry State Park
Special Regulations
No camping. On youth hunts, only youth may hunt. No May 16-31 coyote season.
Deer
2021-22
Archery Either Sex Sep 11-Oct 8, Oct 16-Jan 9 Sign-in
Youth Firearms Either Sex Oct 9-Oct 15 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14, Oct 22-Jan 8 Sign-in
Youth Firearms Either Sex Oct 15-Oct 21 Sign-in
Small Game

2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Archery Apr 18-May 15 Sign-in
Youth Apr 9-Apr 17 Sign-in
2022-23
Archery Apr 17-May 15 Sign-in
Youth Apr 8-Apr 16 Sign-in
Waterfowl
Shooting hours end at 12 noon.
Banks Lake NWR
Special Regulations
No commercial activities allowed. Open only to Quota selected hunters in Alligator Hunt Zone 4.
Alligator
2021-22
Aug 27-Aug 29
2022-23
Aug 26-Aug 28
Bartram Forest WMA
Special Regulations
Archery only for all species. No firearms hunting is allowed. Bartram Forest is a multiple- use recreation area; other users may be present during open hunting seasons. Gates may be opened or closed at the discretion of Georgia Forestry Commission. Please see WMA maps for safety zones. No camping. No May 16-31 coyote season.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game
2021-22
Archery Aug 15-Feb 28

2022-23
Archery Aug 15-Feb 28
Turkey
2021-22
Archery Apr 9-May 15 Sign-in
2022-23
Archery Apr 8-May 15 Sign-in
Waterfowl
Shooting hours end at 12 noon.
Beaverdam WMA
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Sep 11-Sep 17, Sep 25-Oct 15 Sign-in
Firearms Buck Only Nov 25-Nov 27, Dec 15-Dec 18 Sign-in
Firearms Either Sex Nov 4-Nov 6 Bonus Deer
Specialty Firearms Either Sex Sep 18-Sep 24 Sign-in
2022-23
Archery Either Sex Sep 10-Sep 16, Sep 24-Oct 21 Sign-in
Firearms Buck Only Nov 24-Nov 26, Dec 14-Dec 17 Sign-in
Firearms Either Sex Nov 3-Nov 5 Bonus Deer
Specialty Firearms Either Sex Sep 17-Sep 23 Sign-in
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Berry College WMA
Special Regulations
There is no open season for the taking of any wildlife on Berry College campus and refuge. Firearms and archery equipment are prohibited on the campus and refuge. Hunters may not use the campus or refuge for gaining access to the WMA. No ATV's. Horse, bicycle, and foot trails

and areas are closed all day during firearms deer season and before 10:00am during deer archery and turkey season. No May 16-31 coyote season.
Deer/Bear
2021-22
Archery Either Sex Sep 11-Nov 2, Nov 7-Nov 12 Sign-in
Firearms Either Sex Dec 1-Dec 4 Bonus Deer Quota 1000
Firearms Either Sex Last Day Nov 3-Nov 6 Bonus Deer Quota 1000
Specialty Firearms Either Sex Jan 8-Jan 9 Bonus Deer
2022-23
Archery Either Sex Nov 6-Nov 11 Sign-in
Archery Either Sex Sep 10-Nov 1 Sign-in
Firearms Either Sex Last Day Nov 2-Nov 5 Bonus Deer Quota 1000
Firearms Either Sex Nov 30-Dec 3 Bonus Deer Quota 1000
Specialty Firearms Either Sex Jan 7-Jan 8 Bonus Deer
Dog Training
Aug 15 - Mar 19, except during firearms deer hunts.
Dove
2021-22
Sep 4, Sep 11, Sep 18, Sep 25, Oct 2, Oct 9-Oct 10, Nov 20-Nov 28, Dec 19-Jan 7, Jan 10-Jan 31
2022-23
Sep 3, Sep 10, Sep 17, Sep 24, Oct 1, Oct 8-Oct 9, Nov 19-Nov 27, Dec 19-Jan 6, Jan 9-Jan 31
Small Game
No night hunting.
2021-22
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Big Dukes Pond WMA
Special Regulations
Camping, ATVs & horses prohibited. Note Safety Zone on map - access prohibited between Feb. 1 and July 15.
Deer

2021-22
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Either Sex Oct 16-Nov 30 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Either Sex Oct 22-Nov 30 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Waterfowl
Wednesdays and Saturdays only during statewide season. Shooting hours end at 12 noon.
Big Hammock WMA
Special Regulations
If the river stage is 9 feet or higher, measured at the Doctortown Gauge, the gates will be closed. Deer hunters may not hunt within 50 feet of the nature trail off Mack Phillips Rd.
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Dec 1-Jan 9 Sign-in
Archery Either Sex Sep 11-Oct 6, Oct 10-Oct 15 Sign-in
Firearms Either Sex Oct 23-Nov 7 Sign-in
Primitive Weapons Either Sex Oct 7-Oct 9 Sign-in
2022-23
Archery Either Sex Dec 1-Jan 8 Sign-in
Archery Either Sex Sep 10-Oct 5, Oct 9-Oct 21 Sign-in
Firearms Either Sex Oct 29-Nov 13 Sign-in
Primitive Weapons Either Sex Oct 6-Oct 8 Sign-in
Turkey

2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Big Lazer Creek WMA
Coyote
2021-22
May 16-May 31
2022-23
May 16-May 31
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
2021-22
Archery Quality Buck and Antlerless Sep 11-Sep 24, Oct 17-Oct 31 Sign-in
Firearms Quality Buck and Antlerless Last Day Oct 14-Oct 16, Nov 11-Nov 13 Bonus Deer
Specialty Firearms Quality Buck and Antlerless Nov 19-Nov 21 Sign-in
Youth Firearms Either Sex Sep 25-Sep 26 Sign-in
2022-23
Archery Quality Buck and Antlerless Sep 10-Sep 23, Oct 16-Oct 30 Sign-in
Firearms Quality Buck and Antlerless Last Day Oct 13-Oct 15, Nov 10-Nov 12 Bonus Deer
Specialty Firearms Quality Buck and Antlerless Nov 18-Nov 20 Sign-in
Youth Firearms Either Sex Sep 24-Sep 25 Sign-in
Dove
2021-22
Sep 4, Sep 11, Sep 18-Sep 24, Nov 24-Nov 28, Dec 19-Jan 31
2022-23
Sep 3, Sep 10, Sep 17-Sep 23, Nov 23-Nov 27, Dec 19-Jan 31
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22

Apr 9-Apr 17, Apr 23-May 1 Sign-in Quota 50
May 2-May 15 Sign-in
2022-23
Apr 8-Apr 16, Apr 22-Apr 30 Sign-in Quota 50
May 1-May 15 Sign-in
Waterfowl
PFA is open for waterfowl hunting Wednesdays and Saturdays only during statewide waterfowl season.
Blackbeard Island NWR
Special Regulations
All hunters 16 years of age or older must purchase a \$25 Savannah Coastal Refuges Complex Annual Hunt Permit at www.savannahcoastalpermits.com . No alligator hunting. Visit www.fws.gov/refuge/blackbeard_island for seasons, dates and more information. No May 16-31 coyote season.
Blanton Creek WMA
Coyote
2021-22
May 16-May 31
2022-23
May 16-May 31
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
2021-22
Archery Quality Buck and Antlerless Sep 11-Oct 8, Oct 11-Oct 17, Nov 21-Nov 28 Sign-in
Firearms Quality Buck and Antlerless Oct 21-Oct 23, Nov 18-Nov 20 Bonus Deer Quota 200
Specialty Firearms Quality Buck and Antlerless Oct 9-Oct 10 Sign-in
2022-23
Archery Quality Buck and Antlerless Sep 10-Oct 6, Oct 10-Oct 16, Nov 20-Nov 27 Sign-in
Firearms Quality Buck and Antlerless Oct 20-Oct 22, Nov 17-Nov 19 Bonus Deer Quota 200
Specialty Firearms Quality Buck and Antlerless Oct 8-Oct 9 Sign-in
Dove
2021-22
Sep 18-Sep 30, Nov 21-Nov 28, Dec 19-Jan 31
Sep 4, Sep 11 Sign-in Quota 75

2022-23
Sep 17-Sep 30, Nov 20-Nov 27, Dec 19-Jan 31
Sep 3, Sep 10 Sign-in Quota 75
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 23-May 15 Sign-in
Apr 9-Apr 15, Apr 16-Apr 22 Sign-in Quota 35
2022-23
Apr 22-May 15 Sign-in
Apr 8-Apr 14, Apr 15-Apr 21 Sign-in Quota 35
Waterfowl
No waterfowl hunting on MARSH ponds. Shooting hours end at 12 noon.
Blue Ridge WMA
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer/Bear
2021-22
Archery Buck Only Sep 11-Oct 6, Oct 16-Oct 31 Sign-in
Firearms Buck Only Nov 24-Nov 27 Sign-in
Firearms Buck Only Nov 3-Nov 7 Bonus Deer
Primitive Weapons Buck Only Oct 9-Oct 15 Sign-in
2022-23
Archery Buck Only Sep 10-Oct 12, Oct 22-Oct 31 Sign-in
Firearms Buck Only Nov 23-Nov 26 Sign-in
Firearms Buck Only Nov 2-Nov 6 Bonus Deer
Primitive Weapons Buck Only Oct 15-Oct 21 Sign-in
Small Game

2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Bond Swamp NWR
Special Regulations
Refuge permits are required for all hunts. Quota deer and waterfowl application deadline is September 22, 2021 & September 21, 2022. Quota turkey application deadline is February 16, 2022 & February 15, 2023. Sign-in required for youth deer hunt. Contact the Piedmont Refuge office to obtain applications, permits and refuge specific hunting regulations. Hunters are required to sign out harvested game at refuge check stations. Feral hogs may only be taken during refuge big game and small game hunts with applicable weapons restrictions. No May 16-31 coyote season. Baiting is prohibited. For more information call 478-986-5441 or email.
Deer
2021-22
Archery Either Sex Sep 11-Nov 7
Firearms Either Sex Nov 19-Nov 20, Dec 3-Dec 4 Quota 200
Youth Firearms Either Sex Nov 13-Nov 14 Sign-in Quota 50
2022-23
Archery Either Sex Sep 10-Nov 6
Firearms Either Sex Nov 18-Nov 19, Dec 2-Dec 3 Quota 200
Youth Firearms Either Sex Nov 12-Nov 13 Sign-in Quota 50
Quail
2021-22
Dec 5-Jan 31
2022-23
Dec 4-Jan 31
Rabbit
2021-22
Dec 5-Jan 31
2022-23

Dec 4-Jan 31
Small Game
Bag Limit of 1/day for Fox Squirrel
Squirrel
2021-22
Aug 15-Sep 10, Dec 5-Jan 31
2022-23
Aug 15-Sep 9, Dec 4-Jan 31
Turkey
Bag Limit 1
2021-22
Apr 9-Apr 10, Apr 22-Apr 23 Quota 40
2022-23
Apr 8-Apr 9, Apr 21-Apr 22 Quota 40
Waterfowl
Shooting hours end at 12 noon.
2021-22
Dec. 12-13, Dec 23-Dec 24, Jan 7-Jan 8, Jan 21-Jan 22 Quota 20
2022-23
Dec 12-13, Dec 23-Dec 24, Jan 6-Jan 7, Jan 20-Jan 21 Quota 20
Broad River WMA
Deer/Bear
2021-22
Archery Either Sex Sep 11-Nov 30
2022-23
Archery Either Sex Sep 10-Nov 30
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15
2022-23

Apr 8-May 15
Buck Shoals WMA
Special Regulations
Day Use access is available on River Rd. Access for scheduled events is available on Cloverleaf Dr. and Buck Shoals Dr. Limit of 1 for all big game (Turkey and Deer) hunts. No May 16-31 coyote season.
Deer/Bear
1 deer limit on all hunts
2021-22
Hunt-and-Learn Firearms Either Sex Nov 6-Nov 7 Bonus Deer Quota 12
Youth Firearms Either Sex Nov 20-Nov 21, Dec 4-Dec 5 Bonus Deer Quota 12
2022-23
Hunt-and-Learn Firearms Either Sex Nov 5-Nov 6 Bonus Deer Quota 12
Youth Firearms Either Sex Nov 19-Nov 20, Dec 3-Dec 4 Bonus Deer Quota 12
Dove
2021-22
Hunt-and-Learn Sep 11-Sep 12 Quota 15
Youth Sep 4 Quota 25
2022-23
Hunt-and-Learn Sep 10-Sep 11 Quota 15
Youth Sep 3 Quota 25
Small Game
No night hunting.
2021-22
Youth Jan 1-Jan 9, Jan 22-Jan 30 Sign-in Quota 10
2022-23
Youth Jan 7-Jan 15, Jan 21-Jan 29 Sign-in Quota 10
Turkey
2021-22
Hunt-and-Learn Apr 9-Apr 10 Quota 3
Youth Apr 23-Apr 24, May 7-May 8 Quota 5
2022-23
Hunt-and-Learn Apr 8-Apr 9 Quota 3
Youth Apr 22-Apr 23, May 6-May 7 Quota 5
Bullard Creek WMA

Special Regulations
No firearms deer hunting within posted Towns Bluff Tract but legal firearms permitted for turkey and small game hunting.
Deer
2021-22
Archery Either Sex Sep 11-Sep 22, Sep 26-Oct 8 Sign-in
Firearms Buck Only Dec 16-Dec 18 Sign-in
Firearms Either Sex Nov 24-Nov 27 Sign-in
Firearms Either Sex Oct 14-Oct 16 Bonus Deer
Primitive Weapons Either Sex Sep 23-Sep 25 Sign-in
Specialty Firearms Either Sex Oct 29-Oct 31 Sign-in
2022-23
Archery Either Sex Sep 10-Sep 21, Sep 25-Oct 14 Sign-in
Firearms Buck Only Dec 15-Dec 17 Sign-in
Firearms Either Sex Nov 23-Nov 26 Sign-in
Firearms Either Sex Oct 20-Oct 22 Bonus Deer
Primitive Weapons Either Sex Sep 22-Sep 24 Sign-in
Specialty Firearms Either Sex Oct 28-Oct 30 Sign-in
Turkey
2021-22
Apr 9-Apr 15 Sign-in Quota 80
Apr 16-May 15 Sign-in
2022-23
Apr 8-Apr 14 Sign-in Quota 80
Apr 15-May 15 Sign-in
Bullard Creek WMA - Bell Telephone Tract
Special Regulations
No firearms deer hunting but legal firearms permitted for turkey and small game.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Turkey

2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Bullard Creek WMA - Montgomery Tract
Special Regulations
Access is limited to foot or boat travel only and is quality buck which means bucks must have a minimum of four points (1 inch or longer) on one side. No firearms deer hunting but legal firearms permitted for turkey and small game hunting.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Bullard Creek WMA - Ocmulgee Tract
Special Regulations
No firearms deer hunting but legal firearms permitted for turkey and small game.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Camp Creek VPA
Special Regulations
No May 16-31 coyote season.

Camp Thunder VPA
Special Regulations
No ATVs. No camping.
Coyote
May 16-31, archery only.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game
2021-22
Archery Aug 15-Feb 28
2022-23
Archery Aug 15-Feb 28
Turkey
2021-22
Archery Apr 9-May 15 Sign-in
2022-23
Archery Apr 8-May 15 Sign-in
Waterfowl
Shooting hours end at 12 noon.
Canoochee Sandhills WMA
Deer
2021-22
Archery Either Sex Sep 11-Oct 9 Sign-in
Firearms Buck Only Dec 16-Dec 18 Sign-in
Firearms Either Sex Oct 21-Oct 23, Nov 11-Nov 13 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 8 Sign-in
Firearms Buck Only Dec 15-Dec 17 Sign-in
Firearms Either Sex Oct 27-Oct 29, Nov 10-Nov 12 Sign-in
Dove
Saturdays only during 1st season.

2021-22
Sep 4, Sep 11, Sep 18, Sep 25, Oct 2, Oct 9 Nov 20-Nov 28, Dec 19-Jan 31
2022-23
Sep 3, Sep 10, Sep 17, Sep 24, Oct 1, Oct 8, Nov 19-Nov 27, Dec 19-Jan 31
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Cardinal VPA
Special Regulations
No May 16-31 coyote season.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game
2021-22
Firearms Aug 15-Feb 28
2022-23
Firearms Aug 15-Feb 28
Turkey
2021-22
Firearms Apr 9-May 15 Sign-in
2022-23
Firearms Apr 8-May 15 Sign-in
Carter's Lake WMA
Special Regulations
No ATV's except by mobility impaired hunters during the mobility impaired hunt. No camping. Quota hunters must apply by letter to US Army Corps of Engineers, 975 Powerhouse Rd, Chatsworth, GA 30705 between Aug 15 and Sept 10.
Coyote
May 16-31. Small game weapons only.
Deer/Bear

2021-22
Archery Either Sex Nov 14-Jan 1 Sign-in
Archery Either Sex Sep 11-Nov 4, Nov 8-Nov 12 Sign-in
Mobility Impaired Firearms Either Sex Nov 5-Nov 7 Bonus Deer Quota 20
Youth Firearms Either Sex Nov 13 Bonus Deer Quota 20
2022-23
Archery Either Sex Nov 13-Jan 1 Sign-in
Archery Either Sex Sep 10-Nov 3, Nov 7-Nov 11 Sign-in
Mobility Impaired Firearms Either Sex Nov 4-Nov 6 Bonus Deer Quota 20
Youth Firearms Either Sex Nov 12 Bonus Deer Quota 20
Dog Training
Rabbit Dog Training Only: Wed/Fri/Sat from Nov-Feb, except during firearms deer hunts.
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Cedar Creek WMA
Special Regulations
ATVs prohibited.
Deer
2021-22
Archery Either Sex Sep 11-Oct 10 Sign-in
Firearms Buck Only Nov 29-Dec 12 Sign-in
Firearms Buck Only Oct 14-Oct 16 Bonus Deer
Firearms Either Sex Last Day Nov 11-Nov 13 Bonus Deer
Specialty Firearms Either Sex Nov 23-Nov 28 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 16 Sign-in
Firearms Buck Only Nov 28-Dec 11 Sign-in

Firearms Buck Only Oct 20-Oct 22 Bonus Deer
Firearms Either Sex Last Day Nov 10-Nov 12 Bonus Deer
Specialty Firearms Either Sex Nov 22-Nov 27 Sign-in
Dove
2021-22
Sep 4, Sep 11, Sep 18, Sep 25, Oct 2-10, Nov 20-Nov 22, Dec19-Jan 31
2022-23
Sep 3, Sep 10, Sep 17, Sep 24, Oct 1-9, Nov 19-Nov 21, Dec 19-Jan 31
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Waterfowl
Shooting hours end at 12 noon.
Cedar Creek WMA - Little River Area
Special Regulations
No ATVs. No camping.
Deer
2021-22
Archery Either Sex Sep 11-Oct 8, Oct 16-Jan 9 Sign-in
Youth Firearms Either Sex Oct 9-Oct 15 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14, Oct 22-Jan 8 Sign-in
Youth Firearms Either Sex Oct 15-Oct 21 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28

Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Waterfowl
Shooting hours end at 12 noon.
Cedar Grove VPA
Special Regulations
No furbearer hunting.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Ceylon WMA
Special Regulations
This area includes new acquisitions, including the Black Point Tract and Grover Island. Black Point is accessible from Harriet's Bluff Road. Access to Grover Island is by river only.
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
2021-22
Archery Quality Buck and Antlerless Sep 11-Oct 17, Dec 3-Dec 26 Sign-in
Firearms Quality Buck and Antlerless Oct 21-Oct 23, Nov 11-Nov 13, Dec 2-Dec 4 Bonus Deer Quota 100
2022-23
Archery Quality Buck and Antlerless Sep 10-Oct 16, Dec 4-Dec 27 Sign-in
Firearms Quality Buck and Antlerless Oct 20-Oct 22, Nov 10-Nov 12, Dec 1-Dec 3 Bonus Deer Quota 100

Dog Training
Bird dog training area: The mature pine stands bounded by hardwood drains/marsh adjacent to the intersection of Boat House and Ceylon Rd.
Small Game
2021-22
Firearms Aug 15-Feb 28
2022-23
Firearms Aug 15-Feb 28
Turkey
2021-22
Firearms Apr 9-Apr 15, Apr 23-Apr 29, May 7-May 13 Sign-in Quota 40
2022-23
Firearms Apr 8-Apr 14, Apr 22-Apr 28, May 6-May 12 Sign-in Quota 40
Chattahoochee Bend State Park
Special Regulations
Hunters must attend pre-hunt meeting at 7:00 p.m. on the evening before the hunt. Hunt participants will be charged a \$30 nonrefundable, nontransferable hunt fee and a \$5 Park Pass will be required. Coyotes and feral hogs may be taken during deer hunts. Campsites (hunters only) will be available for hunter use and may be reserved through the park office at (770) 254-7271. ATVs Prohibited. All park access will be closed to the general public during the hunt. No May 16-31 Coyote season.
Deer
5 deer limit, no more than 2 may be antlered bucks.
2021-22
Firearms Either Sex Nov 30-Dec 1 Bonus Deer Quota 100
2022-23
Firearms Either Sex Nov 29-Nov 30 Bonus Deer Quota 100
Chattahoochee Fall Line WMA - Almo
Special Regulations
No ATVs. No horses. Hunters must check kiosk daily for prescribed burning schedule and location.
Coyote
2021-22
May 16-May 31
2022-23
May 16-May 31
Deer

Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
2021-22
Archery Quality Buck and Antlerless Nov 20-Nov 28 Sign-in
Archery Quality Buck and Antlerless Sep 11-Oct 14 Sign-in
Firearms Quality Buck and Antlerless Oct 21-Oct 23, Nov 11-Nov 13 Bonus Deer Quota 150
2022-23
Archery Quality Buck and Antlerless Nov 19-Nov 27 Sign-in
Archery Quality Buck and Antlerless Sep 10-Oct 13 Sign-in
Firearms Quality Buck and Antlerless Oct 20-Oct 22, Nov 10-Nov 12 Bonus Deer Quota 150
Quail
Quail hunting prohibited due to low population levels.
Small Game
Hunting of fox squirrels prohibited.
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-Apr 17, Apr 30-May 8 Sign-in Quota 50
Hunt-and-Learn Apr 22-Apr 24
May 9-May 15 Sign-in
2022-23
Apr 8-Apr 16, Apr 29-May 7 Sign-in Quota 50
Hunt-and-Learn Apr 21-Apr 23
May 8-May 15 Sign-in
Waterfowl
Shooting hours end at 12 noon.
Chattahoochee Fall Line WMA - Blackjack Crossing
Special Regulations
Archery only for all hunting. No camping. No ATVs. No horses. Hunters must check kiosk daily for prescribed burning schedule and location.
Coyote
2021-22

May 16-May 31
2022-23
May 16-May 31
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
2021-22
Archery Quality Buck and Antlerless Sep 11-Jan 9 Sign-in
2022-23
Archery Quality Buck and Antlerless Sep 10-Jan 8 Sign-in
Small Game
Hunting of fox squirrels prohibited.
2021-22
Archery Aug 15-Feb 28
2022-23
Archery Aug 15-Feb 28
Turkey
Exception to Archery Area Rules. Hunt and Learn can use firearms.
2021-22
Archery Apr 9-May 15 Sign-in
2022-23
Archery Apr 8-May 15 Sign-in
Waterfowl
Shooting hours end at 12 noon.
Chattahoochee Fall Line WMA - Fort Perry
Special Regulations
No ATVs. No horses. Hunters must check kiosk daily for prescribed burning schedule and locations.
Coyote
2021-22
May 16-May 31
2022-23
May 16-May 31
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.

2021-22
Archery Quality Buck and Antlerless Nov 21-Nov 28 Sign-in
Archery Quality Buck and Antlerless Sep 11-Sep 19, Oct 4-Oct 10 Sign-in
Firearms Antlerless Only Oct 1-Oct 3 Sign-in
Firearms Quality Buck and Antlerless Oct 28-Oct 30, Nov 11-Nov 13 Bonus Deer Quota 35
Hunt-and-Learn Firearms Nov 5-Nov 7
Youth Firearms Either Sex Sep 25-Sep 26 Sign-in Quota 35
2022-23
Archery Quality Buck and Antlerless Nov 20-Nov 27 Sign-in
Archery Quality Buck and Antlerless Sep 10-Sep 18, Oct 3-Oct 9 Sign-in
Firearms Antlerless Only Sep 30-Oct 2 Sign-in
Firearms Quality Buck and Antlerless Oct 27-Oct 29, Nov 10-Nov 12 Bonus Deer Quota 35
Hunt-and-Learn Firearms Nov 4-Nov 6
Youth Firearms Either Sex Sep 24-Sep 25 Sign-in Quota 35
Dove
2021-22
Sep 4, Sep 11, Sep 18-Sep 24, Sep 27-Sep 30, Nov 20-Nov 28, Dec 19-Jan 31
2022-23
Sep 3, Sep 10, Sep 17-Sep 23, Sep 26-Sep 30, Nov 19-Nov 27, Dec 19-Jan 31
Quail
Quail hunting prohibited due to low population levels.
Small Game
Hunting of fox squirrels prohibited.
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-Apr 11, Apr 23-Apr 25 Sign-in Quota 15
May 11-May 15 Sign-in
Youth Apr 16-Apr 18 Sign-in Quota 15
2022-23
Apr 8-Apr 10, Apr 22-Apr 24 Sign-in Quota 15
May 10-May 15 Sign-in

Youth Apr 15-Apr 17 Sign-in Quota 15
Waterfowl
Shooting hours end at 12 noon.
Chattahoochee Fall Line WMA - Hilliard
Special Regulations
No ATVs. No horses. Hunters must check kiosk daily for prescribed burning schedule and locations.
Coyote
2021-22
May 16-May 31
2022-23
May 16-May 31
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
2021-22
Archery Quality Buck and Antlerless Sep 11-Sep 30, Nov 21-Dec 10 Sign-in
Firearms Antlerless Only Oct 1-Oct 3, Sep 30-Oct 1 Sign-in
Firearms Quality Buck and Antlerless Oct 28-Oct 30, Nov 18-Nov 20 Bonus Deer Quota 50
Hunt-and-Learn Firearms Nov 5-Nov 7
Youth Firearms Either Sex Nov 13-Nov 14 Sign-in Quota 50
2022-23
Archery Quality Buck and Antlerless Sep 10-Sep 29, Nov 20-Dec 9 Sign-in
Firearms Quality Buck and Antlerless Oct 27-Oct 29, Nov 17-Nov 19 Bonus Deer Quota 50
Hunt-and-Learn Firearms Nov 4-Nov 6
Youth Firearms Either Sex Nov 12-Nov 13 Sign-in Quota 50
Dove
2021-22
Sep 4, Sep 11, Sep 18-Sep 30, Nov 21-Nov 28, Dec 19-Dec 31, Jan 2-Jan 14, Jan 16-Jan 31
Youth Sep 4, Sep 11 Sign-in Quota 35
2022-23
Sep 3, Sep 10, Sep 17-Sep 29, Nov 20-Nov 27, Dec 19-Dec 30, Jan 1-Jan 13, Jan 15-Jan 31
Youth Sep 3, Sep 10 Sign-in Quota 35
Quail
Bag limit is 3 per person. Hunting party must check-in harvest at kiosk or online. Complete one check-in (survey) per party.

2021-22
Dec 11, Jan 1, Jan 15 Sign-in
2022-23
Dec 10, Dec 31, Jan 14 Sign-in
Small Game
Hunting of fox squirrels prohibited.
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 23
Turkey
2021-22
Apr 9-Apr 17, Apr 30-May 8 Sign-in Quota 40
Hunt-and-Learn Apr 22-Apr 24
2022-23
Apr 8-Apr 16, Apr 29-May 7 Sign-in Quota 40
Hunt-and-Learn Apr 21-Apr 23
Waterfowl
Wednesdays and Saturdays only during statewide season. Shooting hours end at 12 noon.
Chattahoochee Fall Line WMA - VPA Tracts
Special Regulations
No ATVs. No horses. Hunters must check kiosk daily for prescribed burning schedule and locations. No May 16-31 coyote season.
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game
Hunting of fox squirrels prohibited
2021-22

Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Waterfowl
Shooting hours end at 12 noon.
Chattahoochee National Forest - Outside of WMAs
Special Regulations
Transportation of any loaded weapon in a motor vehicle or possession of alcohol when hunting are prohibited. Placing, leaving, or depositing any food, bait, or garbage in a manner likely to attract or concentrate any wildlife, whether for purposes of hunting or viewing animals. Failure to properly store food or garbage so as to prevent access by wildlife. Baiting is prohibited. No night hunting. Hogs and coyotes may be taken with archery equipment during archery deer season, with deer weapons during firearms deer season, with turkey weapons during turkey season and with small game weapons during small game dates. Hogs may be hunted with dogs with appropriate weapons restrictions while training dogs during dates when training season coincides with small game or turkey season. No May 16-31 coyote season. NOTE: Be aware of hikers and campers.
Bear
Hunting bears with dogs is prohibited on the Chattahoochee National Forest.
2021-22
Archery Jan 2-Jan 9
Archery Sep 11-Oct 8
Firearms Oct 16-Jan 1
Primitive Weapons Oct 9-Oct 15
2022-23
Archery Jan 2-Jan 8
Archery Sep 10-Oct 14
Firearms Oct 22-Jan 1
Primitive Weapons Oct 15-Oct 21
Deer-East of I-75
2021-22
Archery Buck Only Jan 2-Jan 9

Archery Buck Only Sep 11-Oct 8
Firearms Buck Only Oct 16-Jan 1
Primitive Weapons Buck Only Oct 9-Oct 15
2022-23
Archery Buck Only Jan 2-Jan 8
Archery Buck Only Sep 10-Oct 14
Firearms Buck Only Oct 22-Jan 1
Primitive Weapons Buck Only Oct 15-Oct 21
Deer-West of I-75
2021-22
Archery Buck Only (except during county either-sex days) Jan 2-Jan 9
Archery Either Sex Sep 11-Oct 8
Firearms Buck Only (except during county either-sex days) Oct 16-Jan 1
Primitive Weapons Either Sex Oct 9-Oct 15
2022-23
Archery Buck Only (except during county either-sex days) Jan 2-Jan 8
Archery Either Sex Sep 10-Oct 14
Firearms Buck Only (except during county either-sex days) Oct 22-Jan 1
Primitive Weapons Either Sex Oct 15-Oct 21
Dog Training
Other requirements apply, see Dog Training page in the Popular Guide.
2021-22
Aug 1-Sep 9, Jan 2-Mar 19
2022-23
Aug 1-Sep 8, Jan 2-Mar 19
Small Game
Use of centerfire firearms at night prohibited.
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
Bag Limit 1
2021-22
Apr 9-May 15

2022-23
Apr 8-May 15
Chattahoochee WMA
Bear
Dog-bear hunters must check in at the Chestatee WMA check station prior to hunting and are required to attend a pre-hunt meeting as directed in their draw notification email. All dogs used in the dog-bear hunt must be marked with the selected hunter's name and phone number. The party bag limit is 5 bears.
2021-22
Firearms Dogs Oct 2-Oct 10 Quota 9
Firearms Sep 18-Sep 24 Sign-in
2022-23
Firearms Dogs Oct 1-Oct 9 Quota 9
Firearms Sep 17-Sep 23 Sign-in
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer/Bear
2021-22
Archery Buck Only Sep 11-Sep 17, Sep 25-Oct 1, Oct 11-Oct 27 Sign-in
Firearms Buck Only Nov 20-Nov 28 Sign-in
Firearms Buck Only Oct 28-Oct 31, Dec 9-Dec 12 Bonus Deer
2022-23
Archery Buck Only Oct 10-Oct 26 Sign-in
Archery Buck Only Sep 10-Sep 16, Sep 24-Sep 30 Sign-in
Firearms Buck Only Nov 19-Nov 27 Sign-in
Firearms Buck Only Oct 27-Oct 30, Dec 8-Dec 11 Bonus Deer
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in

2022-23
Apr 8-May 15 Sign-in
Chestatee WMA
Bear
Dog-bear hunters must check in at the Chestatee WMA check station prior to hunting and are required to attend a pre-hunt meeting as directed in their draw notification email. All dogs used in the dog-bear hunt must be marked with the selected hunter's name and phone number. The party bag limit is 5 bears.
2021-22
Firearms Dogs Oct 2-Oct 10 Quota 6
Firearms Sep 18-Sep 24 Sign-in
2022-23
Firearms Dogs Oct 1-Oct 9 Quota 6
Firearms Sep 17-Sep 23 Sign-in
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer/Bear
2021-22
Archery Buck Only Sep 11-Sep 17, Oct 11-Oct 31 Sign-in
Archery Buck Only Sep 25-Oct 1 Sign-in
Firearms Buck Only Dec 26-Jan 1 Sign-in
Firearms Buck Only Nov 17-Nov 21, Dec 8-Dec 12 Bonus Deer
2022-23
Archery Buck Only Sep 10-Sep 16, Oct 10-Oct 31 Sign-in
Archery Buck Only Sep 24-Sep 30 Sign-in
Firearms Buck Only Dec 26-Jan 1 Sign-in
Firearms Buck Only Nov 16-Nov 20, Dec 7-Dec 11 Bonus Deer
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22

Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Chickasawhatchee WMA
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Sep 11-Oct 8, Dec 30-Jan 9 Sign-in
Firearms Either Sex Dec 9-Dec 11 Sign-in Quota 350
Firearms Either Sex Nov 4-Nov 6 Bonus Deer Quota 350
Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in
Youth Firearms Either Sex Nov 21-Nov 27, Dec 24-Dec 29 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14, Dec 29-Jan 8 Sign-in
Firearms Either Sex Dec 8-Dec 10 Sign-in Quota 350
Firearms Either Sex Nov 3-Nov 5 Bonus Deer Quota 350
Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in
Youth Firearms Either Sex Nov 20-Nov 26, Dec 23-Dec 28 Sign-in
Dove
Quota on designated fields only. All other areas open to the public.
2021-22
Sep 11-Oct 10, Nov 20-Nov 28, Dec 19-Jan 31
Sep 4 Sign-in Quota 40
2022-23
Sep 10-Oct 9, Nov 19-Nov 27, Dec 19-Jan 31
Sep 3 Sign-in Quota 40
Quail
Quail hunting by quota only. Maximum 3 persons per party. Bag limit is 3 per person. Hunting party must check-in harvest at kiosk or online. Complete one check-in (survey) per party.
2021-22
Nov 13, Dec 4, Jan 1, Jan 15, Jan 22, Jan 29 Sign-in Quota 4
Nov 23, Nov 30 Sign-in

Youth Jan 29 Sign-in Quota 1
Youth Nov 13, Dec 4, Jan 1, Jan 15, Jan 22 Sign-in Quota 1
2022-23
Nov 12, Dec 3, Dec 31, Jan 14, Jan 21, Jan 28 Sign-in Quota 4
Nov 22, Nov 29 Sign-in
Youth Jan 28 Sign-in Quota 1
Youth Nov 12, Dec 3, Dec 31, Jan 14, Jan 21 Sign-in Quota 1
Small Game
No fox squirrel hunting.
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 30-May 15 Sign-in
Apr 9-Apr 15, Apr 16-Apr 22, Apr 23-Apr 29 Sign-in Quota 40
2022-23
Apr 29-May 15 Sign-in
Apr 8-Apr 14, Apr 15-Apr 21, Apr 22-Apr 28 Sign-in Quota 40
Clarks Hill WMA
Special Regulations
Areas west of U.S. HWY 78/GA HWY 17 are open for hunting during statewide seasons only. Camping in designated sites only.
Deer
2021-22
Archery Either Sex Sep 11-Sep 23, Sep 27-Oct 8 Sign-in
Firearms Either Sex Nov 1-Nov 21 Sign-in
Firearms Either Sex Sep 24-Sep 26 Bonus Deer
Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in
Specialty Firearms Either Sex Oct 22-Oct 24 Sign-in
2022-23
Archery Either Sex Sep 10-Sep 22, Sep 26-Oct 14 Sign-in
Firearms Either Sex Nov 7-Nov 27 Sign-in
Firearms Either Sex Sep 23-Sep 25 Bonus Deer

Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in
Specialty Firearms Either Sex Oct 28-Oct 30 Sign-in
Dove
Quota on designated fields only.
2021-22
Sep 11-Sep 14, Sep 18, Oct 2, Nov 20-Nov 28, Dec 19-Jan 31
Sep 4 Sign-in Quota 30
2022-23
Sep 10, Sep 17, Oct 1, Oct 8, Nov 19-Nov 27, Dec 19-Jan 31
Sep 3 Sign-in Quota 30
Small Game
2021-22
Aug 15-Feb 28 Sign-in
2022-23
Aug 15-Feb 28 Sign-in
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Clayhole Swamp WMA
Special Regulations
Horseback riding prohibited during ALL deer hunts. Area west of Cowpen Swamp is archery only for all species, open during their respective statewide seasons.
Coyote
May 16-31. Feral hogs may be hunted with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Sep 11-Sep 15, Sep 20-Sep 28, Oct 3-Nov 26, Dec 4-Dec 17 Sign-in
Firearms Either Sex Nov 27-Dec 3, Dec 18-Jan 9 Sign-in
Firearms Either Sex Sep 30-Oct 2 Bonus Deer
Youth Firearms Either Sex Sep 17-Sep 19 Bonus Deer
2022-23
Archery Either Sex Sep 10-Sep 14, Sep 19-Sep 27, Oct 2-Nov 25, Dec 3-Dec 16 Sign-in

Firearms Either Sex Nov 26-Dec 2, Dec 17-Jan 8 Sign-in
Firearms Either Sex Sep 29-Oct 1 Bonus Deer
Youth Firearms Either Sex Sep 16-Sep 18 Bonus Deer
Small Game
No furbearer hunting or dog training in Archery Only Areas.
2021-22
Firearms Aug 15-Feb 28
2022-23
Firearms Aug 15-Feb 28
Turkey
2021-22
Firearms Apr 9-May 15 Sign-in
2022-23
Firearms Apr 8-May 15
Clybel WMA
Special Regulations
Multi-use trails and areas are closed all day during firearms deer hunts and before 10:00 a.m. during archery and turkey seasons. Rules are posted at trailhead.
Deer
2021-22
Archery Either Sex Sep 11-Sep 30, Nov 12-Nov 14 Sign-in
Firearms Either Sex Nov 4-Nov 6, Nov 18-Nov 20 Bonus Deer Quota 200
Hunt-and-Learn Firearms Either Sex Oct 8-Oct 10, Nov 15-Nov 16
Specialty Firearms Either Sex Nov 23-Nov 28 Sign-in
Youth Firearms Either Sex Oct 2-Oct 7 Sign-in
2022-23
Archery Either Sex Sep 10-Sep 30, Nov 11-Nov 13 Sign-in
Firearms Either Sex Nov 3-Nov 5, Nov 17-Nov 19 Bonus Deer Quota 200
Hunt-and-Learn Firearms Either Sex Oct 7-Oct 9, Nov 14-Nov 15
Specialty Firearms Either Sex Nov 22-Nov 27 Sign-in
Youth Firearms Either Sex Oct 1-Oct 6 Sign-in
Dove
2021-22
Hunt-and-Learn Georgia R3 Dove Field Sep 4, 11, 18, 25 Sign-in
Sep 11, Sep 18, Sep 25, Oct 2, Oct 9, Nov 21-Nov 28, Dec 19-Jan 31 Sign-in

Sep 4 Sign-in Quota 200
2022-23
Hunt-and-Learn Georgia R3 Dove Field Sep 3, Sep 10 Sign-in
Sep 10, Sep 17, Sep 24, Oct 1, Oct 8, Nov 20-Nov 27, Dec 19-Jan 31 Sign-in
Sep 3 Sign-in Quota 200
Quail
Bag limit is 6 per person or 12 per party for quail.
2021-22
Dec 4, Dec 18, Jan 15 Sign-in
2022-23
Dec 3, Dec 17, Jan 21 Sign-in
Rabbit
Bag limit=3 rabbits/person/day.
2021-22
Hunt-and-Learn Dec 11, Jan 7-Jan 9
2022-23
Hunt-and-Learn Dec 10, Jan 6-Jan 8
Small Game
2021-22
Aug 15-Feb 28 Sign-in
2022-23
Aug 15-Feb 28 Sign-in
Turkey
2021-22
Apr 16-Apr 22, May 9-May 15 Sign-in Quota 25
Hunt-and-Learn Apr 29-May 1
Youth Apr 9-Apr 15, May 2-May 8 Sign-in Quota 25
2022-23
Apr 15-Apr 21, May 8-May 14 Sign-in Quota 25
Hunt-and-Learn Apr 28-Apr 30
Youth Apr 8-Apr 14, May 1-May 7 Sign-in Quota 25
Waterfowl
Shooting hours end at 12 noon.
Cohutta WMA

Special Regulations
No ATV's except on designated ATV trails.
Coyote
May 16-31. Feral hogs may be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer/Bear
2021-22
Archery Buck Only Sep 11-Oct 6, Oct 11-Nov 30, Dec 6-Jan 1 Sign-in
Firearms Buck Only Oct 7-Oct 10, Dec 1-Dec 5 Bonus Deer
2022-23
Archery Buck Only Sep 10-Oct 5, Oct 10-Nov 29, Dec 5-Jan 1 Sign-in
Firearms Buck Only Oct 6-Oct 9, Nov 30-Dec 4 Bonus Deer
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Collins Rd VPA
Special Regulations
No ATVs. No camping. Bird dog training: Sun-Tues & Thurs-Fri year-round. No May 16-31 coyote season.
Rabbit
Wed & Sat during statewide season
2021-22
Nov 13, Nov 17, Nov 20, Nov 24, Nov 27, Dec 1, Dec 4, Dec 8, Dec 11, Dec 15, Dec 18, Dec 22, Dec 25, Dec 29, Jan 1, Jan 5, Jan 8, Jan 12, Jan 15, Jan 19, Jan 22, Jan 26, Jan 29, Feb 2, Feb 5, Feb 9, Feb 12, Feb 16, Feb 19, Feb 23, Feb 26
2022-23
Nov 12, Nov 16, Nov 19, Nov 23, Nov 26, Nov 30, Dec 3, Dec 7, Dec 10, Dec 14, Dec 17, Dec 21, Dec 24, Dec 28, Dec 31, Jan 4, Jan 7, Jan 11, Jan 14, Jan 18, Jan 21, Jan 25, Jan 28, Feb 1, Feb 4, Feb 8, Feb 11, Feb 15, Feb 18, Feb 22, Feb 25

Small Game
Rabbit only
Conasauga River WMA
Special Regulations
No ATVs. No camping.
Deer/Bear
2021-22
Archery Either Sex Sep 11-Dec 10, Dec 12-Dec 17, Dec 19-Dec 24, Dec 26-Jan 1 Sign-in
2022-23
Archery Either Sex Sep 10-Dec 9, Dec 11-Dec 16, Dec 18-Dec 23, Dec 25-Jan 1 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-Apr 24 Sign-in
2022-23
Apr 8-Apr 23 Sign-in
Waterfowl
January - Saturdays only during statewide season.
2021-22
Dec 11, Dec 18, Dec 25 Sign-in Quota 3
2022-23
Dec 10, Dec 17, Dec 24 Sign-in Quota 3
Coopers Creek WMA
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer/Bear
2021-22
Archery Buck Only Sep 11-Oct 6, Nov 1-Nov 14 Sign-in
Firearms Buck Only Dec 1-Dec 5 Bonus Deer

Firearms Buck Only Dec 26-Jan 1 Sign-in
Primitive Weapons Buck Only Oct 27-Oct 31 Sign-in
Youth Firearms Buck Only Oct 8-Oct 10 Bonus Deer
2022-23
Archery Buck Only Sep 10-Oct 5, Nov 1-Nov 13 Sign-in
Firearms Buck Only Dec 26-Jan 1 Sign-in
Firearms Buck Only Nov 30-Dec 4 Bonus Deer
Primitive Weapons Buck Only Oct 26-Oct 30 Bonus Deer
Youth Firearms Buck Only Oct 7-Oct 9 Bonus Deer
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Coosawattee WMA
Special Regulations
No ATV's. Hunters must sign-in for big game hunts and check-out bonus deer and bear at the Carter's Lake WMA check station.
Deer/Bear
2021-22
Archery Either Sex Sep 11-Oct 14, Oct 18-Nov 3, Nov 7-Jan 1 Sign-in
Firearms Either Sex Nov 4-Nov 6 Bonus Deer Quota 35
Specialty Firearms Either Sex Oct 15-Oct 17 Bonus Deer
2022-23
Archery Either Sex Sep 10-Oct 20, Oct 18-Nov 2, Nov 6-Jan 1 Sign-in
Firearms Either Sex Nov 3-Nov 5 Bonus Deer Quota 35
Specialty Firearms Either Sex Oct 21-Oct 23 Bonus Deer
Dove
State Season
Small Game

2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Cordele Fish Hatchery
Special Regulations
No May 16-31 coyote season.
Waterfowl
Maximum 3 persons per party. Shooting hours end at 12 noon. Designated Pond Only.
2021-22
Dec 18, Jan 1 Sign-in Quota 3
Youth Dec 4, Jan 15 Sign-in Quota 3
2022-23
Dec 17, Dec 31 Sign-in Quota 3
Youth Dec 3, Jan 14 Sign-in Quota 3
Crockford-Pigeon Mountain WMA
Special Regulations
No ATV's. All non-hunting activities except camping are closed during firearms deer hunts. Additionally, horse and bicycle trails and areas are closed before 10:00am during archery deer and turkey season. Firearms restrictions apply to certain portions of the WMA (consult WMA map for specific limitations).
Deer/Bear
2021-22
Archery Either Sex Dec 12-Jan 1 Sign-in
Archery Either Sex Sep 11-Oct 15, Oct 18-Nov 10, Nov 14-Dec 7 Sign-in
Firearms Buck Only Dec 8-Dec 11 Bonus Deer
Firearms Either Sex Last Day Nov 11-Nov 13 Bonus Deer
Specialty Firearms Either Sex Oct 16-Oct 17 Bonus Deer
2022-23
Archery Sep 10-Oct 21, Oct 24-Nov 9, Nov 13-Dec 6, Dec 11-Jan 1 Sign-in
Firearms Buck Only Dec 7-Dec 10 Bonus Deer

Firearms Either Sex Last Day Nov 10-Nov 12 Bonus Deer
Specialty Firearms Either Sex Oct 22-Oct 23 Bonus Deer
Dog Training
Aug 15 - Mar 19, except during firearms deer hunts. Training limited to designated areas (see map).
Dove
2021-22
Sep 4, Sep 11, Sep 18, Sep 25, Oct 2, Oct 9-Oct 10, Nov 20-Nov 28, Dec 19-Jan 31
2022-23
Sep 3, Sep 10, Sep 17, Sep 24, Oct 1, Oct 8-Oct 9, Nov 19-Nov 27, Dec 19-Jan 31
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 16-May 15 Sign-in
Apr 9-Apr 15 Sign-in Quota 40
2022-23
Apr 15-May 15 Sign-in
Apr 8-Apr 14 Sign-in Quota 40
Cumberland Island National Seashore
Special Regulations
Registration opens July 1st at www.pay.gov . Hunting fee is \$35. No standby hunters. No non-hunters. Cumberland Island Ferry is available for access to and from the island for a fee. Mandatory check-in starts at 9:00 AM EST one day prior to hunt at Plum Orchard Camp and Brickhill Campground. Children must be 12-17 for Youth Hunt; under age 16 must be accompanied by and under direct supervision of an adult at all times during the hunt. All NPS regulations apply to hunting areas. On primitive weapons hunts, modern centerfire handguns that meet state regulations may be used. Buckshot prohibited. Visit www.nps.gov/cuis/ for detailed information. No May 16-31 Coyote season.
Deer
2021-22
Archery Either Sex Oct 5-Oct 7, Bonus Deer Quota 125
Primitive Weapons Either Sex Nov 9-Nov 11, Dec 7-Dec 9, Bonus Deer Quota 100
Youth Firearms Either Sex Dec 20-Dec 21, Bonus Deer Quota 50

2022-23
Archery Either Sex Oct 4-Oct 6, Bonus Deer Quota 125
Primitive Weapons Either Sex Nov 8-Nov 10,, Dec 6-Dec 8, Bonus Deer Quota 100
Youth Firearms Either Sex Dec 19-Dec 20, Bonus Deer Quota 50
Feral hog
2021-22
Firearms Hog Only Jan 4-Jan 6, Jan 25-Jan 27 Sign-in Quota 100
2022-23
Firearms Hog Only Jan 3-Jan 5, Jan 24-Jan 26 Sign-in Quota 100
Dawson Forest WMA
Special Regulations
All trails are closed all day during firearms deer hunts and before 10:00 AM during archery and turkey seasons. Special rules apply to horse, bicycle and camping use; rules are posted at trailhead, camping areas & WMA check station. Permits are required for horse, bicycle and camping use. Permits must be completed and on person to be valid. Roads on the city of Atlanta Tract are closed to vehicles daily from 10:00 PM to 6:00 AM except for individuals legally camping, hunting, or fishing on the area.
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
Deer/Bear
2021-22
Archery Quality Buck and Antlerless Sep 11-Oct 13, Dec 13-Dec 26 Sign-in
Firearms Quality Buck and Antlerless Last Day Oct 28-Oct 31 Bonus Deer
Firearms Quality Buck Only Nov 10-Nov 14, Dec 2-Dec 5 Bonus Deer
Specialty Firearms Quality Buck and Antlerless Oct 15-Oct 17 Bonus Deer
2022-23
Archery Quality Buck and Antlerless Sep 10-Oct 12, Dec 12-Dec 25 Sign-in
Firearms Quality Buck and Antlerless Last Day Oct 27-Oct 30 Bonus Deer
Firearms Quality Buck Only Nov 9-Nov 13, Dec 1-Dec 4 Bonus Deer
Specialty Firearms Quality Buck and Antlerless Oct 14-Oct 16 Bonus Deer
Dove
2021-22

Sep 4 Quota 40
Sep 6, Sep 11, Sep 18, Sep 25, Nov 20-Nov 28, Dec 19-Jan 31
2022-23
Sep 3 Quota 40
Sep 5, Sep 10, Sep 17, Sep 24, Nov 19-Nov 27, Dec 19-Jan 31
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Di-Lane Plantation WMA
Special Regulations
Only Quality Bucks with at least four points (1 inch long or longer) on either side are legal. For information about bird dog field trials call 706-595-4222. No May 16-31 coyote season.
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
2021-22
Archery Quality Buck and Antlerless Sep 11-Oct 6 Sign-in
Firearms Quality Buck and Antlerless Nov 11-Nov 13 Bonus Deer
Firearms Quality Buck and Antlerless Oct 7-Oct 9, Oct 21-Oct 23 Bonus Deer Quota 400
2022-23
Archery Quality Buck and Antlerless Sep 10-Oct 12 Sign-in
Firearms Quality Buck and Antlerless Nov 10-Nov 12 Bonus Deer
Firearms Quality Buck and Antlerless Oct 13-Oct 15, Oct 27-Oct 29 Bonus Deer Quota 400
Dove
Quota; No dove hunting outside of dove fields. Field 2 only (South of Rocky Creek) Jan. 1-31
2021-22
Field 1 & 2 Sep 11, Sep 18, Sep 25, Oct 2, Nov 20-Nov 28 Sign-in

Field 1 Sep 4 Sign-in Quota 100
Field 2 Jan 1-Jan 31 Sign-in
Youth Field 2 Sep 4 Sign-in Quota 75
2022-23
Field 1 & 2 Sep 10, Sep 17, Sep 24, Oct 1, Oct 8, Nov 19-Nov 27 Sign-in
Field 1 Sep 3 Sign-in Quota 100
Field 2 Jan 1-Jan 31 Sign-in
Youth Field 2 Sep 3 Sign-in Quota 75
Quail
Quota: limit 6 quail/person, 12 quail/party. Quail hunters may take woodcock, snipe, and other gamebirds with an open season.
2021-22
Dec 1, Dec 4, Dec 8, Dec 11, Dec 15, Dec 18, Dec 22, Dec 29, Feb 9 Sign-in Quota 8
Youth Feb 5 Sign-in Quota 8
2022-23
Dec 3, Dec 7, Dec 10, Dec 14, Dec 17, Dec 21, Dec 28, Dec 31, Feb 8 Sign-in Quota 8
Youth Feb 4 Sign-in Quota 8
Rabbit
Rabbit hunting in designated areas only.
Small Game
Squirrel hunting area wide during state season on dates open for small game. Rabbit hunting in designated areas only. Rabbit, raccoon, and woodcock hunting permitted South of Rocky Creek only Jan. 1-31. Designated areas posted at check station.
2021-22
Aug 15-Feb 28 Sign-in
2022-23
Aug 15-Feb 28 Sign-in
Turkey
2021-22
Apr 16-Apr 22, Apr 23-Apr 29 Sign-in Quota 30
Apr 30-May 15 Sign-in
Youth Apr 9-Apr 15 Sign-in Quota 20
2022-23
Apr 15-Apr 21, Apr 22-Apr 28 Sign-in Quota 30
Apr 29-May 15 Sign-in
Youth Apr 8-Apr 14 Sign-in Quota 20

Dixon Bay WMA
Special Regulations
No camping.
Alligator
Alligator hunting prohibited.
Deer
2021-22
Archery Either Sex Sep 11-Nov 12 Sign-in
Primitive Weapons Either Sex Nov 13-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Nov 11 Sign-in
Primitive Weapons Either Sex Nov 12-Jan 8 Sign-in
Small Game
Furbearer hunting prohibited.
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Dixon Memorial WMA
Special Regulations
Alligators may not be taken on the Federal portion of Cowhouse Island or Laura S. Walker State Park. No airboats.
Bear
Bears may not be taken on the Federal portion of Cowhouse Island.
2021-22
Archery Sep 23-Sep 25 Sign-in
Firearms Nov 4-Nov 6 Bonus Deer
Primitive Weapons Oct 7-Oct 9 Sign-in
Primitive Weapons Sep 30-Oct 2 Bonus Deer
2022-23
Archery Sep 22-Sep 24 Sign-in
Firearms Nov 3-Nov 5 Bonus Deer
Primitive Weapons Oct 6-Oct 8 Sign-in

Primitive Weapons Sep 29-Oct 1 Bonus Deer
Coyote
May 16-31. Feral hogs may be hunted with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
Dog-deer hunting allowed in designated area only. All dogs used in the dog-deer hunt must be marked with the selected hunter's name and phone number. The dog-deer hunting area will be closed to all users during dog-deer hunts except to hunters with a valid quota permit.
2021-22
Archery Either Sex Sep 11-Sep 28, Oct 3-Oct 6, Oct 10-Oct 15 Sign-in
Firearms Buck Only Oct 16-Oct 17, Oct 23-Oct 26 Sign-in
Firearms Dog Deer Nov 20, Dec 4 Sign-in, Buckshot only Quota 3
Firearms Either Sex Nov 24-Nov 28 Sign-in
Firearms Either Sex Nov 4-Nov 6 Bonus Deer
Primitive Weapons Either Sex Oct 7-Oct 9 Sign-in
Primitive Weapons Either Sex Sep 29-Oct 2 Bonus Deer
2022-23
Archery Either Sex Sep 10-Sep 27, Oct 2-Oct 5, Oct 9-Oct 14 Sign-in
Firearms Buck Only Oct 15-Oct 16, Oct 22-Oct 25 Sign-in
Firearms Dog Deer Nov 19, Dec 3 Sign-in, Buckshot Only Quota 3
Firearms Either Sex Nov 23-Nov 27 Sign-in
Primitive Weapons Either Sex Sep 28-Oct 1 Bonus Deer
Deer/Bear
2022-23
Firearms Either Sex Nov 3-Nov 5 Bonus Deer
Primitive Weapons Either Sex Oct 6-Oct 8 Sign-in
Dove
2021-22
Sep 4-Oct 10, Nov 20-Nov 28, Dec 19-Jan 31
2022-23
Sep 3-Sep 27, Nov 19-Nov 22, Dec 19-Jan 31
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28

Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Dodge County PFA
Special Regulations
Hunting in designated area only. Area map posted at office and kiosk. No May 16-31 coyote season.
Alligator
Night hunting only.
2021-22
Sep 10-Sep 12 Sign-in
2022-23
Sep 9-Sep 11 Sign-in
Deer
2021-22
Archery Either Sex Nov 4-Nov 14 Sign-in
2022-23
Archery Either Sex Nov 3-Nov 13 Sign-in
Turkey
2021-22
Youth Apr 22-Apr 23, Apr 29-Apr 30 Sign-in Quota 2
2022-23
Youth Apr 21-Apr 22, Apr 28-Apr 29 Sign-in Quota 2
Doerun Pitcherplant Bog WMA
Special Regulations
Doerun Pitcherplant Bog WMA contains rare species and sensitive habitats. To protect these resources, vehicular access is limited. No ATVs or horses allowed. No Camping. No May 16-31 coyote season.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game

No fox or bobcat hunting. No fox squirrel hunting.
2021-22
Jan 10-Feb 28
2022-23
Jan 9-Feb 28
Turkey
2021-22
Youth Apr 9-Apr 10, Apr 16-Apr 17 Sign-in Quota 1
2022-23
Youth Apr 8-Apr 9, Apr 15-Apr 16 Sign-in Quota 1
Dukes Creek - Smithgall Woods State Park
Special Regulations
No May 16-31 coyote season.
Deer/Bear
2021-22
Archery Buck Only Sep 17-Sep 19 Sign-in
Firearms Buck Only Dec 1-Dec 4 Sign-in
Primitive Weapons Buck Only Nov 10-Nov 13 Sign-in
Specialty Firearms Buck Only Oct 15-Oct 17 Sign-in
2022-23
Archery Buck Only Sep 16-Sep 18 Sign-in
Firearms Buck Only Nov 30-Dec 3 Sign-in
Primitive Weapons Buck Only Nov 9-Nov 12 Sign-in
Specialty Firearms Buck Only Oct 14-Oct 16 Sign-in
Small Game
Small Game hunting by reservation only. Maximum 10 furbearer hunters/25 small game hunters per hunt period. Reservations must be made beginning Nov. 1 by calling (706) 878-3087.
2021-22
Dec 9-Dec 11, Jan 6-Jan 8, Feb 3-Feb 5
2022-23
Dec 8-Dec 10, Jan 5-Jan 7, Feb 2-Feb 4
Turkey
2021-22
Apr 15-Apr 17, Apr 29-May 1, May 13-May 15 Bonus Deer Quota 20

2022-23
Apr 14-Apr 16, Apr 28-Apr 30, May 12-May 14 Bonus Deer Quota 20
Dupont Tract VPA
Special Regulations
No May 16-31 coyote season.
Bear
2021-22
Archery Sep 16-Sep 18 Sign-in
Archery Sep 23-Sep 25, Sep 30-Oct 2, Oct 7 Sign-in
2022-23
Archery Sep 15-Sep 17 Sign-in
Archery Sep 22-Sep 24, Sep 29-Oct 1, Oct 6-Oct 8 Sign-in
Deer
2021-22
Archery Nov 15-Jan 9 Sign-in
Archery Sep 11-Oct 29 Sign-in
Firearms Oct 30-Nov 14 Sign-in
2022-23
Archery Nov 14-Jan 8 Sign-in
Archery Sep 10-Oct 28 Sign-in
Firearms Oct 29-Nov 13 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Echeconnee Creek WMA
Special Regulations
Archery only area. Public access to Ocmulgee River tract is only by boat. No camping. Firearms prohibited.

Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game
2021-22
Archery Aug 15-Feb 28
2022-23
Archery Aug 15-Feb 28
Turkey
2021-22
Archery Apr 9-May 15 Sign-in
2022-23
Archery Apr 8-May 15 Sign-in
Waterfowl
Shooting hours end at 12 noon.
Elbert County WMA
Special Regulations
No camping. Sign-in required only on Vaughter Tract.
Deer
2021-22
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Buck Only Oct 16-Oct 29 Sign-in
Firearms Either Sex Oct 30-Jan 1 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Buck Only Oct 22-Nov 4 Sign-in
Firearms Either Sex Nov 5-Jan 1 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in
Small Game
2021-22

Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Elmodel WMA
Special Regulations
No Camping. Dog training in designated area only.
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9
2022-23
Archery Either Sex Sep 10-Jan 8
Dove
2021-22
Sep 4-Oct 10, Nov 20-Nov 28, Dec 19-Jan 31
2022-23
Sep 3-Oct 9, Nov 19-Nov 27, Dec 19-Jan 31
Quail
Quail hunting on designated dates only. Hunting party must check-in harvest at kiosk or online. Complete one check-in (survey) per party. Bag limit is 3 per person.
2021-22
Nov 13, Nov 16, Nov 20, Nov 23, Nov 27, Nov 30, Dec 4, Dec 7, Dec 11, Dec 14, Dec 18, Dec 21, Dec 28, Jan 1, Jan 4, Jan 8, Jan 11, Jan 15, Jan 18, Jan 22, Jan 25, Jan 29, Feb 5, Feb 12, Feb 19
2022-23
Nov 12, Nov 15, Nov 19, Nov 22, Nov 26, Nov 29, Dec 3, Dec 6, Dec 10, Dec 13-Dec 17, Dec 17, Dec 20, Dec 27, Dec 31, Jan 3, Jan 7, Jan 10, Jan 14, Jan 17, Jan 21, Jan 24, Jan 28, Feb 4, Feb 11, Feb 18 Sign-in
Small Game

No fox or bobcat hunting.
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Eufaula NWR
Special Regulations
Apply July 9-Aug. 15 for youth deer hunts; Aug. 1-Sept. 15 for waterfowl hunts. User fees must be prepaid (\$2 per hunter). Eligible ages for all youth hunts (deer and waterfowl) are 10-15 years. A waterfowl permit holder is allowed to bring up to two guests (no more than 3 individuals/blind). No May 16-31 Coyote season.
Alligator
Closed to alligator hunting.
Deer
Bradley Unit opens for archery Nov. 1.
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
Youth Firearms Either Sex Oct 2, Oct 16 Bonus Deer
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Youth Firearms Either Sex Oct 1, Oct 15 Bonus Deer
Waterfowl
Q16 Ducks and Geese Only: Wednesdays during statewide season. Shell limit is 25. Youth Hunt: Check with refuge office for specific dates. Shell limit is 25. Portions of Chattahoochee River and Walter F. George Reservoir within the Eu-Eufaula NWR boundaries are closed to waterfowl hunting.
Evans County PFA
Special Regulations
No May 16-31 coyote season.
Alligator

Night hunting only.
2021-22
Sep 3-Sep 5 Sign-in
2022-23
Sep 2-Sep 4 Sign-in
Waterfowl
Hunting allowed in waterfowl impoundment only. No boats allowed. Maximum of 3 people per blind. Parties must stay in designated spots, must stay together, and must stay within 100 feet of blind marker except when retrieving game. Shooting hours end at 12 noon.
F.D. Roosevelt State Park
Special Regulations
Hunters must attend a pre-hunt meeting at 7:00 pm on the evening before the hunt. Hunt participants will be charged a \$30 non-refundable, non-transferable park-hunting fee and a \$5 Park Pass will be required. ATVs prohibited. Cabins and campsites (hunters only) may be reserved by calling the park office at (706) 663-4858. All park facilities will be closed during the hunt. No May 16-31 coyote season.
Deer
2022-23
Firearms Either Sex Jan 3-Jan 4 Bonus Deer Quota 100
Fishing Creek WMA
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Buck Only Oct 16-Oct 29 Sign-in
Firearms Either Sex Oct 30-Jan 1 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Buck Only Oct 22-Nov 4 Sign-in
Firearms Either Sex Nov 5-Jan 1 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in
Dove
2021-22

Sep 4-Oct 10, Nov 20-Nov 28, Dec 19-Jan 31
2022-23
Sep 3-Oct 9, Nov 19-Nov 27, Dec 19-Jan 31
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Waterfowl
Wednesdays and Saturdays only during statewide season. Shooting hours end at 12 noon.
Flat Creek PFA
Special Regulations
No camping. No May 16-31 coyote season.
Alligator
Night only. No daytime hunting.
2021-22
Sep 10-Sep 12
2022-23
Sep 9-Sep 11
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Dog Training
Bird dog training allowed August 15-March 15 only.
Dove
2021-22
Oct 2, Oct 9, Nov 20-Nov 28, Dec 19-Jan 31

Youth Sep 4, Sep 11, Sep 18, Sep 25
2022-23
Oct 1, Oct 8, Nov 19-Nov 27, Dec 19-Jan 31
Youth Sep 3, Sep 10, Sep 17, Sep 24
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Waterfowl
During second season Wednesdays and Saturdays only. Shooting hours end at 12 noon.
2021-22
Nov 20, Nov 27 Sign-in Quota 3
2022-23
Nov 19, Nov 26 Sign-in Quota 3
Flat Tub WMA
Special Regulations
No ATVs.
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Buck Only Oct 16-Nov 20, Dec 26-Jan 9 Sign-in
Firearms Either Sex Nov 21-30 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14 Sign-in

Firearms Buck Only Oct 22-Nov 19, Dec 26-Jan 8 Sign-in
Firearms Either Sex Nov 20-30 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Flint River WMA
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
2021-22
Archery Quality Buck and Antlerless Sep 11-Sep 20, Nov 21-Nov 30 Sign-in
Firearms Quality Buck and Antlerless Nov 18-Nov 20 Bonus Deer Quota 25
Firearms Quality Buck and Antlerless Nov 4-Nov 6 Sign-in Quota 25
Specialty Firearms Quality Buck and Antlerless Oct 9-Oct 17 Sign-in
2022-23
Archery Quality Buck and Antlerless Sep 10-Sep 19, Nov 20-Nov 29 Sign-in
Firearms Quality Buck and Antlerless Nov 17-Nov 19 Bonus Deer Quota 25
Firearms Quality Buck and Antlerless Nov 3-Nov 5 Sign-in Quota 25
Specialty Firearms Quality Buck and Antlerless Oct 8-Oct 16 Sign-in
Dove
2021-22
Sep 4, Sep 11, Sep 18-Sep 30, Nov 21-Nov 28, Dec 19-Jan 31
2022-23
Sep 3, Sep 10, Sep 17-Sep 30, Nov 20-Nov 27, Dec 19-Jan 31
Small Game
2021-22
Aug 15-Feb 28
2022-23

Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Fort Gordon
Special Regulations
Hunting and fishing permits are offered to the general public through "ftgordon.isportsman.net". Lottery winners can purchase any outdoor recreation permit, valid for one year from date of purchase or no later than Aug. 1 of the year following the drawing. Application period begins July 1 and ends July 15 each year. All hunters, regardless of age, must possess a Hunter Education Certificate. For more information go to " https://ftgordon.isportsman.net ". No May 16-31 Coyote season.
Fort Stewart and Hunter Army Airfield
Special Regulations
All hunters must set up an account and acquire a permit at https://ftstewart.isportsman.net . Mandatory check-in. All hunting is subject to post regulations and access for hunting is not guaranteed. No May 16-31 Coyote season.
Alligator
2021-22
Either Sex Aug 21-Oct 3
2022-23
Aug 20-Oct 2
Deer
Additional permits and restrictions apply, visit https://ftstewart.isportsman.net for details.
2021-22
Archery Either Sex Jan 10-Jan 30
Archery Either Sex Sep 11-Oct 8
Firearms Either Sex Oct 16-Jan 9
Primitive Weapons Either Sex Oct 9-Oct 15
2022-23
Archery Either Sex Sep 10-Oct 7, Jan 9-Jan 29
Firearms Either Sex Oct 15-Jan 8
Primitive Weapons Either Sex Oct 8-Oct 14
Quail
2021-22

Nov 13-Feb 27
2022-23
Nov 12-Feb 26
Rabbit
2021-22
Nov 13-Feb 27
2022-23
Nov 12-Feb 26
Squirrel
2021-22
Aug 21-Feb 27
2022-23
Aug 20-Feb 26
Turkey
2021-22
Apr 9-May 15
2022-23
Apr 8-May 15
Fort Yargo State Park
Special Regulations
Hunters must attend pre-hunt meeting at 7:00 pm. on the evening before the hunt. Hunt participants will be charged a \$30 nonrefundable, nontransferable hunt fee and a \$5 Park Pass will be required. Cabins and campsites may be reserved by calling the park office at (706) 356-4362. All other Park facilities will be closed to the general public during hunt. No ATVs. No May 16-31 Coyote season.
Deer
5 deer limit, no more than 2 may be antlered bucks.
2021-22
Firearms Either Sex Nov 30-Dec 1 Bonus Deer Quota 85
2022-23
Firearms Either Sex Nov 29-Nov 30 Bonus Deer Quota 85
Gaither WMA
Special Regulations
No horseback riding. Bicycles are only permitted for hunter access. Archery only area is South of Old Post Rd and East of Davis Ford Rd and is only for deer on the deer hunting dates. All other species can be hunted with firearms except deer in this area. No May 16-31 coyote season.

Deer
2021-22
Archery Either Sex Oct 16-Oct 24, Nov 15-Nov 17 Sign-in
Youth Firearms Either Sex Dec 20-Dec 26 Sign-in Quota 25
2022-23
Archery Either Sex Oct 22-Oct 30, Nov 14-Nov 16 Sign-in
Firearms Either Sex Nov 4-Nov 6, Jan 6-Jan 8 Sign-in Quota 25
Youth Firearms Either Sex Dec 19-Dec 25 Sign-in Quota 25
Small Game
2021-22
Aug 15-Feb 28 Sign-in
2022-23
Aug 15-Feb 28 Sign-in
Turkey
2021-22
Apr 9-Apr 15, Apr 16-Apr 22, Apr 23-Apr 29 Sign-in Quota 10
2022-23
Apr 8-Apr 14, Apr 15-Apr 21, Apr 22-Apr 28 Sign-in Quota 10
Waterfowl
Shooting hours end at 12 noon.
Germany Creek WMA
Special Regulations
No camping.
Deer
2021-22
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Buck Only Oct 16-Oct 29 Sign-in
Firearms Either Sex Oct 30-Jan 1 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Buck Only Oct 22-Nov 4 Sign-in
Firearms Either Sex Nov 5-Jan 1 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in

Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Grand Bay WMA
Special Regulations
No May 16-31 Feral Hog and Coyote season. Harvested deer must be removed from the area whole (no field dressing). No ATVs or motorcycles. A valid Moody Air Force Base Hunting and Fishing Permit may be substituted for WMA license. Hiking trail from check station closed to hikers during firearms deer hunts. Federal lands within WMA may be closed for military training. No firearms hunting within designated archery-only areas.
Deer
2021-22
Archery Either Sex Sep 11-Sep 12, Sep 18-Sep 19, Sep 25-Sep 26, Nov 20-Nov 21, Dec 4-Dec 5, Dec 18-Dec 19, Dec 25-Dec 26, Jan 1-Jan 2 Sign-in
Firearms Either Sex Oct 16-Oct 17 Bonus Deer
Firearms Either Sex Oct 23-Oct 24, Oct 30-Oct 31, Nov 6-Nov 7, Nov 13-Nov 14, Nov 27-Nov 28, Dec 11-Dec 12 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 10 Sign-in
Youth Firearms Either Sex Oct 2-Oct 3 Sign-in
2022-23
Archery Either Sex Sep 10-Sep 11, Sep 17-Sep 18, Sep 24-Sep 25, Nov 19-Nov 20, Dec 3-Dec 4, Dec 17-Dec 18, Dec 24-Dec 25, Dec 31-Jan 1 Sign-in
Firearms Either Sex Oct 15-Oct 16 Bonus Deer
Firearms Either Sex Oct 22-Oct 23, Oct 29-Oct 30, Nov 5-Nov 6, Nov 12-Nov 13, Nov 26-Nov 27, Dec 10-Dec 11 Sign-in
Primitive Weapons Either Sex Oct 8-Oct 9 Sign-in
Youth Firearms Either Sex Oct 1-Oct 2 Sign-in
Small Game
No fox squirrel or furbearer hunting.
2021-22

Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 30-May 1 Sign-in
Youth Apr 9-Apr 10, Apr 23-Apr 24 Sign-in
2022-23
Apr 29-Apr 30 Sign-in
Youth Apr 8-Apr 9, Apr 22-Apr 23 Sign-in
Waterfowl
Saturdays and Sundays only during statewide season.
Griffin Ridge WMA
Special Regulations
No ATVs or horses. No vehicles allowed beyond designed parking areas. River access allowed. Camping only at Fountain Hole camping area.
Deer
2021-22
Archery Either Sex Sep 11-Oct 8, Dec 4-Dec 26 Sign-in
Firearms Either Sex Nov 5-Nov 14 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 17 Sign-in
Youth Firearms Either Sex Oct 29-Oct 31 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14, Dec 3-Dec 25 Sign-in
Firearms Either Sex Nov 4-Nov 13 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 23 Sign-in
Youth Firearms Either Sex Oct 28-Oct 30 Sign-in
Small Game
No furbearer season.
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey

2021-22
Apr 16-Apr 22, Apr 30-May 6, May 7-May 13 Sign-in Quota 25
Youth Apr 9-Apr 15 Sign-in Quota 25
2022-23
Apr 15-Apr 21, Apr 29-May 5, May 6-May 12 Sign-in Quota 25
Youth Apr 8-Apr 14 Sign-in Quota 25
Hannahatchee WMA
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Either Sex Oct 16-Jan 9 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Either Sex Oct 22-Jan 8 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in
Dove
2021-22
Sep 4, Sep 11, Sep 18-Sep 30, Nov 20-Nov 28, Dec 19-Jan 31
2022-23
Sep 3, Sep 10, Sep 17-Sep 30, Nov 19-Nov 27, Dec 19-Jan 31
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in

Hard Labor Creek State Park**Special Regulations**

Hunters must attend pre-hunt meeting at 7:00 p.m. on the evening before the hunt. Hunt participants will be charged a \$30 nonrefundable, nontransferable hunt fee and a \$5 Park Pass will be required. Cabins and campsites may be reserved by calling the park office at (706) 557-3001. All other park facilities will be closed to the general public during deer hunt. No ATVs. No May 16-31 Coyote season.

Deer

5 deer limit, no more than 2 may be antlered bucks.

2021-22

Firearms Either Sex Nov 2-Nov 3 Bonus Deer Quota 250

2022-23

Firearms Either Sex Nov 2-Nov 3 Bonus Deer Quota 250

Harris Neck NWR**Special Regulations**

All hunters 16 years of age or older must purchase a \$25 Savannah Coastal Refuges Complex Annual Hunt Permit at www.savannahcoastalpermits.com. Visit www.fws.gov/refuge/harris_neck_for_seasons, dates and more information. No May 16-31 coyote season.

Hart County WMA**Deer/Bear**

2021-22

Archery Either Sex Sep 11-Oct 8 Sign-in

Firearms Buck Only Oct 16-Nov 11 Sign-in

Firearms Either Sex Nov 12-Nov 14 Sign-in

Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in

2022-23

Archery Either Sex Sep 10-Oct 14 Sign-in

Firearms Buck Only Oct 22-Nov 17 Sign-in

Firearms Either Sex Nov 18-Nov 20 Sign-in

Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in

Dove

2021-22

Sep 4, Sep 6, Sep 11, Sep 18, Sep 25, Nov 20-Nov 28, Dec 19-Jan 31

2022-23

Sep 3, Sep 5, Sep 10, Sep 17, Sep 24, Nov 19-Nov 27, Dec 19-Jan 31

Small Game

2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Hiltonia WMA
Special Regulations
No camping.
Deer
2021-22
Archery Either Sex Sep 11-Nov 12 Sign-in
Primitive Weapons Either Sex Nov 13-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Nov 11 Sign-in
Primitive Weapons Either Sex Nov 12-Jan 8 Sign-in
Dove
Saturdays only during 1st season.
2021-22
Sep 4, Sep 11, Sep 18, Sep 25, Oct 2, Oct 9 Nov 20-Nov 28, Dec 19-Jan 31
2022-23
Sep 3, Sep 10, Sep 17, Sep 24, Oct 1, Oct 8 Nov 19-Nov 27, Dec 19-Jan 31
Small Game
No furbearer season.
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Hitchiti Experimental Forest
Special Regulations

Dates and regulations are the same as Piedmont NWR. The Hitchiti Experimental Forest is open for hunting only during Piedmont National Wildlife Refuge hunting seasons with a valid Piedmont Refuge hunting permit and in accordance with refuge specific regulations. No May 16-31 coyote season.

Small Game

Bag Limit of 1/day for Fox Squirrel

Turkey

Bag Limit 1

Horse Creek WMA

Deer

2021-22

Archery Either Sex Sep 11-Sep 15, Sep 19-Oct 1, Oct 4-Oct 26, Jan 1-Jan 9 Sign-in

Firearms Buck Only Oct 27-Oct 30 Sign-in

Firearms Either Sex Dec 9-Dec 11 Sign-in

Firearms Either Sex Nov 18-Nov 20 Bonus Deer

Primitive Weapons Either Sex Sep 16-Sep 18 Sign-in

Specialty Firearms Either Sex Oct 2-Oct 3 Sign-in

2022-23

Archery Either Sex Sep 10-Sep 14, Sep 18-Sep 30, Oct 3-Oct 25, Jan 1-Jan 8 Sign-in

Firearms Buck Only Oct 26-Oct 29 Sign-in

Firearms Either Sex Dec 8-Dec 10 Sign-in

Firearms Either Sex Nov 17-Nov 19 Bonus Deer

Primitive Weapons Either Sex Sep 15-Sep 17 Sign-in

Specialty Firearms Either Sex Oct 1-Oct 2 Sign-in

Turkey

2021-22

Apr 9-May 15 Sign-in

2022-23

Apr 8-May 15 Sign-in

Hugh M. Gillis PFA

Deer

2021-22

Archery Either Sex Nov 4-Nov 14 Sign-in

2022-23

Archery Either Sex Nov 3-Nov 13 Sign-in

Turkey

2021-22
Youth Apr 15-Apr 16, Apr 29-Apr 30 Sign-in Quota 2
2022-23
Youth Apr 14-Apr 15, Apr 28-Apr 29 Sign-in Quota 2
Indian Ford Farm Dove Fields
Special Regulations
No May 16-31 coyote season. Hunters must sign-in at check station at 12:00 P.M. Maps and instructions will be provided at sign-in. Hunt is 12:00 PM until 7:00 PM. No ATVs. Hunters must use open gates to access fields; DO NOT climb fences. It is of utmost importance to have no litter left behind, including expended shotgun shells. Extra caution should be taken to ensure absolutely no live shells are left behind!
Dove
2021-22
Youth Sep 11 Sign-in Quota 50
2022-23
Youth Sep 10 Sign-in Quota 50
J.L. Lester WMA
Special Regulations
No ATV's. No night hunting. Fishing prohibited during deer hunts, quota hunts and field trials. No May 16-31 coyote season.
Deer/Bear
2021-22
Archery Either Sex Nov 22-Nov 28, Dec 25-Dec 31 Sign-in
Youth Firearms Either Sex Oct 2-Oct 3, Jan 8-Jan 9 Bonus Deer Quota 20
2022-23
Archery Either Sex Nov 21-Nov 27, Dec 24-Jan 1 Sign-in
Youth Firearms Either Sex Oct 8-Oct 9, Jan 7-Jan 8 Bonus Deer Quota 20
Dog Training
Aug 15 - Mar 19, except during deer hunts, quota hunts and field trials.
Dove
2021-22
Sep 18, Sep 25
Youth Sep 4, Sep 11
2022-23
Sep 17, Sep 24

Youth Sep 3, Sep 10
Quail
2021-22
Jan 1, Feb 27 Quota 5
2022-23
Dec 31, Feb 26 Quota 5
Rabbit
2021-22
Jan 2, Feb 26 Quota 5
2022-23
Jan 1, Feb 25 Quota 5
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Joe Kurz WMA
Special Regulations
Bird dog training allowed August 15-March 15 in designated areas, except during deer and quota quail hunts, in designated area only.
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
2021-22
Archery Quality Buck and Antlerless Oct 31-Nov 7 Sign-in
Archery Quality Buck and Antlerless Sep 11-Sep 19 Sign-in
Firearms Quality Buck and Antlerless Last Day Oct 14-Oct 16, Oct 28-Oct 30 Bonus Deer Quota 100
2022-23
Archery Quality Buck and Antlerless Sep 10-Sep 18, Nov 6-Nov 11 Sign-in
Firearms Quality Buck and Antlerless Last Day Oct 20-Oct 22, Nov 3-Nov 5 Bonus Deer Quota 100
Dove
2021-22

Sep 4, Sep 11, Sep 18, Sep 25, Oct 2, Oct 9-Oct 10, Nov 20-Nov 28, Dec 19-Jan 15, Jan 17-Jan 31
2022-23
Sep 3, Sep 10, Sep 17, Sep 24, Oct 1, Oct 8-Oct 9, Nov 19-Nov 27, Dec 19-Jan 14, Jan 16-Jan 31
Quail
Bag limit is 6 per person or 12 per party.
2021-22
Dec 11, Jan 16, Feb 5 Sign-in Quota 3
2022-23
Dec 10, Jan 15, Feb 4 Sign-in Quota 3
Rabbit
Bag limit=3 rabbits/person/day.
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-Apr 17, Apr 30-May 8 Sign-in Quota 25
2022-23
Apr 8-Apr 16, Apr 29-May 7 Sign-in Quota 25
Waterfowl
Wednesdays and Saturdays only during statewide season. Shooting hours end at 12 noon.
John's Mountain WMA
Special Regulations
No ATV's.
Deer/Bear
2021-22
Archery Either Sex Sep 11-Oct 29, Nov 1-Nov 17, Nov 21-Dec 25 Sign-in
Firearms Buck Only Dec 26-Jan 1 Sign-in
Firearms Either Sex Last Day Nov 18-Nov 20 Bonus Deer
Specialty Firearms Either Sex Oct 30-Oct 31 Bonus Deer

2022-23
Archery Either Sex Sep 10-Oct 28, Oct 31-Nov 16, Nov 20-Dec 25 Sign-in
Firearms Buck Only Dec 26-Jan 1 Sign-in
Firearms Either Sex Last Day Nov 17-Nov 19 Bonus Deer
Specialty Firearms Either Sex Oct 29-Oct 30 Bonus Deer
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Keg Creek WMA
Special Regulations
No camping.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Kretlow Farm VPA
Special Regulations

No May 16-31 coyote season.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Lake Russell WMA
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer/Bear
2021-22
Archery Either Sex Sep 11-Oct 7, Oct 11-Oct 16 Sign-in
Firearms Buck Only Nov 24-Nov 27 Bonus Deer
Primitive Weapons Either Sex Dec 9-Dec 15 Bonus Deer
Specialty Firearms Either Sex Oct 8-Oct 10 Bonus Deer
Youth Firearms Either Sex Nov 5-Nov 7 Bonus Deer
2022-23
Archery Either Sex Sep 10-Oct 6, Oct 10-Oct 15 Sign-in
Firearms Buck Only Nov 23-Nov 26 Bonus Deer
Primitive Weapons Either Sex Dec 8-Dec 14 Bonus Deer
Specialty Firearms Either Sex Oct 7-Oct 9 Bonus Deer
Youth Firearms Either Sex Nov 4-Nov 6 Bonus Deer
Small Game

2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Lake Seminole WMA
Special Regulations
No camping. No May 16-31 coyote season.
Deer
2021-22
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Either Sex Oct 16-Jan 9 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Either Sex Oct 22-Jan 8 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Waterfowl
State Season. No hunting waterfowl within 300 yards of a house, dock, building, or other structure, or a developed recreation area (i.e. beach, campground, boat ramp, etc.)

Lake Sidney Lanier - Buford Dam**Special Regulations**

All facilities will be closed to the general public during the hunts. Limit: 2, only one of which may be antlered. Hunters must apply by letter no later than October 10, 4:30 PM. Hunters must attend a pre-hunt meeting at 7:00 P.M. the evening before the hunt. Visit <http://go.usa.gov/SE85> for more information. No May 16-31 coyote season.

Lake Sidney Lanier - Islands**Special Regulations**

Hunters must apply by letter no later than October 10, 4:30 PM. Visit <http://go.usa.gov/SE85> for more information. No May 16-31 coyote season.

Deer

Limit of one deer per day which counts against state bag limit. Hunters must record harvest through Georgia Game Check.

Lake Walter F. George WMA**Special Regulations**

No camping. No May 16-31 coyote season.

Deer

2021-22

Archery Either Sex Sep 11-Jan 9 Sign-in

2022-23

Archery Either Sex Sep 10-Jan 8 Sign-in

Small Game

2021-22

Aug 15-Feb 28

2022-23

Aug 15-Feb 28

Turkey

2021-22

Apr 9-May 15 Sign-in

2022-23

Apr 8-May 15 Sign-in

Waterfowl

State season. No hunting waterfowl within 300 yards of a house, dock, building, or other structure, or a developed recreation area (i.e. beach, camp-ground, boat ramp, etc.) Eufaula Wildlife Refuge has separate regulations.

Lanahassee Creek VPA
Quail
Quail hunting by quota only. Maximum 3 persons per party. Bag limit is 3 per person. Hunting party must check-in harvest at kiosk or online. Complete one check-in (survey) per party.
Lanahassee WMA
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
2021-22
Archery Quality Buck and Antlerless Sep 11-Oct 8, Oct 16-Nov 7 Sign-in
Firearms Quality Buck and Antlerless Nov 18-Nov 20, Dec 2-Dec 4 Bonus Deer Quota 50
Primitive Weapons Quality Buck and Antlerless Oct 9-Oct 15 Sign-in
Specialty Firearms Quality Buck and Antlerless Dec 26-Jan 1 Sign-in
2022-23
Archery Quality Buck and Antlerless Sep 10-Oct 14, Oct 22-Nov 6 Sign-in
Firearms Quality Buck and Antlerless Nov 17-Nov 19, Dec 1-Dec 3 Bonus Deer Quota 50
Primitive Weapons Quality Buck and Antlerless Oct 15-Oct 21 Sign-in
Specialty Firearms Quality Buck and Antlerless Dec 25-Dec 31 Sign-in
Quail
Bag limit is 3 per person. Hunting party must check-in harvest at kiosk or online. Complete one check-in (survey) per party.
2021-22
Nov 21, Dec 5, Dec 12 Sign-in
2022-23
Nov 20, Dec 4, Dec 11 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey

Turkey hunting prohibited due to low population levels.

Little Ocmulgee State Park

Alligator

Alligator hunting by special permit only; open only to drawn quota hunters for alligator zone #4 who apply and are selected for the park hunt. Interested hunters must call 229-896-3551 no later than close of business on July 31 to apply. Selected hunters will be charged a \$30 nonrefundable, nontransferable hunt fee and a \$5 Park Pass is required. Only night hunting is permitted (30 minutes after sunset to 30 minutes before sunrise). Hunting is allowed Sunday nights through Thursday nights only, during state season. Special permit restriction apply. Special permit hunters may legally harvest one alligator at least 48" or greater in length. Only one vessel is permitted per special permit. Fishing/boating and other non-permitted lake activities are prohibited by regulation after sunset and before sunrise.

Little Satilla WMA

Special Regulations

No camping.

Deer

2021-22

Archery Either Sex Sep 11-Oct 8 Sign-in

Firearms Buck Only Oct 16-Oct 17 Sign-in

Firearms Either Sex Oct 18-Jan 9 Sign-in

Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in

2022-23

Archery Either Sex Sep 10-Oct 14 Sign-in

Firearms Buck Only Oct 22-Oct 23 Sign-in

Firearms Either Sex Oct 24-Jan 8 Sign-in

Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in

Small Game

2021-22

Aug 15-Feb 28

2022-23

Aug 15-Feb 28

Turkey

2021-22

Apr 9-May 15 Sign-in

2022-23

Apr 8-May 15 Sign-in

Lola Tract VPA

Special Regulations
No May 16-31 coyote season.
Bear
2021-22
Archery Sep 16-Sep 18, Sep 23-Sep 25, Sep 30-Oct 2, Oct 7-Oct 9 Sign-in
2022-23
Archery Sep 15-Sep 17, Sep 22-Sep 24, Sep 29-Oct 1, Oct 6-Oct 8 Sign-in
Deer
2021-22
Archery Either Sex Sep 11-Oct 29, Nov 15-Jan 9 Sign-in
Firearms Either Sex Oct 30-Nov 14 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 28, Nov 14-Jan 8 Sign-in
Firearms Either Sex Oct 29-Nov 13 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
London Farms VPA
Special Regulations
No May 16-31 coyote season. Selected hunters may start checking in at noon on the first hunt (Sept 4, 2021) and hunt until 30 minutes before official sunset. Selected hunters may check in 6:00 AM on the Sept 11, 2021 hunt and hunt from 30 minutes before sunrise until noon. No blinds, buckets, seats or other devices may be placed on the field until the hunter has checked in. No stand-bys. Selected hunters may bring up to two guests.
Dove
2021-22
Sep 4, Sep 11 Quota 30
2022-23
Sep 3, Sep 10 Quota 30

Lower Broad River WMA
Special Regulations
No camping.
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Buck Only Oct 16-Oct 29 Sign-in
Firearms Either Sex Oct 30-Jan 1 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Buck Only Oct 22-Nov 4 Sign-in
Firearms Either Sex Nov 5-Jan 1 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in
Dove
2021-22
Sep 11, Sep 18, Sep 25, Oct 2, Nov 20-Nov 28, Dec 19-Jan 31
Sep 4 Sign-in Quota 30
2022-23
Sep 10, Sep 17, Sep 24, Oct 1, Oct 8, Nov 19-Nov 27, Dec 19-Jan 31
Sep 3 Sign-in Quota 30
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in

Lula Bridge WMA
Special Regulations
No May 16-31 coyote season.
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Waterfowl
2021-22
Sep 4-Sep 26, Oct 9-Oct 24, Nov 20-Nov 28, Dec 12-Jan 31
Youth Nov 13-Nov 14
2022-23
Sep 3-Sep 25, Oct 8-Oct 23, Nov 19-Nov 27, Dec 12-Jan 31
Youth Nov 12-Nov 13
Mayhaw WMA
Deer
2021-22
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Buck Only Oct 16-Nov 30 Sign-in
Firearms Either Sex Dec 1-Jan 9 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Buck Only Oct 22-Nov 30 Sign-in
Firearms Either Sex Dec 1-Jan 8 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in

2022-23
Apr 8-May 15 Sign-in
McDuffie PFA
Special Regulations
No May 16-31 coyote season.
Dove
2021-22
Sep 11, Sep 18, Sep 25, Oct 2, Oct 9
Sep 4 Sign-in Quota 25
2022-23
Sep 10, Sep 17, Sep 24, Oct 1, Oct 8
Sep 3 Sign-in Quota 25
Waterfowl
Waterfowl hunters must check kiosk at entrance gate for information on which ponds are open. Designated ponds only. Shooting hours end at 12 noon.
2021-22
Dec 18, Dec 25, Jan 1
2022-23
Dec 17, Dec 24, Dec 31
McEntire Road VPA
Special Regulations
No ATV's. VPA is only open to the public for hunting during designated seasons. No May 16-31 coyote season.
Dove
2021-22
Sep 4, Sep 11, Sep 18, Sep 25-Oct 3
2022-23
Sep 3, Sep 10, Sep 17, Sep 24-Oct 2
McGraw Ford WMA
Special Regulations
No ATV's.
Deer/Bear
2021-22
Archery Either Sex Sep 11-Jan 1 Sign-in
2022-23

Archery Either Sex Sep 10-Jan 1 Sign-in
Dove
2021-22
Sep 4, Sep 11, Sep 18, Sep 25, Oct 2, Oct 9-Oct 10, Nov 20-Nov 28, Dec 19-Jan 31
2022-23
Sep 3, Sep 10, Sep 17, Sep 24, Oct 1, Oct 8-Oct 9, Nov 19-Nov 27, Dec 19-Jan 31
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 16-May 15 Sign-in
Apr 9-Apr 15 Sign-in Quota 10
2022-23
Apr 15-May 15 Sign-in
Apr 8-Apr 14 Sign-in Quota 10
Mead Farm WMA
Special Regulations
Foot traffic only. No camping. Bird dog training is allowed year-round.
Deer
Archery only
2021-22
Archery Either Sex Sep 11-Jan 1 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 1 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in

2022-23
Apr 8-May 15 Sign-in
Waterfowl
Shooting hours end at 12 noon.
2021-22
Sep 11, Sep 15, Sep 18, Sep 22, Sep 25, Dec 15, Dec 18, Dec 22, Dec 25, Dec 29, Jan 1, Jan 5, Jan 8, Jan 12, Jan 15, Jan 19, Jan 22, Jan 26, Jan 29
Youth Nov 13, Nov 20, Nov 27
2022-23
Sep 10, Sep 14, Sep 17, Sep 21, Sep 24, Dec 14, Dec 17, Dec 21, Dec 24, Dec 28, Dec 31, Jan 4, Jan 7, Jan 11, Jan 14, Jan 18, Jan 21, Jan 25, Jan 28
Youth Nov 12, Nov 19, Nov 26
Mistletoe State Park
Special Regulations
Hunters must attend a pre-hunt meeting at 7:00 pm on the evening before the hunt. Two deer limit. Hunt participants will be charged a \$30 nonrefundable, nontransferable hunt fee and a \$5 Park Pass will be required. Cabins and campsites may be reserved by calling the Park Office at 706-541-0321. All other Park facilities will be closed to the general public during the hunt. No ATVs. No May 16-31 coyote season.
Deer
2022-23
Firearms Either Sex Nov 15-Nov 16 Bonus Deer Quota 75
Montezuma Bluffs WMA
Special Regulations
Montezuma Bluffs WMA contains rare species and sensitive habitats. To protect these resources, vehicular access is limited to boat landing road. No ATVs or horses allowed. No camping. No May 16-31 coyote season.
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game
No fox or bobcat hunting.

2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Archery Apr 9-May 15 Sign-in
2022-23
Archery Apr 8-May 15 Sign-in
Moody Forest WMA
Special Regulations
No May 16-31 coyote season. No ATVs. Check for prescribed burn info and Sign-In at kiosk on East River Rd.
Deer
2021-22
Firearms Either Sex Nov 1-Dec 15 Sign-in
2022-23
Firearms Either Sex Nov 1-Dec 15 Sign-in
Small Game
Squirrel hunting only. No fox squirrels may be taken.
Squirrel Only
2021-22
Nov 1-Jan 20
2022-23
Nov 1-Jan 20
Turkey
2021-22
Apr 15-Apr 30 Sign-in
Youth Apr 9-Apr 10 Sign-in
2022-23
Apr 14-Apr 29 Sign-in
Youth Apr 8-Apr 9 Sign-in
Morgan Lake WMA
Special Regulations

Archery Only Area for all species. The operation of a Personal Watercraft (defined in GA Code 52-7-8.2 and commonly known as a "jet ski") on Morgan Lake and other water bodies within Morgan Lake WMA is prohibited.

Deer

2021-22

Archery Either Sex Sep 11-Jan 9 Sign-in

2022-23

Archery Either Sex Sep 10-Jan 8 Sign-in

Small Game

2021-22

Archery Aug 15-Feb 28

2022-23

Archery Aug 15-Feb 28

Turkey

2021-22

Archery Apr 9-May 15 Sign-in

2022-23

Archery Apr 8-May 15 Sign-in

Oaky Woods WMA

Special Regulations

No bear hunting.

Deer

2021-22

Archery Either Sex Sep 11-Oct 8 Sign-in

Firearms Buck Only Dec 23-Dec 26 Sign-in

Firearms Buck Only Oct 28-Oct 30 Bonus Deer

Firearms Either Sex Last Day Dec 2-Dec 4 Bonus Deer

Youth Firearms Either Sex Oct 9-Oct 15 Sign-in

2022-23

Archery Either Sex Sep 10-Oct 7 Sign-in

Firearms Buck Only Dec 22-Dec 25 Sign-in

Firearms Buck Only Oct 27-Oct 29 Bonus Deer

Firearms Either Sex Last Day Dec 1-Dec 3 Bonus Deer

Youth Firearms Either Sex Oct 8-Oct 14 Sign-in

Small Game

2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 16-May 15 Sign-in
Apr 9-Apr 15 Sign-in Quota 80
2022-23
Apr 15-May 15 Sign-in
Apr 8-Apr 14 Sign-in Quota 80
Waterfowl
Shooting hours end at 12 noon.
Ocmulgee WMA
Special Regulations
No bear hunting.
Alligator
Alligator hunting on Ocmulgee PFA allowed Sept. 3-5, 2021, and Sept. 2-4, 2022. No hunting during daylight hours.
Deer
2021-22
Archery Either Sex Sep 11-Oct 1 Sign-in
Firearms Buck Only Dec 9-Dec 12 Sign-in
Firearms Buck Only Oct 21-Oct 23 Bonus Deer
Firearms Either Sex Last Day Nov 18-Nov 20 Bonus Deer
Youth Firearms Either Sex Oct 2-Oct 8 Sign-in
2022-23
Archery Either Sex Sep 10-Sep 30 Sign-in
Firearms Buck Only Dec 8-Dec 11 Sign-in
Firearms Buck Only Oct 27-Oct 29 Bonus Deer
Firearms Either Sex Last Day Nov 17-Nov 19 Bonus Deer
Youth Firearms Either Sex Oct 1-Oct 7 Sign-in
Turkey

2021-22
Apr 23-May 15 Sign-in
Apr 9-Apr 15, Apr 16-Apr 22 Sign-in Quota 100
2022-23
Apr 22-May 15 Sign-in
Apr 8-Apr 14, Apr 15-Apr 21 Sign-in Quota 100
Waterfowl
Shooting hours end at 12 noon.
Ocmulgee WMA - Gum Swamp Creek
Special Regulations
No camping. Bird dog training allowed August 15-March 15.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Turkey
2021-22
Archery Apr 9-May 15 Sign-in
2022-23
Archery Apr 8-May 15 Sign-in
Waterfowl
Shooting hours end at 12 noon.
Oconee National Forest
Special Regulations
No dog training Mar. 20-July 31, 2021, 2022 & 2023, Sept. 12, 2021-Jan. 1, 2022 and Sept. 10, 2022-Jan. 1, 2023. Pursuit of bears with dogs is prohibited. Hogs may be taken only during daylight hours consistent with regulations above. Coyotes may be taken during deer, turkey and small game hunts; weapons are restricted to legal firearms and archery equipment for the game species specified for a particular hunt as indicated heretofore; electronic calls may be used; night hunting is prohibited. Placing, leaving, or depositing any food, bait or refuse in a manner likely to attract or concentrate any wildlife, whether for purposes of hunting or viewing animals, is prohibited. It is also prohibited to fail to properly store food or refuse to prevent access by wildlife. For public health and safety, the transportation of a loaded long gun or cocked crossbow in a motor vehicle is prohibited. NOTE: A firearm is considered "loaded" if a

round of ammunition is in the chamber or magazine, a percussion cap is on the nipple, or powder is present in the frizzen pan. A "Long gun" is a firearm with an extended barrel, usually designed to be fired braced against the shoulder. It shall include all rifles, shotguns, carbines, muzzleloaders, and/or other such weapons. For public health and safety, the possession of an alcoholic beverage as defined by state law, while hunting, is prohibited.

Deer

2021-22

Archery Either Sex Sep 11-Oct 8

Firearms Buck Only Oct 16-Oct 29, Nov 1-Nov 26, Nov 29-Dec 5, Dec 26-Dec 31, Jan 3-Jan 9

Firearms Either Sex Oct 30-Oct 31, Nov 27-Nov 28, Jan 1-Jan 2

Primitive Weapons Either Sex Oct 9-Oct 15

2022-23

Archery Either Sex Sep 10-Oct 14

Firearms Buck Only Oct 22-Nov 4, Nov 7-Nov 25, Nov 28-Dec 4, Dec 26-Dec 30, Jan 2-Jan 8

Firearms Either Sex Nov 5-Nov 6, Nov 26-Nov 27, Dec 31-Jan 1

Primitive Weapons Either Sex Oct 15-Oct 21

Small Game

2021-22

Aug 15-Feb 28

2022-23

Aug 15-Feb 28

Turkey

Bag Limit 1

2021-22

Apr 9-May 15

2022-23

Apr 8-May 15

Oconee WMA

Deer

2021-22

Archery Either Sex Sep 11-Oct 8, Nov 15-Jan 9 Sign-in

Firearms Either Sex Oct 16-Nov 14 Sign-in

Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in

2022-23

Archery Either Sex Sep 10-Oct 14, Nov 14-Jan 8 Sign-in

Firearms Either Sex Oct 22-Nov 13 Sign-in

Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in
Dove
2021-22
Sep 11-Sep 14, Sep 18, Sep 25, Oct 2, Nov 20-Nov 28, Dec 19-Jan 31
Sep 4 Sign-in Quota 60
2022-23
Sep 10, Sep 17, Sep 24, Oct 1, Oct 8, Nov 19-Nov 27, Dec 19-Jan 31
Sep 3 Sign-in Quota 60
Small Game
2021-22
Aug 15-Feb 28 Sign-in
2022-23
Aug 15-Feb 28 Sign-in
Turkey
2021-22
Apr 23-May 15 Sign-in
Apr 9-Apr 15, Apr 16-Apr 22 Sign-in Quota 30
2022-23
Apr 22-May 15 Sign-in
Apr 8-Apr 14, Apr 15-Apr 21 Sign-in Quota 30
Oconee WMA - Dan Denton Waterfowl Area
Special Regulations
No fishing or hunting (other than ducks & geese and archery deer hunting during statewide archery and primitive weapons season) on waterfowl impoundments. Waterfowl hunting on impoundments 1 & 3 open only to hunters selected in quota drawing. Waterfowl hunters are prohibited from entering impoundments before 5:00 am on the day of the hunt and shooting hours end at 12 noon except on last hunt of the season when shooting hours end at legal sunset. Herndon Pond and Impoundment 2 are closed to hunting. Waterfowl hunting is prohibited on the Oconee River between Wallace Dam and GA HWY 16. Handicapped quota hunters may request assistance by calling (706) 595-4222. No May 16-31 coyote season.
Deer
2021-22
Archery Either Sex Sep 11-Oct 15 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 21 Sign-in
Waterfowl
2021-22

Pond 1 Dec 18, Dec 25, Jan 1, Jan 8, Jan 15, Jan 22, Jan 29 Sign-in Quota 3
Pond 3 Dec 18, Dec 25, Jan 1, Jan 8, Jan 15, Jan 22, Jan 29 Sign-in Quota 2
Youth Pond 1 Nov 13, Nov 27 Sign-in Quota 3
Youth Pond 3 Nov 13 Sign-in Quota 2
Youth Pond 3 Nov 27 Sign-in Quota 2
2022-23
Pond 1 Dec 17, Dec 24, Dec 31, Jan 7, Jan 14, Jan 21, Jan 28 Sign-in Quota 3
Pond 3 Dec 17, Dec 24, Dec 31, Jan 7, Jan 14, Jan 21, Jan 28 Sign-in Quota 2
Youth Pond 1 Nov 12, Nov 26 Sign-in Quota 3
Youth Pond 3 Nov 12, Nov 26 Sign-in Quota 2
Oconee WMA - Rock Hawk Trails & Effigy
Special Regulations
No May 16-31 coyote season.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game
2021-22
Nov 15-Feb 28
2022-23
Nov 21-Feb 28
Turkey
Selected quota turkey hunters only may hunt with firearms during quota hunt dates in this area.
2021-22
Archery Apr 23-May 15 Sign-in
2022-23
Archery Apr 22-May 15 Sign-in
Ohoopsee Dunes WMA - North Tract
Special Regulations
Ohoopsee Dunes WMA contains rare species and sensitive habitats. To protect these resources vehicular access is limited. No ATV's or horses. No dogs from Mar. 1 - Nov. 1.
Deer

2021-22
Archery Either Sex Dec 5-Jan 9 Sign-in
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Either Sex Dec 2-Dec 4 Sign-in
Firearms Either Sex Oct 28-Oct 30 Bonus Deer
2022-23
Archery Either Sex Dec 4-Jan 8 Sign-in
Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Either Sex Dec 1-Dec 3 Sign-in
Firearms Either Sex Oct 27-Oct 29 Bonus Deer
Turkey
2021-22
Apr 23-May 15 Sign-in
Apr 9-Apr 15, Apr 16-Apr 22 Sign-in Quota 20
2022-23
Apr 22-May 15 Sign-in
Apr 8-Apr 14, Apr 15-Apr 21 Sign-in Quota 20
Oohoopee Dunes WMA - South Tract
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Okefenokee National Wildlife Refuge-Cowhouse Unit
Special Regulations
Bears and alligators may not be taken. Foot travel only on ONWR portion of Cowhouse Island. No dogs allowed except pointing dogs for hunting quail. Sign-in at Dixon Memorial WMA. Visit www.fws.gov/refuge/okefenokee for more information. Feral hogs may be taken May 16-31, no dogs allowed. No coyote hunting.
Deer
2021-22

Archery Either Sex Sep 11-Sep 28, Oct 3-Oct 6, Oct 10-Oct 15 Sign-in
Firearms Either Sex Nov 4-Nov 6 Bonus Deer
Firearms Buck Only Oct 16-Oct 17, Oct 23-Oct 26
Firearms Either Sex Nov 24-Nov 28 Sign-in
Primitive Weapons Either Sex Oct 7-Oct 9 Sign-in
Primitive Weapons Either Sex Sep 29-Oct 2 Bonus Deer
2022-23
Archery Either Sex Sep 10-Sep 27, Oct 2-Oct 5, Oct 9-Oct 14 Sign-in
Firearms Either Sex Nov 3-Nov 5 Bonus Deer
Firearms Buck Only Oct 15-Oct 16, Oct 22-Oct 2
Firearms Either Sex Nov 23-Nov 27 Sign-in
Primitive Weapons Either Sex Oct 6-Oct 8 Sign-in
Primitive Weapons Either Sex Sep 28-Oct 1 Bonus Deer
Small Game
Quail, rabbit, squirrel only.
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Okefenokee National Wildlife Refuge-Pocket Unit
Special Regulations
Sign-in/sign-out required. Bears and alligators may not be taken. Foot travel only off paved road. No dogs allowed. Visit www.fws.gov/refuge/okefenokee for more information. No May 16-31 coyote season, no coyote hunting.
Deer
2021-22
Archery Either Sex Sep 11-Nov 7 Sign-in
2022-23
Archery Either Sex Sep 10-Nov 6 Sign-in

Okefenokee National Wildlife Refuge-Suwannee Canal Unit**Special Regulations**

Quota applications accepted Aug. 15 - Sept. 15 at <http://www.fws.gov/forms/32354.pdf>. Youth hunters are those 16 and under and supervised by an adult 21 or older. Hunter Education is required for youth hunters. Shooting hours close at noon; shotguns with slugs or muzzleloaders only; hunters will be charged a \$15.00 permit fee; check-out required; hunters are not required to tag deer prior to check out - special NWR tags provided for two harvested deer; hunt area zoned; Chesser Island zone is for wheelchair and/or youth hunters only. No dogs allowed. Feral hogs may be taken: no limit. Visit www.fws.gov/refuge/okefenokee for more information. No May 16-31 coyote season, no coyote hunting.

Deer

2021-22

Firearms Either Sex Oct 22-Oct 23 Bonus Deer Quota 30

Youth/Wheelchair Firearms Either Sex Oct 22-Oct 23 Bonus Deer Quota 10

2022-23

Firearms Either Sex Oct 21-Oct 22 Bonus Deer Quota 30

Youth/Wheelchair Firearms Either Sex Oct 21-Oct 22 Bonus Deer Quota 10

Oliver Bridge WMA**Special Regulations**

No ATVs. No camping.

Deer

2021-22

Archery Either Sex Sep 11-Oct 8 Sign-in

Firearms Either Sex Oct 16-Jan 9 Sign-in

Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in

2022-23

Archery Either Sex Sep 10-Oct 14 Sign-in

Firearms Either Sex Oct 22-Jan 8 Sign-in

Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in

Turkey

2021-22

Apr 9-May 15 Sign-in

2022-23

Apr 8-May 15 Sign-in

Ossabaw Island WMA**Special Regulations**

Hunters on Ossabaw Island WMA will be required to furnish their own boat transportation to & from the island. Limited docking space is available; some boats may have to stream anchor. All hunter access to the island will be over the dock facilities at Newell Creek on the south end of the island. Hunters may not enter upon Ossabaw Island until 12:00 PM EST one day prior to check-in. Hunters may check-in at 9:00 AM EST one day prior to hunt & camps must be removed by 12:00 PM EST on the day following the hunt. One person from each campsite must check in and upon leaving check out from the campsite at the check-in station. No motorized vehicles allowed & only permitted activities allowed. No pets. Campfires restricted to provided fire rings. No access permitted to Ossabaw above high tide mark. No May 16-31 coyote season.

Deer

2021-22

Archery Either Sex Oct 7-Oct 9 Bonus Deer Quota 100

Firearms Either Sex Nov 4-Nov 6, Dec 9-Dec 11 Bonus Deer Quota 100

Primitive Weapons Either Sex Oct 21-Oct 23 Bonus Deer Quota 100

Youth Firearms Either Sex Nov 25-Nov 27 Bonus Deer Quota 75

2022-23

Archery Either Sex Oct 6-Oct 8 Bonus Deer Quota 100

Firearms Either Sex Nov 3-Nov 5, Dec 8-Dec 10 Bonus Deer Quota 100

Primitive Weapons Either Sex Oct 20-Oct 22 Bonus Deer Quota 100

Youth Firearms Either Sex Nov 24-Nov 26 Bonus Deer Quota 75

Feral hog

2021-22

Firearms Hog Only Jan 20-Jan 22, Feb 3-Feb 5 Bonus Deer Quota 100

2022-23

Firearms Either Sex Jan 19-Jan 21, Feb 2-Feb 4 Bonus Deer Quota 100

Otting WMA

Special Regulations

No ATV's

Deer/Bear

2021-22

Archery Either Sex Sep 11-Jan 1 Sign-in

2022-23

Archery Either Sex Sep 10-Jan 1 Sign-in

Dog Training

Furbearer Dog Training Area: Aug 15-Mar 19

Furbearer Dog Training

2021-22
Aug 15-Mar 19
2022-23
Aug 15-Mar 19
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Panola Mountain State Park
Special Regulations
Hunters must attend pre-hunt meeting at 7:00 p.m. on the evening before the hunt. Hunt participants will be charged a \$30 nonrefundable, nontransferable hunt fee and \$5 Park Pass will be required. Hunting within 50 yards of the PATH Trail is prohibited. An archery-only portion of the park may be available to a limited number of hunters drawn for the quota, details will be provided in selection letter. All other park facilities will be closed during the hunt. No ATVs. No May 16-31 coyote season.
Deer
5 deer limit, no more than 2 may be antlered bucks.
2021-22
Firearms Either Sex Nov 9-Nov 10 Bonus Deer Quota 54
2022-23
Firearms Either Sex Nov 8-Nov 9 Bonus Deer Quota 54
Paradise PFA
Special Regulations
No May 16-31 coyote season.
Dove
Dove hunting in designated fields only; shooting hours follow state regulations.
2021-22
Sep 11, Sep 18, Sep 25, Nov 20-Nov 28, Dec 19-Jan 31
Youth Sep 4

2022-23
Sep 10, Sep 17, Sep 24, Nov 19-Nov 27, Dec 8-Jan 31
Youth Sep 3
Waterfowl
Hunting for ducks and geese in designated areas only. Shooting hours end at 12 noon.
2021-22
Dec 16, Dec 30
2022-23
Dec 15, Dec 29
Paulding Forest WMA
Special Regulations
No ATV's. Horse and bicycle trails and areas, except Silver Comet Trail, are closed all day during firearms deer hunts and before 10:00am during archery deer and turkey hunts.
Deer/Bear
2021-22
Archery Either Sex Sep 11-Oct 8, Oct 11-Nov 10 Sign-in
Firearms Either Sex Last Day Dec 9-Dec 12 Sign-in
Firearms Either Sex Last Day Nov 11-Nov 14 Bonus Deer
Specialty Firearms Either Sex Oct 9-Oct 10 Bonus Deer
2022-23
Archery Either Sex Sep 10-Oct 14, Oct 17-Nov 9 Sign-in
Firearms Either Sex Last Day Dec 8-Dec 11 Sign-in
Firearms Either Sex Last Day Nov 10-Nov 13 Bonus Deer
Specialty Firearms Either Sex Oct 15-Oct 16 Bonus Deer
Dog Training
Bird and Rabbit Dog Training Area: Aug 15-Mar 19 except during firearms deer hunts.
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-Apr 17, Apr 23-May 1 Sign-in Quota 40

May 2-May 15 Sign-in
2022-23
Apr 8-Apr 16, Apr 22-Apr 30 Sign-in Quota 40
May 1-May 15 Sign-in
Paulks Pasture WMA
Special Regulations
No camping. No horseback riding during deer hunts.
Coyote
May 16-31. Feral hogs may be hunted with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
Dog-deer hunting allowed in designated areas only. Dog-deer hunters must check in at check station prior to hunt. All dogs used in the dog-deer hunt must be marked with the selected hunter's name and phone number. The WMA will be closed to all users during dog-deer hunts except to hunters with a valid quota hunt permit.
2021-22
Archery Either Sex Sep 11-Sep 15, Sep 20-Sep 28, Oct 4-Nov 19 Sign-in
Buckshot Only Dog Deer Either Sex Nov 26-Nov 27, Dec 3-Dec 4, Dec 17-Dec 18 Bonus Deer Quota 3
Firearms Buck Only Oct 16-Nov 2 Sign-in
Firearms Either Sex Nov 20-Nov 24, Dec 19-Dec 29 Sign-in
Firearms Either Sex Sep 30-Oct 2 Bonus Deer
Youth Firearms Either Sex Sep 17-Sep 19 Bonus Deer
2022-23
Archery Either Sex Sep 10-Sep 14, Sep 19-Sep 27, Oct 3-Nov 18 Sign-in
Buckshot Only Dog Deer Either Sex Nov 25-Nov 26, Dec 2-Dec 3, Dec 16-Dec 17 Bonus Deer Quota 3
Firearms Buck Only Oct 15-Nov 1 Sign-in
Firearms Either Sex Nov 19-Nov 23, Dec 18-Dec 28 Sign-in
Firearms Either Sex Sep 29-Oct 1 Bonus Deer
Youth Firearms Either Sex Sep 16-Sep 18 Bonus Deer
Small Game
No furbearer hunting or dog training in Archery Only Areas.
2021-22
Aug 15-Feb 28
2022-23

Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Penholoway Swamp WMA
Special Regulations
Idle speed only on Cogden Lake. Access to Boyle's Island is by river only, except during the early season managed firearms hunts, pending river level and road conditions.
Coyote
May 16-31. Feral hogs may be hunted with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Sep 11-Sep 22, Sep 27-Oct 5, Oct 10-Nov 19, Nov 27-Jan 9 Sign-in
Firearms Either Sex Nov 20-Nov 26 Sign-in
Firearms Either Sex Oct 7-Oct 9 Bonus Deer
Youth Firearms Either Sex Sep 24-Sep 26 Bonus Deer
2022-23
Archery Either Sex Sep 10-Sep 21, Sep 26-Oct 4, Oct 9-Nov 18, Nov 26-Jan 8 Sign-in
Firearms Either Sex Nov 19-Nov 25 Sign-in
Firearms Either Sex Oct 6-Oct 8 Bonus Deer
Youth Firearms Either Sex Sep 23-Sep 25 Bonus Deer
Small Game
Bird dog training area located in the areas of Redman and Deadend Rds. No furbearer hunting or dog training in Archery Only Areas.
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in

Perry Dove Field
Special Regulations
No camping. No May 16-31 coyote season.
Deer
2021-22
Archery Either Sex Sep 12, Sep 19, Sep 26, Oct 3, Oct 10, Oct 17, Oct 24, Oct 31, Nov 7, Nov 14, Nov 21, Nov 28, Dec 5, Dec 12, Dec 19, Dec 26, Jan 2, Jan 9 Sign-in
2022-23
Archery Either Sex Sep 11, Sep 18, Sep 25, Oct 2, Oct 9, Oct 16, Oct 23, Oct 30, Nov 6, Nov 13, Nov 20, Nov 27, Dec 4, Dec 11, Dec 18, Dec 25, Jan 1, Jan 8 Sign-in
Dove
2021-22
Sep 4, Sep 11, Sep 18, Sep 25, Nov 20, Nov 27, Dec 25, Jan 1, Jan 8, Jan 15, Jan 22, Jan 29
2022-23
Sep 3, Sep 10, Sep 17, Sep 24, Nov 19, Nov 26, Dec 24, Dec 31, Jan 7, Jan 14, Jan 21, Jan 28
Phinizy Swamp WMA
Special Regulations
No camping.
Deer
Archery only
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Waterfowl

Wednesdays and Saturdays only during statewide season. Shooting hours end at 12 noon.
2021-22
Sep 11, Sep 15, Sep 18, Sep 22, Sep 25, Nov 20, Nov 24, Nov 27, Dec 15, Dec 18, Dec 22, Dec 25, Dec 29, Jan 1, Jan 5, Jan 8, Jan 12, Jan 15, Jan 19, Jan 22, Jan 26, Jan 29
Youth Nov 13
2022-23
Sep 10, Sep 14, Sep 17, Sep 21, Sep 24, Nov 19, Nov 23, Nov 26, Dec 14, Dec 17, Dec 21, Dec 24, Dec 28, Dec 31, Jan 4, Jan 7, Jan 11, Jan 14, Jan 18, Jan 21, Jan 25, Jan 28
Youth Nov 12
Piedmont NWR
Special Regulations
Refuge permits are required for all hunts. Applications for quota deer hunts must be received by August 25, 2021 and August 31, 2022. Quota turkey hunts applications must be received by February 23, 2022 and February 22, 2023. Permit fee required for all quota hunts. The Hitchiti Experimental Forest is open for hunting only during refuge hunting seasons with a valid Piedmont Refuge hunting permit and in accordance with refuge regulations. Baiting is prohibited. No May 16-31 coyote season. Contact the refuge office to obtain applications, permits and refuge specific hunting regulations (478-986-5441) or email piedmont@fws.gov .
Deer
2021-22
Archery Either Sex Sep 11-Oct 3
Primitive Weapons Either Sex Oct 28-Oct 30 Quota 1250
Wheelchair Firearms Either Sex Oct 15-Oct 16 Sign-in Quota 25
Youth Firearms Either Sex Oct 15-Oct 16 Sign-in Quota 50
2022-23
Archery Either Sex Sep 10-Oct 2
Firearms Either Sex Nov 3-Nov 5, Nov 10-Nov 12 Quota 1250
Primitive Weapons Either Sex Oct 27-Oct 29 Quota 1250
Wheelchair Firearms Either Sex Oct 14-Oct 15 Sign-in Quota 25
Youth Firearms Either Sex Oct 14-Oct 15 Sign-in Quota 50
Quail
2021-22
Nov 26-Nov 27, Dec 10-Dec 11, Dec 23-Dec 24, Jan 7-Jan 8, Jan 21-Jan 22
2022-23
Nov 25-Nov 26, Dec 9-Dec 10, Dec 23-Dec 24, Jan 6-Jan 7, Jan 20-Jan 21
Rabbit
2021-22

Nov 15-Jan 31
2022-23
Nov 15-Jan 31
Raccoon/Opossum
2021-22
Dec 3-Dec 4, Dec 10-Dec 11, Dec 17-Dec 18, Dec 23-Dec 24, Dec 31-Jan 1, Jan 7-Jan 8, Jan 14-Jan 15, Jan 21-Jan 22, Jan 28-Jan 29
2022-23
Dec 2-Dec 3, Dec 9-Dec 10, Dec 16-Dec 17, Dec 23-Dec 24, Dec 30-Dec 31, Jan 6-Jan 7, Jan 13-Jan 14, Jan 20-Jan 21, Jan 27-Jan 28
Small Game
Bag Limit of 1/day for Fox Squirrel
Squirrel
2021-22
Aug 15-Sep 10, Oct 4-Oct 14, Oct 17-Oct 27, Oct 31-Nov 3, Nov 7-Nov 10, Nov 14-Jan 31
2022-23
Aug 15-Sep 9, Oct 3-Oct 13, Oct 16-Oct 26, Oct 30-Nov 2, Nov 6-Nov 9, Nov 13-Jan 31
Turkey
Bag Limit 1
2021-22
Apr 12-Apr 16, Apr 26-Apr 30, May 10-May 14 Quota 300
2022-23
Apr 11-Apr 15, Apr 25-Apr 29, May 9-May 13 Quota 300
Pine Log WMA
Special Regulations
No ATV's. Horse and bicycle trails and areas are closed all day during firearms deer hunts and before 10:00am during archery deer and turkey hunts. No night hunting.
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture. No night hunting.
Deer/Bear
2021-22
Archery Either Sex Sep 11-Oct 15 Sign-in

Firearms Buck Only Dec 15-Dec 18 Sign-in
Firearms Either Sex Last Day Nov 17-Nov 20 Bonus Deer
2022-23
Archery Either Sex Sep 10-Oct 21 Sign-in
Firearms Buck Only Dec 14-Dec 17 Sign-in
Firearms Either Sex Last Day Nov 16-Nov 19 Bonus Deer
Dog Training
Bird & Rabbit Dog Training Area: Aug 15 - Mar 19, except during firearms deer hunts.
Dove
2021-22
Sep 4 Sign-in Quota 100
Sep 5-Sep 6, Sep 10-Sep 13, Sep 17-Sep 20, Sep 24-Sep 27, Oct 1-Oct 4, Oct 8-Oct 10, Nov 21-Nov 28, Dec 19-Jan 31
2022-23
Sep 3 Sign-in Quota 100
Sep 4-Sep 5, Sep 9-Sep 12, Sep 16-Sep 19, Sep 23-Sep 26, Sep 30-Oct 3, Oct 7-Oct 9, Nov 19-Nov 27, Dec 19-Jan 31
Small Game
No night hunting.
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Pleasant Valley VPA
Special Regulations
No ATV's.
Deer/Bear
2021-22
Youth Archery Either Sex Sep 11-Oct 15 Sign-in

Youth Firearms Either Sex Oct 16-Oct 22, Oct 23-Oct 29, Oct 30-Nov 5, Nov 6-Nov 12 Sign-in Quota 4
2022-23
Youth Archery Either Sex Sep 10-Oct 14 Sign-in
Youth Firearms Either Sex Oct 15-Oct 21, Oct 22-Oct 28, Oct 29-Nov 4, Nov 5-Nov 11 Sign-in Quota 4
Small Game
2021-22
Aug 15-Sep 10, Feb 1-Feb 28
2022-23
Aug 15-Sep 9, Feb 1-Feb 28
Turkey
2021-22
Youth Apr 9-May 15 Sign-in
2022-23
Youth Apr 8-May 15 Sign-in
Waterfowl
Youth: Saturdays only during statewide season.
Rayonier Corridor Lands WMA
Special Regulations
WMA consists of 300ft wide section of non-contiguous property on the Wayne County side of the Altamaha River, extending from mile 61 (Doe Eddy) to 1.2 miles down river. No May 16-31 coyote season.
Deer
Area closed to deer hunting.
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
Area closed to turkey hunting
Red Top Mountain State Park
Special Regulations

Hunters must attend pre-hunt meeting at 7:00 p.m. on the evening before the hunt. Hunt participants will be charged a \$30 nonrefundable, nontransferable hunt fee and \$5 Park Pass will be required. Cabins and campsites (hunters only) will be available for hunter use and may be reserved through the park office at (770) 975-0055. All other park facilities will be closed during the hunt. No ATVs. No May 16-31 coyote season.

Deer

5 deer limit, no more than 2 may be antlered bucks.

2021-22

Firearms Either Sex Nov 16-Nov 17 Bonus Deer Quota 50

2022-23

Firearms Either Sex Nov 15-Nov 16 Bonus Deer Quota 50

Redlands WMA

Special Regulations

No hunting on Dyar's Pasture MARSH Pond.

Deer

2021-22

Archery Either Sex Sep 11-Oct 8 Sign-in

Firearms Buck Only Oct 16-Oct 29 Sign-in

Firearms Either Sex Oct 30-Nov 30, Dec 26-Jan 1 Sign-in

Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in

2022-23

Archery Either Sex Sep 10-Oct 14 Sign-in

Firearms Buck Only Oct 22-Nov 4 Sign-in

Firearms Either Sex Nov 5-Nov 30, Dec 26-Jan 1 Sign-in

Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in

Dove

2021-22

Sep 11, Sep 18, Nov 20-Nov 28, Dec 19-Jan 31

Youth Sep 4 Sign-in Quota 80

2022-23

Sep 10, Sep 17, Nov 19-Nov 27, Dec 19-Jan 31

Youth Sep 3 Sign-in Quota 80

Small Game

2021-22

Aug 15-Feb 28 Sign-in

2022-23

Aug 15-Feb 28 Sign-in
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Redlands WMA - Watson's Spring Area
Deer
2021-22
Archery Either Sex Sep 11-Nov 30, Dec 26-Jan 1 Sign-in
2022-23
Archery Either Sex Sep 10-Nov 30, Dec 26-Jan 1 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Reed Bingham State Park
Alligator
Alligator hunting by special permit only; open only to drawn quota hunters for alligator zone #5 who apply and are selected for the park hunt. Interested hunters must call 229-868-7474 no later than close of business on July 31 to apply. Selected hunters will be charged a \$30 nonrefundable, nontransferable hunt fee and a \$5 Park Pass is required. Only night hunting is permitted (30 minutes after sunset to 30 minutes before sunrise). Hunting is allowed Sunday nights through Thursday nights only, during state season. Special permit restriction apply. Special permit hunters may legally harvest one alligator 48" or greater in length. Only one vessel is permitted per special permit. Fishing/boating and other non-permitted lake activities are prohibited by regulation after sunset and before sunrise.
Rich Mountain WMA
Special Regulations
No ATV's.
Deer/Bear

2021-22
Archery Buck Only Sep 11-Nov 22, Nov 29-Jan 1 Sign-in
Firearms Buck Only Nov 23-Nov 28 Bonus Deer
2022-23
Archery Buck Only Sep 10-Nov 21, Nov 28-Jan 1 Sign-in
Firearms Buck Only Nov 22-Nov 27 Bonus Deer
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Rich Mountain WMA - Cartecay
Special Regulations
No ATV's. Horse and bicycle trails and areas are closed before 10:00am during deer, bear and turkey seasons.
Deer/Bear
2021-22
Archery Either Sex Sep 11-Jan 1 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 1 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in

Richard B. Russell State Park**Special Regulations**

Hunters must attend a pre-hunt meeting at 7:00 on the evening before the hunt. Hunt participants will be charged a \$30 nonrefundable, nontransferable hunt fee and a \$5 Park Pass will be required. Cabins and campsites may be reserved by calling the park office at 706-213-2045. All other park facilities will be closed to the general public during the hunt. No ATVs. Wheelchair hunters must apply by letter by Oct. 15 to: Wheelchair Hunt RBR State Park, 2650 Russell State Park Dr., Elberton, GA 30635. No May 16-31 coyote season.

Deer

5 deer limit, no more than 2 may be antlered bucks.

2021-22

Firearms Either Sex Dec 7-Dec 8 Bonus Deer Quota 60

Mobility Impaired Firearms Either Sex Dec 7-Dec 8 Bonus Deer Quota 20

2022-23

Firearms Either Sex Dec 6-Dec 7 Bonus Deer Quota 60

Mobility Impaired Firearms Either Sex Dec 6-Dec 7 Bonus Deer Quota 20

Richmond Hill WMA**Deer**

2021-22

Archery Either Sex Sep 11-Oct 8 Sign-in

Firearms Buck Only Oct 16-Oct 17 Sign-in

Firearms Either Sex Oct 18-Jan 9 Sign-in

Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in

2022-23

Archery Either Sex Sep 10-Oct 14 Sign-in

Firearms Buck Only Oct 22-Oct 23 Sign-in

Firearms Either Sex Oct 24-Jan 8 Sign-in

Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in

Small Game

No furbearer hunting or dog training in Archery Only Areas.

2021-22

Aug 15-Feb 28

2022-23

Aug 15-Feb 28

Turkey

2021-22

Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
River Bend WMA
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Sep 11-Sep 30, Oct 4-Oct 15 Sign-in
Firearms Either Sex Dec 2-Dec 4 Sign-in
Firearms Either Sex Nov 11-Nov 13 Bonus Deer
Mobility Impaired Firearms Either Sex Oct 2-Oct 3 Sign-in
Specialty Firearms Either Sex Oct 22-Oct 24 Sign-in
2022-23
Archery Either Sex Sep 10-Sep 29, Oct 3-Oct 21 Sign-in
Firearms Either Sex Dec 1-Dec 3 Sign-in
Firearms Either Sex Nov 10-Nov 12 Bonus Deer
Mobility Impaired Firearms Either Sex Oct 1-Oct 2 Sign-in
Specialty Firearms Either Sex Oct 28-Oct 30 Sign-in
Dove
Saturdays only during 1st season.
2021-22
Sep 11, Sep 18, Sep 25, Oct 9, Nov 20-Nov 28, Dec 19-Jan 31
Sep 4 Sign-in Quota 30
2022-23
Sep 10, Sep 17, Sep 24, Oct 8, Nov 19-Nov 27, Dec 19-Jan 31
Sep 3 Sign-in Quota 30
Turkey
2021-22
Apr 23-May 15 Sign-in
Apr 9-Apr 15, Apr 16-Apr 22 Sign-in Quota 15
2022-23
Apr 22-May 15 Sign-in

Apr 8-Apr 14, Apr 15-Apr 21 Sign-in Quota 15
Waterfowl
Waterfowl may be hunted on impoundment and its surrounding roads/dikes until noon only on Wed., Sat. and Sun. during statewide season.
River Creek, The Rolf and Alexandra Kauka WMA
Special Regulations
No May 16-31 coyote season.
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
2021-22
Archery Quality Buck and Antlerless Sep 18-Sep 26, Oct 9-Oct 17 Sign-in
Firearms Antlerless Only Jan 2-Jan 4 Sign-in
Firearms Quality Buck and Antlerless Dec 1-Dec 4 Bonus Deer Quota 35
Firearms Quality Buck and Antlerless Nov 3-Nov 6 Sign-in Quota 35
Youth Firearms Quality Buck and Antlerless Dec 20-Dec 22 Sign-in Quota 35
2022-23
Archery Quality Buck and Antlerless Sep 17-Sep 25, Oct 8-Oct 16 Sign-in
Firearms Antlerless Only Jan 1-Jan 3 Sign-in
Firearms Quality Buck and Antlerless Dec 1-Dec 3 Bonus Deer Quota 35
Firearms Quality Buck and Antlerless Nov 2-Nov 5 Sign-in Quota 35
Youth Firearms Quality Buck and Antlerless Dec 19-Dec 21 Sign-in Quota 35
Dove
Dove hunting by quota only.
2021-22
Youth Sep 4, Sep 11 Sign-in Quota 15
2022-23
Youth Sep 3, Sep 10 Sign-in Quota 15
Quail
Quail hunting on designated dates only. Hunting party must check-in harvest at kiosk or online. Complete one check-in (survey) per party. Bag limit is 3 per person.
2021-22
Nov 13-Nov 16, Nov 20, Nov 27, Dec 18, Jan 1, Jan 21, Jan 22 Sign-in Quota 3
Nov 17, Nov 24, Dec 8, Dec 29, Jan 4, Jan 5 Sign-in
Youth Jan 28, Jan 29 Sign-in Quota 3

2022-23
Nov 12, Nov 19, Nov 26, Dec 17, Dec 31 Sign-in Quota 3
Nov 16, Nov 23, Dec 7, Dec 14, Dec 28 Sign-in
Small Game
No fox or bobcat hunting. No fox squirrel hunting.
2021-22
Jan 23-Feb 8
2022-23
Jan 22-Feb 7
Turkey
2021-22
Apr 23-Apr 25 Sign-in Quota 5
Youth Apr 9-Apr 11, Apr 16-Apr 18 Sign-in Quota 5
2022-23
Apr 22-Apr 24 Sign-in Quota 5
Youth Apr 8-Apr 10, Apr 15-Apr 17 Sign-in Quota 5
Waterfowl
2021-22
Youth Dec 11, Jan 7, Jan 8, Jan 14, Jan 15 Sign-in Quota 3
2022-23
Youth Dec 10 Sign-in Quota 3
Rocky Mountain Recreation PFA
Special Regulations
Daily use fee (per vehicle) required for all users. Waterfowl hunters only may use firearms. No ATV's. All activities prohibited on upper and lower reservoirs. No May 16-31 coyote season.
Deer/Bear
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game
2021-22
Archery Aug 15-Feb 28
2022-23

Archery Aug 15-Feb 28
Turkey
2021-22
Archery Apr 9-May 15 Sign-in
2022-23
Archery Apr 8-May 15 Sign-in
Waterfowl
Antioch Lake: Jan 1-31, except No Sunday Hunting.
Heath Lake: State Season
Rogers State Prison Farm Dove Fields
Special Regulations
Hunters must check in at the Rogers State Prison front office (1978 GA Hwy 147, Reidsville, GA) and sign in at the sign-in kiosks located at the entrances to each field prior to hunting. WMA license is NOT required. A map of the fields will be located in the kiosks (and on our website) with designated parking areas delineated on the maps. State hunting regulations will apply to the dove fields for the first segment of the dove season. No ATVs or UTVs will be allowed on the fields. No hunting within 100 yards of residences or 50 yards of county roads. Hunters must use open gates to access fields; DO NOT climb fences. Please leave no litter behind, which includes spent shotgun shells. Extra caution should be taken to ensure no live shells are left on the field. No May 16-31 coyote season.
Dove
2021-22
Sep 4, Sep 11, Sep 18 Sign-in
2022-23
Sep 3, Sep 10, Sep 17 Sign-in
Rogers WMA
Special Regulations
No camping.
Deer
2021-22
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Buck Only Oct 16-Oct 17 Sign-in
Firearms Either Sex Oct 18-Jan 9 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in
2022-23

Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Buck Only Oct 22-Oct 23 Sign-in
Firearms Either Sex Oct 24-Jan 8 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Rum Creek WMA
Deer
2021-22
Archery Either Sex Sep 11-Oct 3, Nov 20-Dec 3 Sign-in
Firearms Either Sex Last Day Nov 11-Nov 13 Bonus Deer Quota 200
Firearms Either Sex Oct 21-Oct 23 Bonus Deer Quota 200
Specialty Firearms Either Sex Oct 4-Oct 10 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 2, Nov 19-Dec 2 Sign-in
Firearms Either Sex Last Day Nov 10-Nov 12 Bonus Deer Quota 200
Firearms Either Sex Oct 27-Oct 29 Bonus Deer Quota 200
Specialty Firearms Either Sex Oct 3-Oct 9 Sign-in
Dove
2021-22
Sep 18, Sep 25, Oct 2, Oct 9, Nov 20-Nov 28, Dec 19-Jan 31
Sep 4, Sep 11 Sign-in Quota 75
2022-23
Sep 17, Sep 24, Oct 1, Oct 8, Nov 19-Nov 27, Dec 19-Jan 31
Sep 3, Sep 10 Sign-in Quota 75
Small Game
2021-22

Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 16-Apr 22, Apr 30-May 6 Sign-in Quota 25
Youth Apr 9-Apr 15, Apr 23-Apr 29 Sign-in Quota 25
Youth May 7-May 13 Sign-in
2022-23
Apr 15-Apr 21, Apr 29-May 5 Sign-in Quota 25
Youth Apr 8-Apr 14, Apr 22-Apr 28 Sign-in Quota 25
Youth May 6-May 12 Sign-in
Waterfowl
Rum Creek is broken up into 3 areas for waterfowl hunting (shooting hours 30 minutes before sunrise until noon): East of Ebenezer Rd. (includes Lake Juliette) open for all hunters. Youth Waterfowl Days (youth only) and Wed.-Sun. during statewide season. Boat motors in excess of 25hp prohibited on Lake Juliette. Youth Area: Between Juliette Rd and Ebenezer Rd; only youth may hunt. Youth Waterfowl Days and Wednesday through Sunday only during statewide season. The MARSH Project: Area (everything west of Juliette Rd.) is only open for 2 youth quota hunts each season (only youths may hunt).
2021-22
Youth Dec 18, Jan 15 Sign-in Quota 3
2022-23
Youth Dec 17, Jan 14 Sign-in Quota 3
Rum Creek WMA - Berry Creek
Special Regulations
Archery only area. Camping prohibited. Firearms prohibited except as provided in O.C.G.A. 16-11-126 .
Coyote
May 16-31, archery only.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game
Falconry permitted during small game season.

2021-22
Archery Aug 15-Feb 28
2022-23
Archery Aug 15-Feb 28
Turkey
2021-22
Archery Apr 9-May 15 Sign-in
2022-23
Archery Apr 8-May 15 Sign-in
Waterfowl
Shooting hours end at 12 noon.
Sandhills WMA - East
Special Regulations
No camping. Bird dog training allowed Aug. 15-March 15 only.
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game
Hunting of fox squirrels is prohibited.
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in

Waterfowl
Shooting hours end at 12 noon.
Sandhills WMA - West
Special Regulations
Camping in designated areas only. Bird dog training allowed Aug. 15-March 15 only.
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Buck Only Oct 16-Nov 5, Nov 8-Nov 26, Nov 29-Dec 24, Dec 27-Jan 9 Sign-in
Firearms Either Sex Nov 6-Nov 7, Nov 27-Nov 28, Dec 25-Dec 26 Sign-in
Primitive Weapons Buck Only Oct 11-Oct 15 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 10 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Buck Only Oct 22-Nov 4, Nov 7-Nov 25, Nov 28-Dec 23, Dec 26-Jan 8 Sign-in
Firearms Either Sex Nov 5-Nov 6, Nov 26-Nov 27, Dec 24-Dec 25 Sign-in
Primitive Weapons Buck Only Oct 17-Oct 21 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 16 Sign-in
Small Game
Hunting of fox squirrels is prohibited.
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Waterfowl

Shooting hours end at 12 noon.
Sansavilla WMA
Special Regulations
This area includes the Wire Road Tract
Coyote
May 16-31. Feral hogs may be hunted with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
Dog-deer hunting allowed in designated areas only. All dogs must be marked with the selected hunter's name and phone number. All vehicles used in the dog-deer hunt must display DNR issues permit on vehicle dash. Hunting area will be closed to all users during dog-deer hunt expect to hunters with a valid quota permit.
2021-22
Archery Either Sex Sep 11-Sep 22, Sep 27-Oct 5, Oct 10-Oct 22, Oct 30-Nov 26 Sign-in
Buckshot Only Dog Deer Either Sex Dec 27-Dec 28 Sign-in Quota 1
Firearms Buck Only Oct 23-Oct 29 Sign-in
Firearms Either Sex Nov 27-Dec 26, Dec 29-Jan 9 Sign-in
Firearms Either Sex Oct 7-Oct 9 Bonus Deer
Youth Firearms Either Sex Sep 24-Sep 26 Bonus Deer
2022-23
Archery Either Sex Sep 10-Sep 21, Sep 26-Oct 4, Oct 9-Oct 21, Oct 29-Nov 25 Sign-in
Buckshot Only Dog Deer Either Sex Dec 26-Dec 27 Sign-in Quota 1
Firearms Buck Only Oct 22-Oct 28 Sign-in
Firearms Either Sex Nov 26-Dec 25, Dec 28-Jan 8 Sign-in
Firearms Either Sex Oct 6-Oct 8 Bonus Deer
Youth Firearms Either Sex Sep 23-Sep 25 Bonus Deer
Small Game
No furbearer hunting or dog training in Archery Only Areas.
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in

2022-23
Apr 8-May 15 Sign-in
Sapelo Island WMA
Special Regulations
<p>Reservations for transportation on state boat for Check-In hunts must be made through the Sapelo Island Visitors Center (912) 437-3224. No reservations will be accepted until you receive your selection notice. Visitor Center Hours: Tues.-Fri. 7:30 AM-5:30 PM, Sat. 8:00 AM-5:30 PM; closed Sunday & Monday. Stream anchorage may be required for hunters using their own boats. Hunter access is only allowed at Moses Hammock Dock at head of Duplin River. No motorized vehicles allowed on island. Hunters may check in starting at 9:00 AM EST one day prior to hunt. Camps must be removed by 12 noon on the day following each hunt. Departures and returns from deer hunting must be made from Moses Hammock campsite. Hunters are required to stay outside the boundaries of the safety zones. Hunting is restricted to the north end of Greater Sapelo Island and Little Sapelo Island unless otherwise indicated. Ferry Restrictions: There is limited space on the ferry, so please limit the amount and size of your gear; propane fuel only; guns must be unloaded and cased for transport on ferry; no folding chairs or tables, ladder stands, bicycles, or excessively large boxes; climbing stands are OK; coolers are limited to one 48 qt. per guest or one 96 qt. per two guests. For information on local charter options or transportation to the Moses Hammock hunt camp, please contact the Sapelo Island Visitors Center (912)437-3224. If you do not take the ferry to the island you may not return to the mainland via the ferry.</p>
Coyote
Mar. 1-May 31. Feral hogs may also be taken. Feral hogs may be taken with dogs May 16-31 only. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
Maps of open hunting areas available at the Sapelo WMA sign-in kiosks, Brunswick DNR office, and georgiawildlife.com
2021-22
Archery Either Sex Sep 11-Oct 3, Nov 22-Jan 9 Sign-in
Firearms Either Sex Nov 4-Nov 6, Nov 18-Nov 20 Bonus Deer Quota 125
Primitive Weapons Either Sex Oct 21-Oct 23 Bonus Deer Quota 125
Youth Firearms Either Sex Oct 8-Oct 10 Bonus Deer
2022-23
Archery Either Sex Sep 10-Oct 2, Nov 21-Jan 8 Sign-in
Firearms Either Sex Nov 3-Nov 5, Nov 17-Nov 19 Bonus Deer Quota 125
Primitive Weapons Either Sex Oct 20-Oct 22 Bonus Deer Quota 125
Youth Firearms Either Sex Oct 7-Oct 9 Bonus Deer
Small Game

2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Savannah NWR
Special Regulations
No alligator hunting. All hunters 16 years of age or older must purchase a \$25 Savannah Coastal Refuges Complex Annual Hunt Permit at www.savannahcoastalpermits.com . Visit www.fws.gov/refuge/savannah for seasons, dates and more information. No May 16-31 coyote season.
Scotland Road VPA
Special Regulations
No furbearer hunting.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Sheffield WMA
Special Regulations
No ATV's.
Deer/Bear
2021-22
Archery Either Sex Sep 11-Jan 1 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 1 Sign-in
Furbearer Dog Training
2021-22
Aug 15-Feb 28

2022-23
Aug 15-Feb 28
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-Apr 17, Apr 23-May 1 Sign-in Quota 10
May 2-May 15 Sign-in
2022-23
Apr 8-Apr 16, Apr 22-Apr 30 Sign-in Quota 10
May 1-May 15 Sign-in
Silver Lake WMA
Special Regulations
No May 16-31 coyote season.
Deer
2021-22
Archery Either Sex Sep 11-Oct 18 Sign-in
Firearms Buck Only Nov 13-Nov 26, Dec 25-Jan 9 Sign-in
Firearms Either Sex Dec 16-Dec 18 Bonus Deer Quota 160
Firearms Either Sex Oct 28-Oct 30 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 17 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Buck Only Nov 12-Nov 25, Dec 24-Jan 8 Sign-in
Firearms Either Sex Dec 15-Dec 17 Bonus Deer Quota 160
Firearms Either Sex Oct 27-Oct 29 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 23 Sign-in
Quail
Quail hunting by quota only. Maximum 3 persons per party. Bag limit is 3 per person. Hunting party must check-in harvest at kiosk or online. Complete one check-in (survey) per party.
2021-22
Nov 29, Dec 20 Sign-in

Nov 6, Dec 4, Dec 11, Jan 15, Jan 22, Jan 29 Sign-in Quota 3
Youth Nov 6, Dec 4, Dec 11, Jan 15, Jan 22, Jan 29 Sign-in Quota 1
2022-23
Nov 28, Dec 19 Sign-in
Nov 5, Dec 3, Dec 10, Jan 14, Jan 21, Jan 28 Sign-in Quota 3
Youth Dec 10, Jan 14, Jan 21, Jan 28 Sign-in Quota 1
Youth Nov 5, Dec 3 Sign-in Quota 1
Small Game
No fox or bobcat hunting. No fox squirrel hunting.
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-Apr 13, Apr 28 Sign-in Quota 35
May 5-May 15 Sign-in
Youth Apr 21-Apr 25 Sign-in
2022-23
Apr 8-Apr 12, Apr 27-May 1 Sign-in Quota 35
May 4-May 15 Sign-in
Youth Apr 20-Apr 24 Sign-in
Soap Creek WMA
Special Regulations
No camping.
Deer
2021-22
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Buck Only Oct 16-Oct 29 Sign-in
Firearms Either Sex Oct 30-Jan 1 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Buck Only Oct 22-Nov 4 Sign-in
Firearms Either Sex Nov 5-Jan 1 Sign-in

Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Sparks Cut Off VPA
Special Regulations
No May 16-31 coyote season.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9, Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8, Sep 10-Jan 8 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Spirit Creek Forest WMA
Special Regulations
Spirit Creek Forest is a multi-use forest; other users may be present during open hunting seasons. Gates may be opened/closed at the discretion of Georgia Forestry Commission. Please see WMA maps for safety zones. No camping. No ATVs. No May 16-31 coyote season.
Deer

Archery only
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game
Shotgun and archery only. No furbearer dog hunting.
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
Archery only
2021-22
Archery Apr 9-May 15 Sign-in
2022-23
Archery Apr 8-May 15 Sign-in
Spewell Bluff WMA - East
Special Regulations
The East Tract includes property east of the Flint River. No hunting in park day-use area. No camping.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game
Shotguns and archery only. No furbearer hunting. No night hunting. Waterfowl hours end at 12 noon.
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22

Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Sprewell Bluff WMA - West
Special Regulations
Furbearer dog training allowed Aug. 15-March 15. The West Tract includes property west of the Flint River. Camping in designated areas only.
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
2021-22
Archery Quality Buck and Antlerless Sep 11-Oct 8 Sign-in
Firearms Quality Buck and Antlerless Nov 6-Nov 7, Nov 27-Nov 28, Dec 25-Dec 26 Sign-in
Firearms Quality Buck Only Oct 16-Nov 5, Nov 8-Nov 26, Nov 29-Dec 24, Dec 27-Jan 9 Sign-in
Primitive Weapons Quality Buck and Antlerless Oct 9-Oct 10 Sign-in
Primitive Weapons Quality Buck Only Oct 11-Oct 15 Sign-in
2022-23
Archery Quality Buck and Antlerless Sep 10-Oct 14 Sign-in
Firearms Quality Buck and Antlerless Nov 5-Nov 6, Nov 26-Nov 27, Dec 24-Dec 25 Sign-in
Firearms Quality Buck Only Oct 22-Nov 5, Nov 7-Nov 25, Nov 28-Dec 23, Dec 26-Jan 8 Sign-in
Primitive Weapons Quality Buck and Antlerless Oct 15-Oct 16 Sign-in
Primitive Weapons Quality Buck Only Oct 17-Oct 21 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in

2022-23
Apr 8-May 15 Sign-in
Waterfowl
Shooting hours end at 12 noon.
Standing Boy Creek Recreation Area
Special Regulations
No camping. No ATVs. No May 16-31 coyote season.
Deer
2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Archery Apr 23-Apr 29 Sign-in Quota 10
Youth Apr 9-Apr 15, Apr 16-Apr 22 Sign-in Quota 10
2022-23
Archery Apr 22-Apr 28 Sign-in Quota 10
Youth Apr 8-Apr 14, Apr 15-Apr 21 Sign-in Quota 10
Waterfowl
Shooting hours end at 12 noon.
Swallow Creek WMA
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer/Bear

2021-22
Archery Buck Only Sep 11-Oct 8 Sign-in
Firearms Buck Only Dec 26-Jan 1 Sign-in
Firearms Buck Only Nov 18-Nov 21, Dec 9-Dec 12 Bonus Deer
2022-23
Archery Buck Only Sep 10-Oct 7 Sign-in
Firearms Buck Only Dec 26-Jan 1 Sign-in
Firearms Buck Only Nov 17-Nov 20, Dec 8-Dec 11 Bonus Deer
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Tallapoosa River VPA
Special Regulations
No ATV's. All deer harvested during the quota hunts must be checked-out at J.L. Lester VPA. Firearms restrictions apply to certain portions of the WMA (consult VPA map for specific limitations).
Deer/Bear
2021-22
Archery Either Sex Nov 29-Jan 1 Sign-in
Youth Firearms Either Sex Oct 2-Oct 3, Nov 27-Nov 28, Jan 8-Jan 9 Bonus Deer Quota 60
2022-23
Archery Either Sex Nov 28-Jan 1 Sign-in
Youth Firearms Either Sex Oct 8-Oct 9, Nov 26-Nov 27, Jan 7-Jan 8 Bonus Deer Quota 60
Small Game
2021-22
Aug 15-Oct 1, Oct 4-Nov 26, Nov 29-Jan 7, Jan 10-Feb 28
2022-23
Aug 15-Oct 7, Oct 10-Nov 25, Nov 28-Jan 6, Jan 9-Feb 28

Turkey
2021-22
Youth Apr 9-May 15 Sign-in
2022-23
Youth Apr 8-May 15 Sign-in
Waterfowl
Youth: Statewide season during small game dates.
Tallulah Gorge WMA
Special Regulations
Mandatory Daily Sign-In. No ATVs. No May 16-31 coyote season.
Deer/Bear
2021-22
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Buck Only Oct 23-Jan 1 Sign-in
Primitive Weapons Either Sex Oct 16-Oct 22 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Buck Only Oct 22-Jan 1 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in
Small Game
No furbearer hunting at night on the north side of the gorge.
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Townsend WMA - Buck Island Tract
Coyote
May 16-31. Feral hogs may be hunted with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.

Deer
2021-22
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Buck Only Oct 16-Oct 17 Sign-in
Firearms Either Sex Oct 18-Jan 9 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 15 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Buck Only Oct 22-Oct 23 Sign-in
Firearms Either Sex Oct 24-Jan 8 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 21 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Townsend WMA - North, South, and Pine Island Tracts
Special Regulations
Archery Only Area is archery equipment for all species. Dog deer hunters must check-in at Check station. Dog-deer hunting allowed in designated areas only. All dogs must be marked with the selected hunter's name and phone number. All vehicles used in the dog-deer hunt must display DNR issues permit on vehicle dash. Hunting area will be closed to all users during dog-deer hunt except to hunters with a valid quota permit.
Coyote
May 16-31. Feral hogs may be hunted with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Sep 11-Oct 5 Sign-in
Buckshot Only Dog Deer Either Sex Dec 1-Dec 2, Dec 15-Dec 16, Dec 29-Dec 30 Bonus Deer Quota 3

Firearms Buck Only Oct 23-Oct 29 Sign-in
Firearms Either Sex Nov 20-Nov 26, Dec 25-Dec 26 Sign-in
Firearms Either Sex Oct 7-Oct 9, Nov 4-Nov 6 Bonus Deer
2022-23
Archery Either Sex Sep 10-Oct 4 Sign-in
Buckshot Only Dog Deer Either Sex Nov 30-Dec 1, Dec 14-Dec 15, Dec 28-Dec 29 Bonus Deer Quota 3
Firearms Buck Only Oct 22-Oct 28 Sign-in
Firearms Either Sex Nov 19-Nov 25, Dec 24-Dec 25 Sign-in
Firearms Either Sex Oct 6-Oct 8, Nov 3-Nov 5 Bonus Deer
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15
2022-23
Apr 8-May 15
Treat Mountain VPA
Special Regulations
No ATV's. All deer harvested during the quota hunts must be checked-out at J.L. Lester WMA
Deer/Bear
2021-22
Archery Either Sex Sep 11-Sep 30, Oct 4-Nov 25, Nov 29-Jan 6 Sign-in
Firearms Either Sex Oct 1-Oct 3, Nov 26-Nov 28, Jan 7-Jan 9 Bonus Deer Quota 200
2022-23
Archery Either Sex Sep 10-Oct 6, Oct 10-Nov 24, Nov 28-Jan 5 Sign-in
Firearms Either Sex Oct 7-Oct 9, Nov 25-Nov 27, Jan 6-Jan 8 Bonus Deer Quota 200
Small Game
2021-22
Aug 15-Sep 30, Oct 4-Nov 25, Nov 29-Jan 6, Jan 10-Feb 28
2022-23
Aug 15-Oct 6, Oct 10-Nov 24, Nov 28-Jan 5, Jan 9-Feb 28

Turkey
2021-22
Apr 9-Apr 17, Apr 23-May 1 Sign-in Quota 10
May 2-May 15 Sign-in
2022-23
Apr 8-Apr 16, Apr 22-Apr 30 Sign-in Quota 10
May 1-May 15 Sign-in
Tuckahoe WMA
Special Regulations
Camping in designated sites only.
Coyote
May 16-31. Feral hogs may also be hunted and taken with dogs. Dogs must be marked with the hunter's name and a valid telephone number; no night hunting; hogs must be killed immediately upon capture.
Deer
2021-22
Archery Either Sex Sep 11-Sep 16, Sep 20-Sep 29, Oct 3-Nov 3 Sign-in
Firearms Either Sex Nov 23-Nov 27 Sign-in
Firearms Either Sex Nov 4-Nov 6 Bonus Deer
Primitive Weapons Either Sex Sep 30-Oct 2 Bonus Deer
Youth Firearms Either Sex Sep 17-Sep 19 Sign-in
2022-23
Archery Either Sex Sep 10-Sep 15, Sep 19-Sep 28, Oct 2-Nov 2 Sign-in
Firearms Either Sex Nov 22-Nov 26 Sign-in
Firearms Either Sex Nov 3-Nov 5 Bonus Deer
Primitive Weapons Either Sex Sep 29-Oct 1 Bonus Deer
Youth Firearms Either Sex Sep 16-Sep 18 Sign-in
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Tugaloo State Park
Special Regulations
Hunters must attend pre-hunt meeting at 7:00 p.m. on the evening before the hunt. Hunt participants will be charged a \$30 nonrefundable, nontransferable hunt fee and a \$5 Park Pass

will be required. Cabins and campsites may be reserved by calling the park office at (706) 356-4362. All other Park facilities will be closed to the general public during the hunt. No ATVs. No May 16-31 coyote season.

Deer

No limit on antlerless deer, no more than 2 antlered bucks.

2021-22

Archery Either Sex Nov 30-Dec 1 Bonus Deer Quota 36

2022-23

Archery Either Sex Nov 29-Nov 30 Bonus Deer Quota 36

Walton WMA

Special Regulations

No unleashed dogs except for bird dog training and dove hunting purposes. Only shotguns are allowed for small game hunting.

Coyote

May 16-31. Archery and shotgun only.

Deer

2021-22

Archery Either Sex Sep 11-Jan 9 Sign-in

2022-23

Archery Either Sex Sep 10-Jan 8 Sign-in

Dove

2021-22

Sep 11, Sep 18, Sep 25, Nov 20-Nov 28, Dec 19-Jan 31

Youth Sep 4 Sign-in Quota 80

2022-23

Sep 10, Sep 17, Sep 24, Nov 19-Nov 27, Dec 19-Jan 31

Youth Sep 3 Sign-in Quota 80

Small Game

2021-22

Oct 1-Feb 28

2022-23

Oct 1-Feb 28

Warren Farm Tract VPA

Special Regulations

No May 16-31 coyote season.

Deer

2021-22
Archery Either Sex Sep 11-Jan 9 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 8 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Warwoman WMA
Deer/Bear
2021-22
Archery Buck Only Sep 11-Sep 24 Sign-in
Firearms Buck Only Nov 11-Nov 14, Dec 2-Dec 5 Bonus Deer
2022-23
Archery Buck Only Sep 10-Sep 23 Sign-in
Firearms Buck Only Nov 10-Nov 13, Dec 1-Dec 4 Bonus Deer
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Wassaw NWR
Special Regulations

No alligator hunting. All hunters 16 years of age or older must purchase a \$25 Savannah Coastal Refuges Complex Annual Hunt Permit at www.savannahcoastalpermits.com. Visit www.fws.gov/refuge/wassaw for seasons, dates and more information. No May 16-31 coyote season.

West Point WMA

Special Regulations

No gasoline engines allowed on waterfowl ponds. No fishing in managed waterfowl impoundments. No fishing from bridges.

Deer

Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.

2021-22

Archery Quality Buck and Antlerless Sep 11-Oct 6, Oct 18-Nov 12 Sign-in

Firearms Quality Buck and Antlerless Last Day Oct 7-Oct 9, Dec 2-Dec 4 Bonus Deer

Firearms Quality Buck and Antlerless Oct 10-Oct 14 Sign-in

Primitive Weapons Quality Buck and Antlerless Dec 11-Dec 12 Sign-in

Specialty Firearms Quality Buck and Antlerless Oct 15-Oct 17 Sign-in

2022-23

Archery Quality Buck and Antlerless Oct 9-Oct 13, Oct 17-Nov 11 Sign-in

Archery Quality Buck and Antlerless Sep 10-Oct 5 Sign-in

Firearms Quality Buck and Antlerless Last Day Oct 6-Oct 8, Dec 1-Dec 3 Bonus Deer

Primitive Weapons Quality Buck and Antlerless Dec 10-Dec 11 Sign-in

Specialty Firearms Quality Buck and Antlerless Oct 14-Oct 16 Sign-in

Dove

2021-22

Sep 4, Sep 11, Sep 18, Sep 25-Sep 30, Oct 2-Oct 6, Nov 20-Nov 28, Dec 19-Jan 31

2022-23

Sep 3, Sep 10, Sep 17, Sep 24-Sep 30, Oct 1-Oct 5, Nov 19-Nov 27, Dec 19-Jan 31

Small Game

Furbearer dog training is allowed Aug 15-Mar 19, except during deer hunts.

2021-22

Aug 15-Feb 28

2022-23

Aug 15-Feb 28

Turkey

2021-22
Apr 16-May 15 Sign-in
Apr 9-Apr 15 Sign-in Quota 80
2022-23
Apr 16-May 15 Sign-in
Apr 9-Apr 15 Sign-in Quota 80
Waterfowl
Daniels Pond & Pond 1 open for Youth Waterfowl Days and Saturdays only during statewide waterfowl season.
West Point WMA - Dixie Creek
Special Regulations
No camping.
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
2021-22
Archery Quality Buck and Antlerless Sep 11-Jan 9 Sign-in
2022-23
Archery Quality Buck and Antlerless Sep 10-Jan 8 Sign-in
Small Game
Bird Dog Training: Aug 15-Mar 15
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 16-May 15 Sign-in
Youth Apr 9-Apr 15 Sign-in
2022-23
Apr 15-May 15 Sign-in
Youth Apr 8-Apr 14 Sign-in
West Point WMA - Glovers Creek
Special Regulations

No gasoline motors on waterfowl impoundment. No fishing on Glovers Creek Area.
Deer
Antlered bucks must have at least 4 points (1 inch or longer) on either side OR a 15 inch outside spread to be legal.
2021-22
Archery Quality Buck and Antlerless Sep 11-Jan 9 Sign-in
2022-23
Archery Quality Buck and Antlerless Sep 10-Jan 8 Sign-in
Waterfowl
2021-22
Jan 1, Jan 8, Jan 15, Jan 22, Jan 29
Nov 20, Nov 27, Dec 4, Dec 11, Dec 18, Dec 25 Quota 7
Youth Nov 13
2022-23
Jan 7, Jan 14, Jan 21, Jan 28
Nov 19, Nov 26, Dec 10, Dec 17, Dec 24, Dec 31 Quota 7
Youth Nov 12
Wilson Shoals WMA
Deer/Bear
2021-22
Archery Either Sex Sep 11-Oct 29 Sign-in
Firearms Either Sex Last Day Oct 30-Nov 14 Sign-in
Primitive Weapons Either Sex Dec 18-Dec 26 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 28 Sign-in
Firearms Either Sex Last Day Oct 29-Nov 13 Sign-in
Primitive Weapons Either Sex Dec 17-Dec 25 Sign-in
Dove
2021-22
Sep 11, Sep 18, Sep 25, Nov 20-Nov 28, Dec 19-Jan 31
Youth Sep 4 Sign-in Quota 15
2022-23
Sep 10, Sep 17, Sep 24, Nov 19-Nov 27, Dec 19 -Jan 31
Youth Sep 3 Sign-in Quota 15
Small Game

2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 16-May 15 Sign-in
Apr 9-Apr 15 Bonus Deer Quota 15
2022-23
Apr 15-May 15 Sign-in
Apr 8-Apr 14 Bonus Deer Quota 15
Yuchi WMA
Deer
2021-22
Archery Either Sex Sep 11-Oct 8 Sign-in
Firearms Buck Only Oct 24-Nov 25, Nov 29-Dec 5, Dec 26-Jan 1 Sign-in
Firearms Either Sex Oct 14-Oct 16 Bonus Deer
Firearms Either Sex Oct 17-Oct 23, Nov 26-Nov 28 Sign-in
Primitive Weapons Either Sex Oct 9-Oct 13 Sign-in
2022-23
Archery Either Sex Sep 10-Oct 14 Sign-in
Firearms Buck Only Oct 30-Nov 24, Nov 28-Dec 4, Dec 26-Jan 1 Sign-in
Firearms Either Sex Oct 20-Oct 22 Bonus Deer
Firearms Either Sex Oct 23-Oct 29, Nov 25-Nov 27 Sign-in
Primitive Weapons Either Sex Oct 15-Oct 19 Sign-in
Dove
2021-22
Sep 4-Oct 10, Nov 20-Nov 28, Dec 19-Jan 31 Sign-in
2022-23
Sep 3-Oct 9, Nov 19-Nov 27, Dec 19-Jan 31 Sign-in
Small Game
2021-22
Aug 15-Feb 28 Sign-in
2022-23
Aug 15-Feb 28 Sign-in

Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in
Zahnd WMA
Special Regulations
No ATV's.
Deer/Bear
2021-22
Archery Either Sex Sep 11-Jan 1 Sign-in
2022-23
Archery Either Sex Sep 10-Jan 1 Sign-in
Small Game
2021-22
Aug 15-Feb 28
2022-23
Aug 15-Feb 28
Turkey
2021-22
Apr 9-May 15 Sign-in
2022-23
Apr 8-May 15 Sign-in

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.70

Authority: O.C.G.A. §§ [27-1-4](#), [27-1-12](#).

History. Rules 391-4-2-.101 to 391-4-2-.178 relating to hunting on Wildlife Management Areas have been repealed and Original Rule 391-4-2-.70 entitled "State Wildlife Management Areas" adopted. F. July 15, 1988; eff. August 4, 1988.

Amended: ER. 391-4-2-0.15-.70 adopted. F. Aug. 29, 1988; eff. Aug. 24, 1988, the date of adoption.

Amended: F. July 17, 1989; eff. August 6, 1989.

Amended: F. July 24, 1990; eff. August 13, 1990.

Amended: F. July 17, 1991; eff. August 6, 1991.

Amended: F. June 5, 1992; eff. June 25, 1992.

Repealed: New Rule entitled "Wildlife Management Areas and Other State Managed Lands" adopted. F. June 3, 1993; eff. June 23, 1993.

Amended: F. June 2, 1994; eff. June 22, 1994.

Repealed: New Rule entitled "Wildlife Management Areas and Other State Lands" adopted. F. May 25, 1995; eff. June 14, 1995.

Amended: F. May 30, 1996; eff. June 19, 1996.

Repealed: New Rule of same title adopted. F. June 2, 1997; eff. June 22, 1997.

Repealed: New Rule of same title adopted. F. May 21, 1998; eff. June 10, 1998.

Repealed: New Rule of same title adopted. F. Apr. 30, 1999; eff. May 20, 1999.
Repealed: New Rule of same title adopted. F. May 29, 2001; eff. June 18, 2001.
Amended: F. Oct. 1, 2001; eff. Oct. 21, 2001.
Amended: F. June 4, 2002; eff. June 24, 2002.
Repealed: New Rule of same title adopted. F. May 30, 2003; eff. June 19, 2003.
Repealed: New Rule of same title adopted. F. June 16, 2005; eff. July 6, 2005.
Amended: F. May 26, 2006; eff. June 15, 2006.
Repealed: New Rule of same title adopted. F. May 24, 2007; eff. June 13, 2007.
Amended: F. May 29, 2008; eff. June 18, 2008.
Repealed: New Rule of same title adopted. F. May 27, 2009; eff. June 16, 2009.
Amended: F. Sept. 8, 2009; eff. Sept. 28, 2009.
Repealed: New Rule of same title adopted. F. June 1, 2011; eff. June 21, 2011.
Repealed: New Rule of same title adopted. F. June 13, 2013; eff. July 3, 2013.
Repealed: New Rule of same title adopted. F. May 30, 2014; eff. June 19, 2014.
Repealed: New Rule of same title adopted. F. May 26, 2015; eff. June 15, 2015.
Repealed: New Rule of same title adopted. F. Dec. 17, 2015; eff. Jan. 6, 2016.
Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.
Repealed: New Rule of same title adopted. F. Sep. 6, 2016; eff. Sept. 26, 2016.
Repealed: New Rule of same title adopted. F. Mar. 17, 2017; eff. Apr. 6, 2017.
Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.
Amended: F. May 29, 2018; eff. June 18, 2018.
Amended: F. Sep. 4, 2018; eff. Sept. 24, 2018.
Repealed: New Rule of same title adopted. F. Jan. 28, 2019; eff. Feb. 17, 2019.
Repealed: New Rule entitled "Wildlife Management Areas, Other State Lands, and Federal Areas" adopted. F. June 4, 2019; eff. June 24, 2019.
Repealed: New Rule of same title adopted. F. May 27, 2020; eff. June 16, 2020.
Repealed: New Rule of same title adopted. F. June 26, 2020; eff. July 16, 2020.
Amended: F. June 7, 2021; eff. June 27, 2021.
Note: Correction of non-substantive typographical error in **Ocmulgee WMA - Alligator**, first sentence, "Alligator hunting on Ocmulgee PFA allowed 9/6-8/2019 & 9/4-6/2020." corrected to "Alligator hunting on Ocmulgee PFA allowed Sept. 3-5, 2021, and Sept. 2-4, 2022.", as requested by the Agency. Effective Sep. 30, 2021.

Rule 391-4-2-.71. Voluntary Public Access Areas.

- (1) A Voluntary Public Access (VPA) Area is a privately owned parcel or parcels of land enrolled through the USDA Voluntary Public Access Grant Program for limited and specific public hunting opportunity. Unless otherwise specified in [391-4-2-.70](#), rules and regulations for each area are posted on-site and on the department's website.
- (2) VPAs are closed to coyote and hog hunting during the statewide May 16-May 31 coyote season unless otherwise specified in [391-4-2-.70](#).

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.71

Authority: O.C.G.A. § [27-1-4](#).

History. All previous Rules relating to hunting on Federal Wildlife Areas have been repealed and Original Rule 391-4-2-.71 entitled "Federal Wildlife Areas" adopted. F. July 15, 1988; eff. August 4, 1988.

Amended: F. July 17, 1989; eff. August 6, 1989.

Amended: F. July 24, 1990; eff. August 13, 1990.

Amended: F. July 17, 1991; eff. August 6, 1991.

Amended: F. June 5, 1992; eff. June 25, 1992.

Amended: F. June 3, 1993; eff. June 23, 1993.

Amended: F. June 2, 1994; eff. June 22, 1994.
Amended: F. May 25, 1995; eff. June 14, 1995.
Amended: F. May 30, 1996; eff. June 19, 1996.
Repealed: New Rule of same title adopted. F. June 2, 1997; eff. June 22, 1997.
Repealed: New Rule of same title adopted. F. May 21, 1998; eff. June 10, 1998.
Repealed: New Rule of same title adopted. F. Apr. 30, 1999; eff. May 20, 1999.
Repealed: New Rule of same title adopted. F. May 29, 2001; eff. June 18, 2001.
Repealed: New Rule of same title adopted. F. May 30, 2003; eff. June 19, 2003.
Repealed: New Rule of same title adopted. F. June 16, 2005; eff. July 6, 2005.
Repealed: New Rule of same title adopted. F. May 24, 2007; eff. June 13, 2007.
Amended: F. May 27, 2009; eff. June 16, 2009.
Repealed: New Rule of same title adopted. F. Jun. 1, 2011; eff. Jun. 21, 2011.
Repealed: New Rule of same title adopted. F. Jun. 29, 2011; eff. July 19, 2011.
Repealed: New Rule of same title adopted. F. Jun. 13, 2013; eff. July 3, 2013.
Repealed: New Rule of same title adopted. F. May 26, 2015; eff. June 15, 2015.
Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.
Repealed: New Rule entitled "Voluntary Public Access Areas" adopted. F. June 4, 2019; eff. June 24, 2019.

Rule 391-4-2-.72. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.72

Authority: O.C.G.A. §§ [27-1-4](#), [27-3-15](#).

History. Original Rule entitled "Special Deer Hunts for Physically Disadvantaged Deer Hunters" adopted. F. Sept. 6, 1996; eff. Sept. 26, 1996.

Repealed: New Rule entitled "Wildlife Management Areas, Federal Wildlife Areas and Other State Lands Legend" adopted. F. Apr. 30, 1999; eff. May 20, 1999.

Repealed: New Rule of same title adopted. F. May 29, 2001; eff. June 18, 2001.

Repealed: New Rule of same title adopted. F. May 30, 2003; eff. June 19, 2003.

Repealed: F. June 1, 2017; eff. June 21, 2017.

Adopted: New Rule entitled "Provisional Regulations for Newly Added Wildlife Management Areas." F. Feb. 10, 2020; eff. Mar. 1, 2020.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-4-2-.73. Pursuit of Bears with Dogs on Wildlife Management Areas, Other State Lands and Federal Areas.

- (1) The purpose of this rule is to establish regulations governing the use of dogs to pursue bears for training and hunting purposes on wildlife management areas, other state lands and federal areas.
- (2) It is unlawful for any person to allow their dog(s) to pursue a bear(s) on any wildlife management area, other state land or federal land during any time other than the season(s) specified for such wildlife management area, other state land or federal land in rule [391-4-2-.70](#).
- (3) On wildlife management areas, other state lands or federal lands that have a season(s) specified for pursuing bears for the purposes of training hunting dogs or hunting bears pursuant to rule [391-4-2-.70](#):

- (a) It is unlawful for any person to participate or assist in a lawful open season for pursuing bears with dogs without first procuring a valid hunting license and big game license pursuant to O.C.G.A. Title 27; and
 - (b) Any person participating or assisting in a lawful open season for pursuing bears for the purpose of training hunting dogs shall comply with the provisions of O.C.G.A. Sec. [27-3-16](#); and
 - (c) It is unlawful for any person participating or assisting in a lawful open season for pursuing bears for the purpose of training hunting dogs to fail to check-in once per season at any one of the following WMA check stations: Rich Mountain, Swallow Creek or Warwoman; and
 - (d) It is unlawful for any person to fail to mark each dog used for pursuing bears with such person's first name, last name, address, and valid telephone number; and
 - (e) It is unlawful for any person to fail to remove their dog(s) from any such area upon departure; and
 - (f) It is unlawful for any person participating or assisting in a lawful open season for pursuing bears with dogs to allow their dog(s) to pursue any bear onto property for which permission has not been granted in accordance with O.C.G.A. Sec. [27-3-1](#) or onto any wildlife management area, other state land or federal land at any time not specified in Rule [391-4-2-.70](#).
- (4) In accordance with O.C.G.A. Sec. [27-2-25](#), the commissioner may revoke the hunting privileges, big game privileges, and/or wildlife management area privileges of any person who fails to comply with subsections (2) or (3)(a) through (3)(f) of this rule.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.73

Authority: O.C.G.A. §§ [27-1-4](#), [27-3-15](#), [27-3-26](#).

History. Original Rule entitled "Deer Hunts on Chickasawhatchee Wildlife Management Area" adopted. F. Sept. 24, 1998; eff. Oct. 14, 1998.

Repealed: F. Apr. 30, 1999; eff. May 20, 1999. New Rule entitled "Pursuit of Bears with Dogs on Wildlife Management Areas, Other State Lands and Federal Areas" adopted. F. Jun. 1, 2011 eff. June 21, 2011.

Repealed: New Rule of same title adopted. F. July 13, 2017; eff. August 2, 2017

Repealed: New Rule of same title adopted. F. June 4, 2019; eff. June 24, 2019.

Amended: F. June 8, 2021; eff. June 28, 2021.

Rule 391-4-2-.74 through 391-4-2-.100. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.74 through 391-4-2-.100

Rule 391-4-2-.101 through 391-4-2-.178. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.101 through 391-4-2-.178

Rule 391-4-2-.179 through 391-4-2-.200. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.179 through 391-4-2-.200

Rule 391-4-2-.201. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.201

Authority: O.C.G.A. §§ [27-1-4](#), [27-2-18](#).

History. Original Rule entitled "Regulation for the Killing of Deer Which Damage Crops" adopted. F. Oct. 26, 1976; eff. Nov. 15, 1976.

Amended: F. July 16, 1987; eff. August 5, 1987.

Repealed: New Rule of same title adopted. F. Apr. 30, 1999; eff. May 20, 1999.

Amended: F. May 30, 2003; eff. June 19, 2003.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Repealed: New Rule of same title adopted. F. June 4, 2019; eff. June 24, 2019.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-4-2-.202. Repealer.

Any other regulation, or parts thereof in conflict with the above regulations is hereby repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.202

Authority: Ga. L. 1977, p. 396, as amended.

History. Original Rule entitled "Repealer" was filed on March 3, 1980; effective March 23, 1980.

Subject 391-4-3. FISHING REGULATIONS.

Rule 391-4-3-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.01

Authority: O.C.G.A. § [27-1-4](#).

History. Original Rule entitled "Effective Date" was filed on April 11, 1974; effective May 1, 1974.

Amended: Rule repealed and a new Rule of same title adopted. Filed April 15, 1975; effective May 5, 1975.

Amended: Rule repealed and a new Rule of same title adopted. Filed March 2, 1976; effective March 22, 1976.

Amended: Rule repealed and a new Rule of same title adopted. Filed April 6, 1977; effective April 26, 1977.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-4-3-.02. Fishing for Non-game Species.

Except as otherwise provided by law or rule and regulation, it shall be lawful to take any non-game species of fish.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.02

Authority: Ga. L. 1977, Act No. 235; Ga. Code Title 45; O.C.G.A. Sec. [27-1-28\(a\)](#).

History. Original Rule entitled "Game Fish" was filed on April 11, 1974; effective May 1, 1974.

Amended: Rule repealed and a new Rule of same title adopted. Filed April 15, 1975; effective May 5, 1975.

Amended: Rule repealed and a new Rule of same title adopted. Filed March 2, 1976; effective March 22, 1976.

Amended: Rule repealed and a new Rule entitled "Fishing for Non-game Species" adopted. Filed April 6, 1977; effective April 26, 1977.

Repealed: New Rule, same title, adopted. F. Jun. 5, 1992; eff. Jun. 25, 1992.

Rule 391-4-3-.03. Seasons and Trout Water Designations.

- (1) The season for taking striped bass and for spearfishing shall be November 1 through April 30 in:
 - (a) The Flint River and its tributaries from the Georgia Power Company dams at Albany to the U.S. Highway 84 bridge in Bainbridge;
 - (b) The Chattahoochee River and its tributaries from the Columbia Lock and Dam to the Georgia Highway 91 bridge at the upper end of the Lake Seminole; and
 - (c) Spring Creek and its tributaries down to Georgia Highway 253 in Lake Seminole.
- (2) The season for all fishing shall be from November 1 through April 30 in the marked areas around the following springs in Lake Seminole:
 - (a) Sealey's Spring near Sealey's Point;
 - (b) Whiddon's Spring near Flint River mile 8.2;
 - (c) Wheat Spring near Flint River mile 24;
 - (d) State Dock Spring near Flint River mile 26; and
 - (e) Shackleford Spring near Flint River mile 6.8.
- (3) The following waters and all streams within the following watersheds, excluding any impoundments thereon unless specifically included, are designated, in the counties listed, trout waters and shall be open for trout fishing throughout the year:
 - (a) Bartow County:
 1. Boston Creek watershed upstream from Georgia Highway 20;
 2. Connesena Creek watershed;
 3. Dykes Creek watershed;
 4. Pine Log Creek watershed;
 5. Pyle Creek watershed;

6. Salacoa Creek watershed;
 7. Spring Creek watershed;
 8. Stamp Creek watershed upstream from Bartow County Road 269;
 9. Toms Creek watershed upstream from Bartow County Road 82;
 10. Two Run Creek watershed; and
 11. Ward Creek watershed;
- (b) Carroll County: Tallapoosa River watershed north of Interstate Highway 20, not including Little Tallapoosa River watershed;
- (c) Catoosa County:
1. Dry Creek watershed, which is a part of the East Chickamauga Creek watershed, upstream of Catoosa County Road 257;
 2. Hurricane Creek watershed upstream from Peters Branch;
 3. Little Chickamauga Creek watershed upstream from Catoosa County Road 387; and Creek watershed;
- (e) Cherokee County:
1. Bluff Creek watershed upstream from Cherokee County Road 114;
 2. Boston Creek watershed;
 3. Pine Log Creek watershed;
 4. Salacoa Creek watershed;
 5. Soap Creek watershed upstream from Cherokee County Road 116;
 6. Stamp Creek watershed; and
 7. Wiley Creek watershed;
- (f) Cobb County: Chattahoochee River upstream from the mouth of Peachtree Creek;
- (g) Dade County:
1. Allison Creek watershed;

2. East Fork Little River watershed;
3. Lookout Creek watershed, upstream from Dade County Road 197; and
4. Rock Creek watershed;

(h) Dawson County:

1. Amicalola Creek watershed upstream from Georgia Highway 53;
2. Anderson Creek watershed;
3. Long Swamp Creek watershed;
4. Nimblewill Creek watershed;
5. Shoal Creek watershed upstream from the mouth of Burt Creek; and
6. Sweetwater Creek watershed;

(i) Fannin County:

1. Charlie Creek watershed;
2. Conasauga River watershed;
3. Ellijay River watershed;
4. Etowah River watershed;
5. Fightingtown Creek watershed;
6. Flat Creek watershed;
7. Jacks River watershed;
8. Mountaintown Creek Watershed;
9. Owenby Creek watershed;
10. Persimmon Creek watershed;
11. Rock Creek Lake;
12. South Fork Rapier Mill Creek watershed;
13. Star Creek watershed;

14. Toccoa River watershed downstream from Lake Blue Ridge to the Georgia-Tennessee boundary and upstream from the mouth of Stanley Creek;
15. Tumbling Creek watershed; and
16. Wilscot Creek watershed;

(j) Floyd County:

1. Dykes Creek watershed;
2. Johns Creek watershed upstream from Floyd County Road 212;
3. Kings Creek watershed;
4. Lavender Creek watershed upstream from Floyd County Road 893;
5. Little Cedar Creek watershed;
6. Mt. Hope Creek watershed;
7. Silver Creek watershed upstream from Georgia Highway 1E (Floyd County Road 631);
8. Spring Creek watershed, which flows into Etowah River; and
9. Toms Creek watershed;

(k) Forsyth County: Chattahoochee River

(l) Fulton County: Chattahoochee River upstream from the mouth of Peachtree Creek;

(m) Gilmer County:

1. Ball Creek watershed;
2. Cartecay River watershed;
3. Conasauga River watershed, not including Jacks River watershed;
4. Coosawattee River from confluence of Cartecay and Ellijay rivers downstream to old Georgia Highway 5 bridge (Gilmer County Road 239);
5. Ellijay River watershed;
6. Fightingtown Creek watershed;

7. Harris Creek watershed;
8. Johnson Creek watershed;
9. Mountaintown Creek watershed;
10. Noontootla Creek watershed;
11. Sevenmile Creek watershed;
12. Tails Creek watershed;
13. Town Creek watershed;
14. Wildcat Creek watershed; and
15. All other streams or parts of streams not listed in this subparagraph, except:
 - (i) Coosawattee River downstream from old Georgia Highway 5 (Gilmer County Road 239);
 - (ii) Talking Rock Creek; and
 - (iii) Tributaries to Carters Reservoir not listed in this subparagraph;

(n) Gordon County:

1. Johns Creek watershed upstream of Floyd County Road 212;
2. Pin Hook Creek watershed upstream from Gordon County Road 275;
3. Pine Log Creek watershed upstream from Georgia Highway 53;
4. Rocky Creek watershed upstream from Gordon County Road 210;
5. Salacoa Creek watershed upstream from U.S. Highway 411; and
6. Snake Creek watershed;

(o) Gwinnett County: Chattahoochee River;

(p) Habersham County:

1. Amy's Creek watershed upstream from Georgia Highway 17;

2. Chattahoochee River watershed upstream from the Georgia Highway 255 crossing of the Chattahoochee River;
3. Liberty Creek watershed;
4. Middle Fork Broad River watershed;
5. Nancytown Creek watershed upstream from Nancytown Lake;
6. North Fork Broad River watershed;
7. Panther Creek watershed;
8. Roberts Branch watershed;
9. Soque River watershed upstream from the mouth of Deep Creek; and
10. Toccoa Creek watershed;

(q) Haralson County:

1. Flatwood Creek watershed;
2. Lassetter Creek watershed;
3. Mann Creek watershed upstream from Haralson County Road 162;
4. Tallapoosa Creek watershed; and
5. Tallapoosa River watershed upstream from County Road 222;

(r) Hart County: Savannah River from Hartwell Dam downstream to Richard B. Russell Lake;

(s) Lumpkin County:

1. Amicalola Creek watershed;
2. Cane Creek watershed upstream from the Georgia Highway 52 bridge;
3. Cavender Creek watershed;
4. Chestatee River watershed upstream from the mouth of Tesnatee Creek;
5. Dockery Lake;
6. Etowah River watershed upstream from Castleberry Bridge;

7. Shoal Creek watershed; and
8. Yahoola Creek watershed upstream from Georgia Highway 52;

(t) Murray County:

1. Conasauga River watershed upstream from the Georgia-Tennessee state line;
2. Holly Creek watershed upstream from the mouth of Dill Creek, including Dill Creek watershed;
3. Jacks River watershed;
4. Mill Creek watershed upstream from Murray County Road 27;
5. Mill Creek (Hasslers Mill Creek) watershed, which is within Holly Creek watershed;
6. North Prong Sumac Creek watershed;
7. Rock Creek watershed, the most southern of two Rock Creek watersheds which are in the Holly Creek watershed, upstream from Murray County Road 4;
8. Rock Creek watershed, the most northern of two Rock Creek watersheds which are in the Holly Creek watershed, upstream from Murray County Road 301;
9. Sugar Creek watershed upstream from Murray County Road 4; and
10. Sumac Creek watershed upstream from Coffey Lake;

(u) Paulding County:

1. Possum Creek watershed upstream from Paulding County Road 64;
2. Powder Creek (Powder Springs Creek) watershed;
3. Pyle Creek watershed;
4. Pumpkinvine Creek watershed upstream from Paulding County Road 231;
5. Raccoon Creek watershed upstream from State Route 2299 (Paulding County Road 471);
6. Tallapoosa River watershed;

7. Thompson Creek watershed; and

8. Ward Creek watershed;

(v) Pickens County:

1. Amicalola Creek watershed;

2. Ball Creek watershed;

3. Bluff Creek watershed;

4. Cartecay River watershed;

5. Clear Creek watershed;

6. Cove Creek watershed upstream from Pickens County Road 294;

7. Fausett Creek watershed;

8. Fisher Creek watershed;

9. Hobson Creek watershed;

10. Little Scarecorn Creek watershed;

11. Long Swamp Creek watershed, including Darnell Creek watershed,
upstream from Cove Creek;

12. Mud Creek watershed;

13. Pin Hook Creek watershed;

14. Rock Creek watershed;

15. Salacoa Creek watershed;

16. Scarecorn Creek watershed upstream from Georgia Highway 53;

17. Sevenmile Creek watershed;

18. Sharp Mountain Creek watershed;

19. Soap Creek watershed;

20. Talking Rock Creek watershed upstream from Road S1011 (Georgia
Highway 136);

21. Town Creek watershed;
22. Turkey Creek watershed; and
23. Wildcat Creek watershed;

(w) Polk County:

1. Cedar Creek watershed upstream from Polk County Road 121;
2. Lassetter Creek watershed;
3. Little Cedar Creek watershed;
4. Pumpkinpile Creek watershed upstream from Polk County Road 437;
5. Silver Creek watershed;
6. Spring Creek watershed;
7. Swinney Creek watershed;
8. Thomasson Creek watershed; and
9. Thompson Creek watershed upstream of Polk County Road 441;

(x) Rabun County:

1. Bad Branch watershed (flows into Lake Seed);
2. Bad Creek watershed (flows into Tugaloo Lake);
3. Bridge Creek watershed;
4. Chattooga River upstream from the mouth of Warwoman Creek;
5. Crow Creek watershed (flows into Lake Seed; includes Slick Shoal Creek);
6. Dicks Creek watershed (flows into Lake Burton);
7. Dickenson Branch (flows into Lake Burton);
8. Falls Branch watershed (flows into Lake Rabun);
9. Flat Creek watershed;
10. Joe Creek watershed (flows into Lake Rabun);

11. LaCounts Creek watershed (flows into Lake Seed);
12. Little Tennessee River watershed upstream from the North Carolina state line;
13. Moccasin Creek watershed;
14. Popcorn Creek watershed;
15. Seals Creek watershed (flows into Lake Seed);
16. Stekoa Creek watershed;
17. Tallulah River watershed upstream from Lake Burton;
18. Timpson Creek watershed;
19. Warwoman Creek watershed;
20. West Fork Chattooga River watershed;
21. Wildcat Creek watershed;
22. Worse Creek watershed (flows into Tugaloo Lake); and
23. All other streams or parts of streams not listed in this subparagraph, except:
 - (i) The Tallulah River downstream from Lake Burton Dam; and
 - (ii) Tributaries to Burton, Seed, Rabun, Tallulah Falls, Tugaloo and Yonah reservoirs not listed in this subparagraph;

(y) Stephens County:

1. Little Toccoa Creek watershed;
2. Middle Fork Broad River watershed upstream from NRCS flood control structure No.44;
3. North Fork Broad River watershed upstream from NRCS flood control structure No. 1;
4. Panther Creek watershed; and
5. Toccoa Creek watershed upstream from Toccoa Falls;

(z) Towns County:

1. Bearmeat Creek watershed;
2. Bell Creek watershed;
3. Brasstown Creek watershed;
4. Bugscuffle Branch watershed (Allen Mill Creek);
5. Burch Branch watershed;
6. Fodder Creek watershed;
7. Hightower Creek watershed;
8. Hiwassee River watershed downstream to Towns County Road 87;
9. Hog Creek watershed;
10. Shake Rag Branch watershed;
11. Tallulah River watershed; and
12. All other streams or parts of streams not listed in this subparagraph, except:
 - (i) Hiwassee River downstream from Towns County Road 87; and
 - (ii) Tributaries to Chatuge Reservoir not listed in this subparagraph;

(aa) Union County:

1. Bracket Creek watershed;
2. Brasstown Creek watershed;
3. Butler Creek watershed;
4. Camp Creek watershed;
5. Conley Creek watershed;
6. Coosa Creek watershed;
7. Ivylog Creek watershed;
8. Kiutuestia Creek watershed;

9. Low Creek watershed;
10. Nottely River watershed upstream from Nottely Reservoir
11. Toccoa River watershed;
12. Youngcane Creek watershed; and
13. All other streams or parts of streams not listed in this subparagraph, except;
 - (i) Butternut Creek watershed;
 - (ii) Nottely River downstream from Nottely Dam; and
 - (iii) Tributaries to Nottely Reservoir not listed in this subparagraph;

(bb) Walker County:

1. Allen Creek watershed;
2. Chappel Creek watershed;
3. Chattanooga Creek watershed upstream from Walker County Road 235;
4. Concord Creek watershed;
5. Dry Creek watershed, which is a tributary to East Armuchee Creek;
6. Duck Creek watershed;
7. East Fork Little River watershed, which flows into Dade County;
8. East Fork Little River watershed, which flows into Chattooga County, including Gilreath Creek;
9. Furnace Creek watershed;
10. Gulf Creek watershed;
11. Harrisburg Creek watershed, including Dougherty Creek watershed, upstream from Dougherty Creek;
12. Johns Creek watershed;
13. Left Fork Coulter Branch watershed;

14. Little Chickamauga Creek watershed;
15. Rock Creek watershed, including Sawmill Branch, upstream from Sawmill Branch;
16. Ruff Creek watershed;
17. Snake Creek watershed;
18. West Armuchee Creek watershed; and
19. West Chickamauga Creek watershed upstream from Walker County Road 107;

(cc) White County:

1. Chattahoochee River watershed upstream from the Georgia Highway 255 crossing of the Chattahoochee River;
2. Little Tesnatee Creek watershed upstream from the mouth of Turner Creek;
3. Town Creek watershed upstream from the mouth of Jenny Creek; and
4. Turner Creek watershed, which is the Turner Creek watershed nearest to Cleveland city limits;

(dd) Whitfield County:

1. Coahulla Creek watershed upstream from Whitfield County Road 183;
2. Dry Creek watershed, which is a part of East Chickamauga Creek watershed;
3. Snake Creek watershed;
4. Spring Creek (Deep Spring Creek) watershed;
5. Swamp Creek watershed upstream from Whitfield County Road 9; and
6. Tiger Creek watershed.

- (4) The season for taking lake sturgeon from the Coosa River and its tributaries shall be closed.
- (5) Except as otherwise provided by law or rule or regulation, all other seasons for taking fish in freshwater shall be open and continuous.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.03

Authority: : O.C.G.A. Secs. [27-1-3](#), [27-1-4](#), [27-1-28](#), [27-4-12](#), [27-4-51](#).

History. Original Rule entitled "Creel Limits" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Repealed: New Rule entitled "Prohibited Species" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Repealed: New Rule entitled "Seasons" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Repealed: New Rule of same title adopted. F. Feb. 2, 1989; eff. Feb. 22, 1989.

Repealed: New Rule of same title adopted. F. Mar. 1, 1991; eff. Mar. 21, 1991.

Amended: F. June 5, 1992; eff. June 25, 1992.

Amended: F. Feb. 4, 1994; eff. Feb. 24, 1994.

Amended: F. Jan. 29, 1997; eff. Feb. 18, 1997.

Repealed: New Rule entitled "Seasons and Trout Water Designations" adopted. F. Sept. 3, 1998; eff. Sept. 23, 1998.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Aug. 19, 2002; eff. Sept. 8, 2002.

Amended: F. Sept. 4, 2003; eff. Sept. 24, 2003.

Amended: F. Aug. 25, 2005; eff. Sept. 14, 2005.

Amended: F. Aug. 28, 2013; eff. Sept. 17, 2013.

Amended: New title "Seasons and Trout Water Designations. Amended." F. Apr. 1, 2015; eff. Apr. 21, 2015.

Rule 391-4-3-.04. Waters Open to Commercial Fishing.

Except as otherwise provided by law or rule and regulation, all waters are open to commercial fishing except:

- (a) The Coosa River, from the confluence of the Etowah and Oostanaula Rivers to the Georgia-Alabama Boundary line and all streams flowing into the Coosa River between those two points are closed to commercial fishing;
- (b) That portion of Lake Weiss located in Georgia is closed to commercial fishing;
- (c) The Oostanaula River from the State Highway 156 bridge to the confluence of the Oostanaula and Etowah Rivers and all streams flowing into the Oostanaula River between those two points are closed to commercial fishing; and
- (d) The Etowah River from the U.S. Highway 411 bridge downstream to the confluence of the Etowah and the Oostanaula Rivers and all streams flowing into the Etowah River between those two points are closed to commercial fishing.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.04

Authority: O.C.G.A. § [27-4-70](#).

History. Original Rule entitled "Possession Limits" was filed on April 11, 1974; effective May 1, 1974.

Amended: Rule repealed and a new Rule of same title adopted. Filed April 15, 1975; effective May 5, 1975.

Amended: Rule repealed and a new Rule entitled "Sale of Game Fish from Private Ponds" adopted. Filed March 2, 1976; effective March 22, 1976.

Amended: Rule repealed and a new Rule entitled "Water Open to Commercial Fishing" adopted. Filed April 6, 1977; effective April 26, 1977.

Amended: F. Jun. 5, 1992; eff. Jun. 25, 1992.

Amended: F. June 8, 2021; eff. June 28, 2021.

Rule 391-4-3-.05. Creel and Possession Limits.

In keeping with sound principles of wildlife research and management, creel and possession limits are:

- (1) Ten (10) of any one or a combination of the following species, except only one (1) fish may be greater than twenty-two (22) inches from Lake Lindsay Grace:
 - (a) Largemouth bass;
 - (b) Smallmouth bass;
 - (c) Shoal bass;
 - (d) Suwannee bass;
 - (e) Spotted bass or Kentucky bass;
 - (f) Redeye or Coosa bass.
- (2) Eight (8) of any one or a combination of mountain trout.
- (3) Fifteen (15) of any one or a combination of the following species; provided, however, only two (2) fish may be twenty-two (22) inches or longer in length:
 - (a) White bass;
 - (b) Striped bass;
 - (c) Striped-white bass hybrids.
- (4) Notwithstanding the provisions of paragraph (3) to the contrary, from the North Newport River, the Medway River including Mount Hope Creek, the Little Ogeechee River, the Ogeechee River, the Oconee River downstream of Georgia Highway 22 in Milledgeville, the Ocmulgee River downstream of the Georgia Highway 96 bridge between Houston and Twiggs counties, the Altamaha River, and the Satilla River; from the tributaries to such described sections; and from salt water as defined in O.C.G.A. [27-4-1](#) two (2) of any one or a combination of the following species each of which must be twenty-two (22) inches or longer:
 - (a) White bass;
 - (b) Striped-white bass hybrids;
 - (c) Striped bass.

- (5) Notwithstanding the provisions of paragraph (3) to the contrary, from the Savannah River and its tributaries downstream of J. Strom Thurmond Dam two (2) of any one or a combination of the following species each of which must be twenty-seven (27) inches or longer:
- (a) White bass;
 - (b) Striped-white bass hybrids;
 - (c) Striped bass.
- (6) Fifty (50) of any one or a combination of the game species, as defined by O.C.G.A. [27-1-2](#) of bream or sunfish;
- (7) Eight (8) walleye (walleyed pike);
- (8) Eight (8) sauger;
- (9) Fifteen (15) of any one or a combination of the following species of pickerel:
- (a) Chain;
 - (b) Grass;
 - (c) Redfin.
- (10) Thirty (30) of any one or a combination of the following species:
- (a) Black crappie;
 - (b) White crappie.
- (11) Eight (8) of any one or a combination of the following species:
- (a) American shad;
 - (b) Hickory shad.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.05

Authority: O.C.G.A. §§ [27-1-3](#), [27-1-4](#), [27-4-10](#), [27-4-12](#).

History. Original Rule entitled "Size Limits" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Repealed: New Rule entitled "Catch-Out Ponds" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Repealed: New Rule entitled "Possession Limits" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Repealed: New Rule of same title adopted. F. Jan. 28, 1980; eff. Feb. 17, 1980.

Repealed: New Rule entitled "Creel and Possession Limits" adopted. F. Sept. 11, 1996; eff. Oct. 1, 1996.

Amended: F. Sept. 3, 1998; eff. Sept. 23, 1998.

Amended: F. Aug. 25, 2005; eff. Sept. 14, 2005.

Amended: F. Aug. 28, 2013; eff. Sept. 17, 2013.

Amended: F. Sep. 1, 2016; eff. Sept. 21, 2016.

Amended: F. June 8, 2021; eff. June 28, 2021.

Rule 391-4-3-.06. Size Limits.

(1) Pursuant to O.C.G.A. § [27-4-10](#) and in keeping with sound principles of wildlife research and management, fish of the following sizes may not be taken.

(a) It shall be unlawful to take or possess largemouth bass as follows:

1. Less than fourteen inches (14") in total length from Lake Oconee;
2. Less than fourteen inches (14") in total length from West Point Reservoir;
3. Less than fourteen inches (14") in total length from all public fishing areas operated by the

Department; provided, however, this shall not apply to lakes at public fishing areas which have been posted as having a different length limit for largemouth bass;

4. Less than fourteen inches (14") in total length from Walter F. George Reservoir;
5. Less than fourteen inches (14") in total length from Lake Blackshear;
6. Less than fourteen inches (14") in total length from Lake Lanier; and
7. From fifteen inches (15") to twenty two inches (22") in total length from Lake Lindsay Grace in Wayne County.
8. Less than twelve inches (12") in total length from all other waters of this state; provided, however, there shall be no limitations on the sizes of largemouth bass taken from lakes Burton, Juliette on the Rum Creek Wildlife Management Area, and Blue Ridge.

(b) It shall be unlawful to take or possess spotted bass less than fourteen inches (14") in total length from Lake Lanier.

(c) It shall be unlawful to take or possess shoal bass less than fourteen inches (14") in total length from Lake Lanier.

(d) It shall be unlawful to take or possess shoal bass less than twelve inches (12") in total length from the Flint River or any of its tributary streams downstream of Warwick Dam.

- (e) It shall be unlawful to take or possess shoal bass less than fifteen inches (15") in total length from the Flint River or any of its tributary streams upstream of Warwick Dam.
 - (f) It shall be unlawful to take or possess brook trout less than eighteen inches (18") in total length or rainbow or brown trout less than twenty-two inches (22") in total length from Waters Creek upstream from its junction with Dick's Creek.
 - (g) It shall be unlawful to take or possess mountain trout less than sixteen inches (16") in total length from Noontootla Creek or its tributaries within the Blue Ridge Wildlife Management Area.
- (2) Except as otherwise provided by law, rule or regulation, there shall be no other size limits on freshwater fish species listed in O.C.G.A. § [27-4-10](#).

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.06

Authority: O.C.G.A. Secs. [27-1-3](#), [27-1-4](#), [27-4-10](#), [27-4-11](#), [27-4-11.1](#), [27-4-12](#).

History. Original Rule entitled "Fishing Hours" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Repealed: New Rule entitled "Commercial Fish Hatcheries" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Repealed: New Rule entitled "Size Limits" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Repealed: F. Jan. 28, 1980; eff. Feb. 17, 1980.

Amended: New Rule entitled "Size Limits" adopted. F. Mar. 27, 1980; eff. Apr. 16, 1980.

Amended: F. Apr. 3, 1981; eff. Apr. 23, 1981.

Repealed: New Rule of same title adopted. F. Mar. 31, 1983; eff. Apr. 20, 1983.

Repealed: New Rule of same title adopted. F. Feb. 2, 1989; eff. Feb. 22, 1989.

Amended: F. Jun. 5, 1992; eff. Jun. 25, 1992.

Repealed: New Rule of same title adopted. F. Sept. 11, 1996; eff. Oct. 1, 1996.

Amended: F. Jan. 29, 1997; eff. Feb. 18, 1997.

Amended: F. Apr. 23, 1997; eff. May 13, 1997.

Repealed: New Rule of same title adopted. F. Sept. 3, 1998; eff. Sept. 23, 1998.

Amended: F. Oct. 11, 2000; eff. Oct. 31, 2000.

Amended: F. Aug. 19, 2002; eff. Sept. 8, 2002.

Amended: F. Aug. 28, 2013; eff. Sept. 17, 2013.

Amended: F. Aug. 28, 2014; eff. Sept. 17, 2014.

Rule 391-4-3-.07. Fishing on and Using State Owned or Operated Property.

- (1) No person shall fish in that portion of Moccasin Creek from Lake Burton Hatchery water intake downstream to a sign marking the approximate normal pool level of Lake Burton, except those persons under twelve (12) years of age and those persons holding honorary fishing licenses.
- (2) On Wednesdays, Saturdays and Sundays only, persons may fish in Dukes Creek and its tributaries on the Smithgall Woods-Dukes Creek Conservation Area, including the Highway 75 Alternate right-of-way, after obtaining a permit from the Department.

Registered guests of the Smithgall Woods-Dukes Creek Conservation Area may fish in Dukes Creek and its tributaries on the Smithgall Woods-Dukes Creek Conservation Area upstream from the Georgia Highway 75 Alternate Bridge any day they are registered as guests. The Department may close certain portions of Dukes Creek or its tributaries on the Smithgall Woods-Dukes Creek Conservation Area, including the Highway 75 Alternate right-of-way, to fishing at any time for fisheries management purposes.

- (3) Persons may not fish from service piers at boat ramps owned or operated by the department which have been posted with a sign stating that fishing is prohibited.
- (4) Open containers of alcoholic beverages are prohibited at boat ramps and fishing piers owned or operated by the department where signs have been posted stating said prohibition. This provision does not apply to national forest lands.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.07

Authority: O.C.G.A. Secs. [27-1-3](#), [27-1-4](#), [27-1-33](#), [27-4-12](#), [27-4-51](#).

History. Original Rule entitled "Year Round Trout Streams" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Repealed: New Rule entitled "Separation of Salt and Fresh Water" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Repealed: New Rule entitled "Moccasin Creek Fishing Restricted" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Repealed: New Rule of same title adopted. F. Feb. 2, 1989; eff. Feb. 22, 1989.

Repealed: New Rule entitled "Fishing on State Owned or Operated Public Property" adopted. F. Sept. 11, 1996; eff. Oct. 1, 1996.

Amended: Rule retitled "Fishing on and Using State Owned or Operated Property." F. Sept. 3, 1998; eff. Sept. 23, 1998.

Rule 391-4-3-.08. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.08

Authority: O.C.G.A. §§ [27-1-3](#), [27-2-23](#).

History. Original Rule entitled "Outside Trout Streams" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Repealed: New Rule entitled "Prohibited Methods of Taking Fish" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Repealed: New Rule entitled "Management Area Trout Streams" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Repealed: New Rule of same title adopted. F. Feb. 2, 1989; eff. Feb. 22, 1989.

Amended: F. Jan. 29, 1997; eff. Feb. 18, 1997.

Amended: F. Apr. 1, 2015; eff. Apr. 21, 2015.

Repealed: New Rule of same title adopted. F. July 13, 2017; eff. August 2, 2017.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-4-3-.09. Public Fishing Areas.

- (1) Drivers of vehicles parking at the Rocky Mountain public fishing area must obtain a daily or annual Rocky Mountain public fishing area parking permit (which is not a Parks, Recreation and Historic Sites Division Parking Pass).

- (2) On ponds or portions of ponds where fisheries resources are limited, area managers may limit fishing to persons under 16 years of age by posting a sign at the pond which indicates said limitations.
- (3) Except as provided by O.C.G.A. Sec. [27-4-11.1](#), the creel and possession limits for fish caught from public fishing areas are:
 - (a) Fifteen (15) of any one or a combination of the game species of bream or sunfish;
 - (b) Five (5) largemouth bass;
 - (c) Five (5) channel catfish;
 - (d) All grass carp must be immediately returned to the waters from which they were caught unless otherwise posted; and
 - (e) All fish or designated fish species taken from ponds and lakes posted as open only to catch and release fishing must be immediately returned to the waters from which they were taken. Possession of fish or designated fish species in ponds and lakes open only to catch and release fishing is not allowed.
- (4) Camping shall not be allowed on public fishing areas except under the following circumstances:
 - (a) Any activity that disturbs other campers between the hours of 10:00 p.m. and 7:00 a.m. is prohibited;
 - (b) No musical instrument, radio, television or other noise making device may be used after 10:00 p.m. or before 7:00 a.m. in such a manner that it may be heard by other campers;
 - (c) Occupancy of campsites is limited to fourteen consecutive days. Any camper who has used a campsite for 14 consecutive days must vacate the camping area for a period of not less than 7 days before again occupying a campsite;
 - (d) Any tents, trailers, automobiles, other vehicles or other personal property left unattended at the campsite overnight or beyond the designated time limit shall be removed and any expenses, including towing charges, incurred by such removal shall be paid by the person under whose name the campsite is registered;
 - (e) Dishwashing is prohibited at drinking faucets and at comfort stations;
 - (f) Picnic supplies and other personal property shall not be left unattended in the picnic shelters;
 - (g) Campers may cut only dead and fallen trees for firewood to be used on the area;

- (h) Persons who wish to camp on areas where gates are usually locked at night must contact area managers in advance to make arrangements for camping; and
 - (i) Rules for camping on wildlife management areas shall apply on areas which are both public fishing areas and wildlife management areas; and
 - (j) Camping on the Rocky Mountain public fishing area is prohibited except from April 1 until October 31, and except at other times as designated by the public fishing area manager for special purposes.
- (5) Persons may not fish with any gear other than pole and line, as the term is defined in O.C.G.A. Sec. [27-1-2\(51\)](#), and no person shall fish with more than two poles and lines at any public fishing area:
- (6) Persons may not use or possess live fish for bait at any public fishing area except in lakes or ponds posted as being open to the use of live fish for bait.
- (7) Except as provided herein, persons may not operate any vessel as defined in O.C.G.A. Sec. [52-7-3](#) on any public fishing area owned or operated by the department; provided, however, that fishing boats propelled by paddles, oars, or electric motors may be used on ponds or lakes unless they are posted as being closed to the use of such fishing boats, and provided further, that:
 - (a) Persons may operate any fishing boat being propelled by a motor at idle speed on any public fishing area lake designated open to the use of fishing boats with motors; and
 - (b) Personal watercraft (jet skis), sailboats and sailboards are not permitted on any public fishing area lake; and
- (8) Persons may not utilize the waters of any public fishing area for recreational swimming; provided, however, this subsection shall not apply to the designated beach area at Rocky Mountain Public Fishing Area between Memorial Day and Labor Day during the hours designated by the public fishing area manager.
- (9) No person may consume or use alcoholic beverages on any public fishing area except in designated facilities or at campsites on these areas; provided, however, no alcoholic beverages are allowed on the Rocky Mountain Public Fishing Area.
- (10) No horses are allowed on public fishing areas except in those areas designated as open to equestrian use.
- (11) Persons may not rappel, rock climb or hang glide on the Rocky Mountain public fishing area.

- (12) No person shall disobey any lawful order of a law enforcement officer or the area manager.
- (13) If hunting is authorized, hunters may access specified portions of the public fishing area during legal hunting hours for the purpose of hunting.
- (14) Notwithstanding any other provision of this Rule 391-4-3-.09 to the contrary, Department sponsored special events are authorized on public fishing areas twenty-four hours a day, subject to any special conditions for the event established by the Department.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.09

Authority: O.C.G.A. §§ [12-3-9](#), [27-1-3](#), [27-1-33](#), [27-2-23](#), [27-4-11.1](#), [27-4-12](#), [27-4-51](#).

History. Original Rule entitled "Artificial Bait Streams" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Repealed: New Rule entitled "Use of Seines" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Repealed: New Rule entitled "Public Fishing Areas" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Amended: F. Jan. 28, 1980; eff. Feb. 17, 1980.

Amended: Rule repealed. F. Oct. 19, 1983; eff. Nov. 8, 1983.

Amended: New Rule entitled "Public Fishing Areas" adopted. F. Feb. 2, 1989; eff. Feb. 22, 1989.

Repealed: New Rule of same title adopted. F. Jun. 5, 1992; eff. Jun. 25, 1992.

Repealed: New Rule of same title adopted. F. Sept. 11, 1996; eff. Oct. 1, 1996.

Amended: F. Apr. 23, 1997; eff. May 13, 1997.

Repealed: New Rule of same title adopted. F. Sept. 3, 1998; eff. Sept. 23, 1998.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. May 27, 2009; eff. June 16, 2009.

Amended: F. Sept. 8, 2009; eff. Sept. 28, 2009.

Repealed: New Rule of same title adopted. F. July 13, 2017; eff. August 2, 2017.

Repealed: New Rule of same title adopted. F. May 22, 2019; eff. June 11, 2019.

Amended: F. June 8, 2021; eff. June 28, 2021.

Rule 391-4-3-.10. Commercial Fishing. Amended.

- (1) It shall be lawful to commercially fish with gill nets on Lake Seminole as follows:
 - (a) From November 1 through January 31 in the Flint River Arm from Faceville Landing upstream to but not including the mouth of Big Slough, in the Spring Creek Arm from State Route 253 upstream to U.S. Route 84 and in Fish Pond Drain from State Route 253 upstream to County Road 1659 at the north end of Ray's Lake.
 - (b) Nets may not be set in waters exceeding eight (8') feet in depth or in stream channels.
 - (c) All game fish and catfish taken in gill nets must be released.
 - (d) All gill nets must be marked by visible buoys.

- (e) Fisherman are limited to three hundred (300) linear feet of netting. Gill net mesh must be two inches (2") on the square.
 - (f) All nets must be clearly labeled with the name and commercial fishing license number of the person fishing them.
 - (g) A commercial fishing license and a Lake Seminole Gill Net commercial fishing species endorsement are required. All other commercial fishing laws and regulations shall apply.
- (2) It shall be lawful to commercially fish with a basket in the Georgia portion of Clark Hill Reservoir, Richard Russell Reservoir, Hartwell Reservoir, Yonah Lake, Tugaloo (Toogaloo) Lake, Stevens Creek Lake and the impounded waters of the New Savannah Bluff Lock and Dam as follows:
- (a) The basket must be constructed of one inch (1") mesh wire and must not be more than seventy-two inches (72") in length and sixty inches (60") in circumference.
 - (b) One throat of such basket shall be located at the extreme front of the basket and a second throat shall be located seventeen inches (17") behind the first. The second throat shall have one inch (1") square mesh webbing attached so that when such mesh is drawn taut by cords attached to each side, a horizontal opening is created which is not more than one inch (1") in height.
 - (c) It shall be unlawful to take any game fish except flathead catfish and channel catfish with such baskets.
 - (d) A commercial fishing license and a Catfish Basket commercial fishing species endorsement are required. All other commercial fishing laws and regulations apply.
- (3) A commercial fishing license and a Catfish Basket commercial fishing species endorsement are required to commercially fish with a basket as authorized by O.C.G.A. Section [27-4-92](#). All other commercial fishing laws and regulations apply.
- (4) It shall be lawful to commercially fish for mussels in fresh water as follows:
- (a) The following waters shall be opened from sunrise to sunset on Monday through Friday of each week from 1 April to 31 August each year, except Memorial Day and Independence Day, to the lawful harvest of mussels:
 - 1. Fresh waters of all streams are open to the lawful harvest of mussels that will not pass through a round ring with an inside diameter of four inches; and

2. Reservoirs over 500 acres in size which are not owned or operated by the Department are open to the lawful harvest of washboard mussels (*Megaloniaias* sp.) that will not pass through a round ring with an inside diameter of four inches and to the harvest of all other mussels whose longest dimension will not pass through said ring.
- (b) It shall be unlawful to harvest mussels in fresh water by any form of dredging, brailing, pumping, any form of mechanical scooping or by dragging any material over the mussels. Any person violating this provision is subject to the civil penalty provisions of O.C.G.A. Section [27-1-36](#).
- (c) A commercial fishing license and a Freshwater Mussel commercial fishing species endorsement are required. All other commercial fishing laws and regulations shall apply.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.10

Authority: O.C.G.A. §§ [27-1-4](#), [27-1-28](#), [27-2-23](#), [27-4-70](#).

History. Original Rule entitled "Management Area Streams, Trout Streams" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Repealed: New Rule entitled "Bow Fishing" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Repealed: New Rule entitled "Commercial Fishing" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Amended: F. Jan. 29, 1980; eff. Feb. 17, 1980.

Amended: F. Apr. 3, 1981; eff. Apr. 23, 1981.

Amended: F. Oct. 19, 1983; eff. Nov. 8, 1983.

Amended: F. Oct. 16, 1985; eff. Nov. 5, 1985.

Amended: F. Mar. 1, 1991; eff. Mar. 21, 1991.

Amended: F. Jun. 5, 1992; eff. Jun. 25, 1992.

Amended: F. Feb. 4, 1994; eff. Feb. 24, 1994.

Amended: ER. 391-4-3-0.31-.10 adopted. F. Nov. 3, 1995; eff. Nov. 1, 1995, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency.

Amended: F. Dec. 13, 2013; eff. Jan. 2, 2014.

Amended: F. Dec. 11, 2017; eff. Dec. 31, 2017.

Rule 391-4-3-.11. Trout Stream Designation for Water Quality Purposes.

Trout streams for water quality purposes shall be designated by the Wildlife Resources Division of the Department. Such designations shall not be amended except after scientific study, coordination with the Environmental Protection Division and approval by the Board of Natural Resources and the United States Environmental Protection Agency.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.11

Authority: Ga. Code Titles 27, 45.

History. Original Rule entitled "Manner of Trout Fishing" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Repealed: New Rule entitled "Public Fishing Areas" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Repealed: New Rule entitled "Trout Stream Designation for Water Quality Purposes" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Repealed: New Rule of same title adopted. F. Sept. 11, 1996; eff. Oct. 1, 1996.

Rule 391-4-3-.12. Possession, Sale and Importation of Fish or Fish Eggs.

- (1) When the Commissioner finds that a specific shipment of live fish or fish eggs found in the State or sought to be introduced into the State will or may introduce or spread disease or parasites or otherwise be harmful to endemic fish populations he may, by appropriate order, prohibit their possession or sale within the State, or prohibit their entry into the State.
- (2) If the Commissioner finds that any live fish or fish eggs from a specific fish hatchery or geographic area, either within or outside of the State, will or may introduce or spread disease or parasites or otherwise be harmful to endemic fish populations, he may, by appropriate order, prohibit their possession and any further sales thereof within the State or prohibit any future shipments thereof into the State.
- (3) Live fish or fish eggs subjected to regulation under either subsection (1) or (2) above shall remain subject to the order issued thereunder unless and until a fisheries expert, recognized by and acceptable to the Commissioner, has certified the live fish or fish eggs from said shipment or said fish hatchery or geographical area to be free from any such harmful characteristics.
- (4) Any live fish or fish eggs possessed or sold within the State or introduced into the State in violation of any order issued under either subsection (1) or (2) above shall, in the absence of the certificate provided in the subsection (3) above, be presumed to possess the same harmful characteristics upon which the order was based and shall be subject to immediate, summary seizure and destruction by conservation rangers or other duly authorized agents or officials of the Department.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.12

Authority: Ga. Code Titles 27, 45.

History. Original Rule entitled "Shad Fishing" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of the same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Amended: Rule repealed. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: Rule entitled "Closing of Waters of the State to Commercial Fishing Due to the Level of a Toxic or Hazardous Material" adopted. F. Feb. 28, 1977; eff. Mar. 20, 1977. (At the request of the Agency, this Rule was not printed because the adoption of a new Chapter 391-4-3 was contemplated in late March.)

Amended: Rule repealed. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Amended: Rule entitled "Possession, Sale and Importation of Fish or Fish Eggs" adopted. F. Jan. 28, 1980; eff. Feb. 17, 1980.

Rule 391-4-3-.13. Fishing Methods.

- (1) The following streams are declared to be artificial-lure streams:
 - (a) That portion of the Chattahoochee River from Georgia Highway 20 downstream to the boat ramp at the National Park Service Medlock Bridge Park immediately upstream of Georgia Highway 141;
 - (b) Noontootla Creek and its tributaries on the Blue Ridge Management Area;
 - (c) Coleman River and its tributaries from the junction with Tallulah River upstream to Forest Service Bridge No. 54;
 - (d) Jones Creek and its tributaries on U.S. Forest Service property upstream from the junction with the Etowah River
 - (e) Mountaintown Creek and its tributaries above Mountaintown Creek Watershed Structure No. 2;
 - (f) Stanley Creek and its tributaries on the Rich Mountain Management Area;
 - (g) Hoods Creek and its tributaries on the Warwoman Management Area;
 - (h) Walnut Fork and its tributaries on the Warwoman Management Area;
 - (i) Conasauga River upstream of the Georgia-Tennessee state line and its tributaries to that portion of the river; provided, however, Conasauga River and its tributaries shall not be artificial-lure streams from the last Saturday in March through October 31 of each year; and
- (2) It is lawful to fish with or possess only artificial lures with barbless hooks in that portion of Dukes Creek and its tributaries in White County on the Smithgall Woods-Dukes Creek Conservation Area, including the Georgia Highway 75 Alternate right-of-way.
- (3) It shall only be lawful to fish with artificial lures with single hooks and only lawful to possess artificial lures with single hooks on the following waters; provided, however, this restriction shall not apply to said waters from May 15 through October 31 of each year:
 - (a) Amicalola Creek from County Road 192 (Steele Bridge Road) downstream to Georgia Highway 53;
 - (b) Chattahoochee River from Sope Creek (off Columns Drive) downstream to US Highway 41 (Cobb Parkway);
 - (c) Chattooga River (in Rabun County) from Georgia Highway 28 upstream to the mouth of Reed Creek (Georgia);
 - (d) Smith Creek on Unicoi State Park from Unicoi Dam downstream to the Unicoi State Park property boundary; and

- (e) Toccoa River on U.S. Forest Service land from 0.4 miles above the Shallowford Bridge upstream to a point 450 feet upstream of the Sandy Bottom Canoe Access.
- (4) Use of live blueback herring for bait and possession of live blueback herring is prohibited in all freshwaters of the state; provided, however, this provision shall not apply to the following waters:
 - (a) Lake Bartlett's Ferry;
 - (b) Lake Blue Ridge
 - (c) Lake Chatuge;
 - (d) Lake Goat Rock;
 - (e) Lake Juliette;
 - (f) Lake Lanier;
 - (g) Lake Nottely;
 - (h) Lake Oliver;
 - (i) Lake West Point
 - (j) Altamaha River watershed downstream of the following dams:
 - 1. Juliette on the Ocmulgee River;
 - 2. Lake Juliette on Rum Creek;
 - 3. Lake Tobesofkee on Tobesofkee Creek; and
 - 4. Lake Sinclair on the Oconee River; nor to
 - (k) watersheds of all other streams that flow directly into the Atlantic Ocean. The penalties of this paragraph are enforceable by all penalties applicable, including civil penalties.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.13

Authority: O.C.G.A. §§ [27-1-4](#), [27-2-14](#), [27-4-12](#), [27-4-36](#), [27-4-51](#).

History. Original Rule entitled "Sale of Game Fish from Private Ponds" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Repealed: F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: New Rule entitled "Fishing Methods" adopted. F. Sept. 11, 1996; eff. Oct. 1, 1996.

Amended: F. Sept. 3, 1998; eff. Sept. 23, 1998.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Aug. 19, 2002; eff. Sept. 8, 2002.

Amended: F. Aug. 24, 2006; eff. Sept. 13, 2006.

Amended: F. Sept. 1, 2010; eff. Sept. 21, 2010.

Amended: F. June 8, 2021; eff. June 28, 2021.

Rule 391-4-3-.14. Catch and Release Fishing.

- (1) The following streams or portions of streams are declared to be delayed harvest streams, and all mountain trout caught from these streams must be immediately returned unharmed to the waters from which they were caught; provided, however, this restriction shall not apply to said streams or portions of streams from May 15 through October 31 of each year:
 - (a) That portion of Amicalola Creek from County Road 192 (Steele Bridge Road) downstream to Georgia Highway 53;
 - (b) That portion of the Chattahoochee River from Sope Creek (off Columns Drive) downstream to US Highway 41 (Cobb Parkway);
 - (c) That portion of Chattooga River (in Rabun County) from Georgia Highway 28 upstream to the mouth of Reed Creek (Georgia);
 - (d) That portion of Smith Creek on Unicoi State Park from Unicoi Dam downstream to the Unicoi State Park property boundary; and
 - (e) That portion of the Toccoa River on U.S. Forest Service land from 0.4 miles above the Shallowford Bridge upstream to a point 450 feet upstream of the Sandy Bottom Canoe Access.
- (2) The following stream is declared to be a catch and release stream, and all fish caught from this stream must be immediately returned unharmed to the waters from which they were caught:
 - (a) That portion of Dukes Creek and its tributaries flowing through the Smithgall Woods-Dukes Creek Conservation Area, including the Georgia Highway 75 Alternate right-of-way;
- (3) Possession of trout while fishing on a catch and release stream is prohibited; and
- (4) Possession of trout while fishing on a delayed harvest stream is prohibited from November 1 through May 14 of each year.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.14

Authority: O.C.G.A. Secs. [27-1-4](#), [27-4-10](#), [27-4-12](#), [27-4-51](#).

History. Original Rule entitled "Commercial Fresh Water Fishing" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of the same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Repealed: F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: New Rule entitled "Catch and Release Fishing" adopted. F. Sept. 11, 1996; eff. Oct. 1, 1996.

Repealed: New Rule of same title adopted. F. Sept. 3, 1998; eff. Sept. 23, 1998.

Amended: F. Sept. 17, 1999; eff. Oct. 7, 1999.

Amended: F. Oct. 11, 2000; eff. Oct. 31, 2000.

Amended: F. Aug. 19, 2002; eff. Sept. 8, 2002.

Amended: F. Aug. 24, 2006; eff. Sept. 13, 2006.

Rule 391-4-3-.15. Hour.

- (1) It is lawful to fish in trout waters designated in Rule [391-4-3-.03\(3\)](#) 24 hours a day; provided, however, that the Conasauga River watershed upstream of the Georgia-Tennessee state line, that portion of Smith Creek on Unicoi State Park and the Chattahoochee River downstream of Lake Lanier are open to fishing only between 30 minutes before sunrise and 30 minutes after sunset during daylight hours.
- (2) It is lawful to fish in Dockery Lake and Rock Creek Lake only between 30 minutes before sunrise and 30 minutes after sunset during daylight hours. Except as otherwise provided by law, rule or regulation, fishing in all other impoundments is permitted 24 hours a day.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.15

Authority: O.C.G.A. §§ [27-1-4](#), [27-1-12](#), [27-4-51](#).

History. Original Rule entitled "Saltwater Commercial Catfishing" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of the same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Repealed: F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: New Rule entitled "Hours" adopted. F. Sept. 3, 1998; eff. Sept. 23, 1998.

Amended: New title "Hours. Amended." F. Apr. 1, 2015; eff. Apr. 21, 2015.

Amended: F. June 8, 2021; eff. June 28, 2021.

Rule 391-4-3-.16. Use of Minnow Seines and Minnow Traps.

- (1) It is unlawful to use a minnow seine:
 - (a) exceeding 20 feet in length.
 - (b) with a mesh size exceeding three-eighths of an inch square. or in diameter if the mesh is not square.
- (2) It is unlawful to use a minnow trap:
 - (a) exceeding 24 inches in length, 18 inches in width, or 9 inches in height for a rectangular trap; or,
 - (b) exceeding 24 inches in length or 30 inches in circumference for cylindrical traps; and,

- (c) with a round throat (opening) exceeding one (1) inch in diameter, and,
 - (d) with a bar mesh size smaller than one-quarter (1/4) of an inch square or in diameter if the mesh is not square.
- (3) Each minnow trap must have attached thereto a tag bearing the name and address of the trap owner or must have tethered to each trap a float bearing the name and address of the person using such gear.
- (4) No individual may deploy more than 2 traps at any time.
- (5) No more than 50 nongame fishes can be collected per licensed angler per day and may only be used as bait or released into the waters from which they were taken.
- (6) Any species that is not a nongame fish or crayfish taken shall be immediately released unharmed into the waters from which they were taken.
- (7) In addition to trout streams, the use of minnow seines or minnow traps is prohibited in the following areas to protect threatened and endangered species:
- (a) the mainstem of the Etowah River upstream of Lake Allatoona and all Etowah River tributary streams that enter the Etowah River within or upstream of Lake Allatoona.
 - (b) Raccoon Creek and its tributary streams in Paulding and Bartow counties
 - (c) the entire mainstem of the Conasauga River and all Conasauga River tributary streams entering the Conasauga mainstem from the east.
 - (d) the Coosawattee River and all tributary streams upstream from Carter's Lake Dam and the Coosawattee River between Carters Lake and its confluence with the Conasauga River.
 - (e) the mainstem of Talking Rock Creek.
 - (f) the mainstem of South Chickamauga Creek downstream from Swanson Mill dam.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.16

Authority: O.C.G.A. § [27-4-6](#).

History. Original Rule entitled "Separation of Salt and Fresh Water" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of the same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Amended: Rule repealed. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Adopted: New Rule entitled "Use of Minnow Seines and Minnow Traps." F. Aug. 26, 2021; eff. Sept. 15, 2021.

Rule 391-4-3-.17. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.17

Authority: Ga. L. 1955, p. 483, as amended.

History. Original Rule entitled "Bow Fishing" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of the same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Amended: Rule repealed. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Rule 391-4-3-.18. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.18

Authority: Ga. L. 1955, p. 483, as amended.

History. Original Rule entitled "Prohibited Species" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of the same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Amended: Rule repealed. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Rule 391-4-3-.19. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.19

Authority: Ga. L. 1955, p. 483, as amended.

History. Original Rule entitled "Use of Bait Fish" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of the same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Amended: Rule repealed. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Rule 391-4-3-.20. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.20

Authority: Ga. L. 1955, p. 483, as amended.

History. Original Rule entitled "Public Fishing Areas" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of the same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Amended: Rule repealed. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Rule 391-4-3-.21. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.21

Authority: Ga. L. 1955, p. 483, as amended.

History. Original Rule entitled "Prohibited Methods of Taking Fish" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of the same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Amended: Rule repealed. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Rule 391-4-3-.22. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.22

Authority: Ga. L. 1955, p. 483, as amended.

History. Original Rule entitled "Use of Commercial Gear Restricted" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of the same title adopted. F. Apr. 15, 1975; eff. May 1, 1975.

Repealed: New Rule of same title adopted. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Amended: Rule repealed. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Rule 391-4-3-.23. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.23

Authority: Ga. L. 1955, p. 483, as amended.

History. Original Rule entitled "Tributary Streams" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of the same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Amended: Rule repealed. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Rule 391-4-3-.24. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.24

Authority: Ga. L. 1955, p. 483, as amended.

History. Original Rule entitled "Use of Seines" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of the same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Amended: Rule repealed. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Rule 391-4-3-.25. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.25

Authority: Ga. L. 1955, p. 483, as amended.

History. Original Rule entitled "Catch-out Ponds" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of the same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Amended: Rule repealed. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Rule 391-4-3-.26. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.26

Authority: Ga. L. 1955, p. 483, as amended.

History. Original Rule entitled "Commercial Fish Hatcheries" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule of the same title adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Amended: Rule repealed. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Rule 391-4-3-.27. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.27

Authority: Ga. L. 1955, p. 483, as amended.

History. Original Rule entitled "Repealer" adopted. F. Apr. 11, 1974; eff. May 1, 1974.

Repealed: New Rule entitled "Lake Seminole Regulations" adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Amended: Rule repealed. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Rule 391-4-3-.28. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.28

Authority: Ga. L. 1955, p. 483, as amended.

History. Original Rule entitled "Repealer" adopted. F. Apr. 15, 1975; eff. May 5, 1975.

Amended: Rule repealed. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Rule 391-4-3-.29. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.29

Rule 391-4-3-.30. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.30

Rule 391-4-3-.31. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.31

Rule 391-4-3-.32. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.32

Rule 391-4-3-.33. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.33

Rule 391-4-3-.34. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.34

Rule 391-4-3-.35. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.35

Rule 391-4-3-.36. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.36

Rule 391-4-3-.37. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.37

Rule 391-4-3-.38. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.38

Rule 391-4-3-.39. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.39

Rule 391-4-3-.40. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.40

Rule 391-4-3-.41. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.41

Rule 391-4-3-.42. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.42

Rule 391-4-3-.43. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.43

Rule 391-4-3-.44. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.44

Rule 391-4-3-.45. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.45

Rule 391-4-3-.46. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.46

Rule 391-4-3-.47. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.47

Rule 391-4-3-.48. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.48

Rule 391-4-3-.49. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.49

Rule 391-4-3-.50. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.50

Authority: Ga. Code Title 45.

History. Original Rule entitled "Creel Limits" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: Rule repealed. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Rule 391-4-3-.51. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.51

Authority: Ga. Code Title 45.

History. Original Rule entitled "Possession Limits" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: Rule repealed. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Rule 391-4-3-.52. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.52

Authority: Ga. Code Title 45.

History. Original Rule entitled "Size Limits" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: Rule repealed. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Rule 391-4-3-.53. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.53

Authority: Ga. Code Title 45.

History. Original Rule entitled "Manner of Trout Fishing" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: Rule repealed. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Rule 391-4-3-.54. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.54

Authority: Ga. Code Title 45.

History. Original Rule entitled "Fishing Hours" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: Rule repealed. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Rule 391-4-3-.55. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.55

Authority: Ga. Code Title 45.

History. Original Rule entitled "Year-Round Trout Streams" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: Rule repealed. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Rule 391-4-3-.56. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.56

Authority: Ga. Code Title 45.

History. Original Rule entitled "Outside Trout Streams" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: Rule repealed. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Rule 391-4-3-.57. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.57

Authority: Ga. Code Title 45.

History. Original Rule entitled "Management Area Trout Streams" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: Rule repealed. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Rule 391-4-3-.58. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.58

Authority: Ga. Code Title 45.

History. Original Rule entitled "Artificial Bait Streams" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: Rule repealed. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Rule 391-4-3-.59. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.59

Authority: Ga. Code Title 45.

History. Original Rule entitled "Tributary Streams" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: Rule repealed. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Rule 391-4-3-.60. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.60

Authority: Ga. Code Title 45.

History. Original Rule entitled "Commercial Fresh Water Fishing" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: Rule repealed. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Rule 391-4-3-.61. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.61

Authority: Ga. Code Title 45.

History. Original Rule entitled "Use of Fishing Gear Restricted" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: Rule repealed. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Rule 391-4-3-.62. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.62

Authority: Ga. Code Title 45.

History. Original Rule entitled "Lake Seminole Regulations" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: Rule repealed. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Rule 391-4-3-.63. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.63

Authority: Ga. Code Title 45.

History. Original Rule entitled "Shad Fishing" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: F. Apr. 5, 1976; eff. Apr. 25, 1976.

Amended: Rule repealed. F. Apr. 5, 1977; eff. Apr. 25, 1977.

Rule 391-4-3-.64. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.64

Authority: Ga. Code Title 45.

History. Original Rule entitled "Saltwater Commercial Catfishing" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: Rule repealed. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Rule 391-4-3-.65. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.65

Authority: Ga. Code Title 45.

History. Original Rule entitled "Reciprocal Agreements with Adjoining States" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: F. June 10, 1976; eff. June 30, 1976.

Amended: Rule repealed. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Rule 391-4-3-.66. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.66

Rule 391-4-3-.67. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.67

Rule 391-4-3-.68. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.68

Rule 391-4-3-.69. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.69

Rule 391-4-3-.70. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.70

Rule 391-4-3-.71. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.71

Rule 391-4-3-.72. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.72

Rule 391-4-3-.73. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.73

Rule 391-4-3-.74. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.74

Rule 391-4-3-.75. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.75

Rule 391-4-3-.76. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.76

Rule 391-4-3-.77. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.77

Rule 391-4-3-.78. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.78

Rule 391-4-3-.79. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.79

Rule 391-4-3-.80. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.80

Rule 391-4-3-.81. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.81

Rule 391-4-3-.82. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.82

Rule 391-4-3-.83. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.83

Rule 391-4-3-.84. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.84

Rule 391-4-3-.85. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.85

Rule 391-4-3-.86. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.86

Rule 391-4-3-.87. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.87

Rule 391-4-3-.88. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.88

Rule 391-4-3-.89. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.89

Rule 391-4-3-.90. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.90

Rule 391-4-3-.91. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.91

Rule 391-4-3-.92. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.92

Rule 391-4-3-.93. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.93

Rule 391-4-3-.94. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.94

Rule 391-4-3-.95. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.95

Rule 391-4-3-.96. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.96

Rule 391-4-3-.97. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.97

Rule 391-4-3-.98. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.98

Rule 391-4-3-.99. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.99

Rule 391-4-3-.100. Repealer.

Chapter 391-4-3, Chapter 260-4, and Rules 260-6-.03, 260-6-.05, and 260-6-.06 are specifically repealed. Any other regulation or parts thereof in conflict with any of these regulations are hereby repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.100

Authority: Ga. Code Titles 27, 45.

History. Original Rule entitles "Repealer" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Rule 391-4-3-.101. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.101

Rule 391-4-3-.102. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.102

Rule 391-4-3-.103. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.103

Rule 391-4-3-.104. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.104

Rule 391-4-3-.105. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.105

Rule 391-4-3-.106. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.106

Rule 391-4-3-.107. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.107

Rule 391-4-3-.108. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.108

Rule 391-4-3-.109. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.109

Rule 391-4-3-.110. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.110

Rule 391-4-3-.111. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.111

Rule 391-4-3-.112. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.112

Rule 391-4-3-.113. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.113

Rule 391-4-3-.114. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.114

Rule 391-4-3-.115. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.115

Rule 391-4-3-.116. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.116

Rule 391-4-3-.117. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.117

Rule 391-4-3-.118. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.118

Rule 391-4-3-.119. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.119

Rule 391-4-3-.120. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.120

Rule 391-4-3-.121. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.121

Rule 391-4-3-.122. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.122

Rule 391-4-3-.123. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.123

Rule 391-4-3-.124. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.124

Rule 391-4-3-.125. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.125

Rule 391-4-3-.126. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.126

Rule 391-4-3-.127. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.127

Rule 391-4-3-.128. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.128

Rule 391-4-3-.129. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.129

Rule 391-4-3-.130. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.130

Rule 391-4-3-.131. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.131

Rule 391-4-3-.132. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.132

Rule 391-4-3-.133. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.133

Rule 391-4-3-.134. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.134

Rule 391-4-3-.135. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.135

Rule 391-4-3-.136. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.136

Rule 391-4-3-.137. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.137

Rule 391-4-3-.138. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.138

Rule 391-4-3-.139. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.139

Rule 391-4-3-.140. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.140

Rule 391-4-3-.141. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.141

Rule 391-4-3-.142. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.142

Rule 391-4-3-.143. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.143

Rule 391-4-3-.144. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.144

Rule 391-4-3-.145. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.145

Rule 391-4-3-.146. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.146

Rule 391-4-3-.147. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.147

Rule 391-4-3-.148. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.148

Rule 391-4-3-.149. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.149

Rule 391-4-3-.150. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.150

Rule 391-4-3-.151. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-3-.151

Authority: Ga. Code Title 45.

History. Original Rule entitled "Repealer" adopted. F. Mar. 2, 1976; eff. Mar. 22, 1976.

Amended: Rule repealed. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Subject 391-4-4. RESERVED.

Subject 391-4-5. BOATING REGULATIONS.

Rule 391-4-5-.01. Purpose.

The purpose of these Rules is to implement the public safety and natural resource protection responsibilities assigned to the Department with respect to the various types of boating activities which occur on the waters of the State.

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.01

Authority: Ga. L. 1937, p. 264 and Ga. L. 1973, p. 1427.

History. Original Rule entitled "Initial Registration Period" was received in the Office of Secretary of State on July 11, 1975, in accordance with Section 22 of the Georgia Boat Safety Act of 1973, Ga. Laws 1973, p. 1443.

Amended: Rule repealed and a new Rule entitled "Definitions" adopted. Filed October 6, 1976; effective October 26, 1976.

Amended: Rule repealed and a new Rule entitled "Purpose" adopted. Filed December 12, 1979; effective January 1, 1980.

Rule 391-4-5-.02. Definitions.

For the purpose of these rules, the term:

- (a) "Applicant" means any person who files an application with the Department for permission to hold a marine event;
- (b) "Commissioner" means the Commissioner of Natural Resources of the State of Georgia;
- (c) "Department" means the Department of Natural Resources of the State of Georgia;

- (d) "Marine events" means any organized and/or advertised regatta, boat race, marine parade, water event, tournament or exhibition, excluding fishing tournaments, which by its nature, circumstance or location will introduce extra or unusual hazards to the public safety or the life of any person on the waters of this State or to the natural resources of this State;
- (e) "Person" means any municipal corporation, county or legal consolidation thereof, individual, partnership, corporation, public or private authority and shall include the State of Georgia and all its departments, boards, bureaus, commissions, authorities, and any other agencies or instrumentalities;
- (f) "Sponsor" means the person to whom the Department issues a permit to hold a marine event.

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.02

Authority: Ga. L. 1937, p. 264 as amended; and Ga. L. 1973, p. 1427 *et seq.* as amended.

History. Original Rule entitled "Lights" was received in the Office of Secretary of State on July 11, 1975, in accordance with Section 22 of the Georgia Boat Safety Act of 1973, Ga. Laws 1973, p. 1443.

Amended: Rule repealed and a new Rule of the same title adopted. Filed October 6, 1976; effective October 26, 1976.

Amended: Rule repealed and a new Rule entitled "Definitions" adopted. Filed December 12, 1979; effective January 1, 1980.

Amended: Filed January 30, 1981; effective February 19, 1981.

Amended: Filed July 1, 1982; effective July 21, 1982.

Rule 391-4-5-.03. Application for Marine Event Permit.

- (1) Any person seeking to conduct a marine event shall submit an application to the Department at least thirty (30) days prior to the date of the proposed marine event; provided, however, a person seeking to conduct a marine event which is likely to attract 10,000 or more participants and spectators shall submit an application to the Department at least ninety (90) days prior to such proposed event.
- (2) Permit applications shall be on forms furnished by the Department and may be submitted for single or multiple events.
- (3) The issuance of a permit for a marine event to be held on the waters of this state shall be conditioned upon the receipt of either an indemnity bond or forfeiture bond as outlined in subparagraphs (a) and (b) below:
 - (a) The issuance of a permit for a marine event to be held on the waters of this State, when it is anticipated that such event will attract 10,000 or more participants shall be conditioned upon the receipt of an indemnity bond as required in subsection (c) of Section 6, of the Georgia Boat Safety Act, as amended, and Rule [391-4-5-.18](#) herein.

- (b) The issuance of a permit for a marine event to be held on the waters of this State, when it is anticipated that such event will attract 10,000 or more participants *and spectators*, shall be conditioned upon the receipt of a forfeiture bond as required in subsection (c) of Section 6, of the Georgia Boat Safety Act, as amended, and Rule [391-4-5-.18](#) herein.
- (4) Prior to the issuance of a permit for a marine event proposed to be held in an area where two or more governmental entities have jurisdiction, the Commissioner may consult with any of the affected governmental entities concerning said permit.
- (5) Non-compliance with the provisions of the Georgia Boat Safety Act or these regulations may constitute basis for revocation of permit.
- (6) Any person seeking to conduct an organized and/or advertised regatta, boat race, marine parade, tournament or exhibition, who believes that such event may not introduce the degree of extra or unusual hazard that would require the event to be defined as a "marine event", may request a determination, in advance of the times specified in subsection (1) above, of whether a permit will be required.
- (7) The sponsor's written certification of the following circumstances and conditions will justify a determination that no permit is required unless the Commissioner determines that despite said certification, the proposed event does pose an extra or unusual hazard so as to require a permit:
 - (a) The event will not attract more than 500 spectators and/or participants.
 - (b) All participants in the event are either knowledgeable or have been notified of the requirements of the Georgia Boat Safety Act, as amended, with special attention to the safety equipment provisions.
 - (c) The event will not be publicized by paid advertising in the public media.
 - (d) The event will not preempt the public's unrestricted use of the resource base.
 - (e) The person responsible for the management of the water body upon which the event will be held has been notified thereof and appropriate consultation with such person has occurred.
- (8) **Repealed.**
- (9) Notice of Denial.
 - (a) Whenever the Commissioner has denied a permit for an event which has been advertised sufficiently to allow him to reasonably infer that prospective participants, in the absence of notice of said denial, would gather at the advertised time and place and be likely to attempt to proceed with the event despite the lack

of a permit, he may require the sponsor to notify the public of the denial of the permit and that such event will not be held. The notice shall be disseminated at a time and in a manner calculated to effectively reach the members of the public to whom the previous advertising was directed.

- (b) Whenever the Commissioner has received information on the basis of which he can reasonably conclude that any person has, without submitting an application therefor, promoted, organized or advertised a proposed marine event the conduct of which requires a permit, he may notify said person that he shall not conduct or participate in such marine event without the required permit therefor. In the event said person fails or refuses to apply for a permit within a reasonable time thereafter, the Commissioner may require such person to notify the public that the advertised marine event will not be held due to failure or refusal to apply for or the denial of a permit. Such notice shall be disseminated at a time and in a manner calculated to effectively reach the members of the public to whom the previous advertising was directed.

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.03

Authority: Ga. L. 1937, p. 264 as amended; Ga. L. 1973, p. 1427, as amended.

History. Original Rule entitled "Fire Extinguishers" was received in the Office of Secretary of State on July 11, 1975, in accordance with Section 22 of the Georgia Boat Safety Act of 1973, Ga. Laws 1973, p. 1443.

Amended: Rule repealed and a new Rule entitled "Rules of the Road" adopted. Filed October 6, 1976; effective October 26, 1976.

Amended: Rule repealed and a new Rule entitled "Application for Marine Event Permit" adopted. Filed December 12, 1979; effective January 1, 1980.

Amended: Filed January 30, 1981; effective February 19, 1981.

Amended: Filed July 1, 1982; effective July 21, 1982.

Rule 391-4-5-.04. Marine Event Public Safety Requirements.

The applicant shall submit written verification that the person responsible for management of the waters in question has been notified of the proposed marine event(s). In addition, any application for a permit to conduct a marine event requiring a bond shall provide written verification that the appropriate authorities have acknowledged to the applicant their capability and willingness to supply adequate safety, security, traffic control, law enforcement, emergency medical assistance, and appropriate protection or denial of access to private property or that the applicant has the capability and is willing to provide the above stated services.

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.04

Authority: Ga. L. 1973, p. 1427, *et seq.*, as amended.

History. Original Rule entitled "Personal Flotation Devices" was received in the Office of Secretary of State on July 11, 1975, in accordance with Section 22 of the Georgia Boat Safety Act of 1973, Ga. Laws 1973, p. 1443.

Amended: Rule repealed and a new Rule entitled "Fire Extinguishers" adopted. Filed October 6, 1976; effective October 26, 1976.

Amended: Rule repealed and a new Rule entitled "Marine Event Public Safety Requirements" adopted. Filed December 12, 1979; effective January 1, 1980.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 1, 1982; effective July 21, 1982.

Rule 391-4-5-.05. Marine Event Boating Safety Requirements.

The sponsor shall ensure that all participants are either knowledgeable or have been notified of the requirements of the Georgia Boat Safety Act, as amended, with special attention to the safety equipment provisions. Such equipment shall include, but shall not be limited to, Type I, II, III, or IV, U.S. Coast Guard approved personal flotation devices.

The Department may require that because of the special hazards posed by some types of marine events, participants and spectators on the water during such events shall at all times wear the above - mentioned personal flotation devices.

Vessel operators in a sanctioned motor vessel race with an approved Marine Event Permit are exempt from the age restrictions on vessel operation set forth in Chapter 7 of Title 52 of the Official Code of Georgia Annotated while they are operating a vessel within the area approved for the race as a participant in the race.

Nothing in this section shall be construed to relieve participants and spectators of their responsibility for compliance with the Georgia Boat Safety Act.

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.05

Authority: O.C.G.A. Section [52-7-19](#).

History. Original Rule entitled "Display of Number" received in Office of Secretary of State on July 11, 1975, in accordance with Section 22 of the Georgia Boat Safety Act of 1973, Ga. Laws 1973, p. 1443.

Repealed: New Rule entitled "Personal Flotation Devices" adopted. F. Oct. 6, 1976; eff. Oct. 26, 1976.

Repealed: New Rule entitled "Marine Event Boating Safety Requirements" adopted. F. Dec. 12, 1979; eff. Jan. 1, 1980.

Amended: F. Dec. 16, 2013; eff. Jan. 5, 2014.

Rule 391-4-5-.06. Marine Event Construction and Buoyancy Requirements.

- (1) The Department may restrict the participation in such events to vessels whose construction materials are inherently buoyant (e.g. wood) or which have buoyancy materials built into them, unless the sponsor agrees to remove from the water body any nonbuoyant vessels that may sink during the event.
- (2) The Department may restrict the participation of vessels in such events to those constructed in such a manner that they can reasonably be expected to be put in, floated upon and removed in one piece.
- (3) Buoyancy materials for those vessels whose construction materials are not inherently buoyant will be limited to those which will not easily fragment or become separated from the vessel. Polystyrene blocks will be allowed only if suitably encased to prevent fragmentation.

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.06

Authority: Ga. L. 1973, p. 1427.

History. Original Rule entitled "Accident Reports" received in Office of Secretary of State on July 11, 1975, in accordance with Section 22 of the Georgia Boat Safety Act of 1973, Ga. Laws 1973, p. 1443.

Repealed: New Rule entitled "Display of Numbers and Decals" adopted. F. Oct. 6, 1976; eff. Oct. 26, 1976.

Repealed: New Rule entitled "Marine Event Construction and Buoyancy Requirements" adopted. F. Dec. 12, 1979; eff. Jan. 1, 1980.

Rule 391-4-5-.07. Marine Event Time Limits.

The Department, when issuing a permit, shall set appropriate time limits for such marine event. During the time periods set by permit for a marine event, the Department may establish specific periods for the use of cut-outs and unnumbered vessels as provided in the Georgia Boat Safety Act.

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.07

Authority: Ga. L. 1973, p. 1427.

History. Original Rule entitled "Accident Reports" adopted. F. Oct. 6, 1976; eff. Oct. 26, 1976.

Repealed: New Rule entitled "Marine Event Time Limits" adopted. F. Dec. 12, 1979; eff. Jan. 1, 1980.

Rule 391-4-5-.08. Marine Event Solid Waste Disposal Requirements.

To minimize the degradation of the natural resources involved, the Department may require the sponsor:

- (a) to ensure that sufficient solid waste containers are available to accommodate the convenient deposit of all solid waste generated by the marine event.
- (b) to ensure that participants and sponsor-approved concessionaires are notified of the requirements of the Georgia Litter Control Law; and
- (c) any other requirements deemed reasonably necessary to prevent the degradation of the natural resources.

Nothing in this section shall be construed to relieve participants, spectators and sponsor-approved concessionaires of their responsibility for compliance with the Georgia Litter Control Law. Ga. Laws 1970, p. 494.

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.08

Authority: Ga. L. 1937, p. 264, Ga. L. 1973, p. 1427.

History. Original Rule entitled "Boating Safety Zones" adopted. F. Oct. 6, 1976; eff. Oct. 26, 1976.

Repealed: New Rule entitled "Marine Event Solid Waste Disposal Requirements" adopted. F. Dec. 12, 1979; eff. Jan. 1, 1980.

Rule 391-4-5-.09. Marine Event Sanitary Facilities.

The sponsor may be required to ensure that there are sufficient sanitary facilities available to accommodate expected participants and spectators.

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.09

Authority: Ga. L. 1937, p. 264, Ga. L. 1973, p. 1427.

History. Original Rule entitled "Repealer" adopted. F. Oct. 6, 1976; eff. Oct. 26, 1976.

Repealed: New Rule entitled "Marine Event Sanitary Facilities" adopted. F. Dec. 12, 1979; eff. Jan. 1, 1980.

Rule 391-4-5-.10. Marine Event Debris Recovery.

The sponsor may be required to provide sufficient means for remedial recovery and proper disposal of all sunken and floating debris. If the event is held on a river or stream, the debris recovery program shall include intensive recovery activity immediately downstream of the completion point during and immediately following the event.

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.10

Authority: Ga. L. 1937, p. 264.

History. Original Rule entitled "Marine Event Debris Recovery" adopted. F. Dec. 12, 1979; eff. Jan. 1, 1980.

Rule 391-4-5-.11. Marine Event Site Restoration.

The sponsor may be required to restore all land and water areas impacted by the marine event to their pre-event natural state within a reasonable time to be determined by the Department.

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.11

Authority: Ga. L. 1937, p. 264.

History. Original Rule entitled "Marine Event Site Restoration" adopted. F. Dec. 12, 1979; eff. Jan. 1, 1980.

Rule 391-4-5-.12. Marine Event Special Boating Restrictions.

The Department may establish restrictions on the movements of vessels or other types of watercraft and flotation devices, including but not limited to inner tubes, and inflatable rafts, and other water activities in the immediate area of the event. Whenever the Commissioner issues a marine event permit under circumstances in which the permitted event will fully utilize the recreative capacity of the water body or portion thereof upon which it will be held, or the nature or size of the event or public safety considerations dictate that the water body be closed, for the duration of the permitted event, to use by anyone not an official participant in the event, he may declare that the exclusive use of the said water body or portion thereof is devoted to the permitted event. This exclusive use declaration shall limit the use of the waters so designated to only those persons who are authorized to participate in the permitted marine event. The sponsor of an exclusive use marine event shall be required as specified by the conditions of the permit to mark, by means of buoys, signs or other appropriate means, the said water body or portion thereof so as to notify the public of the extent and duration of exclusive use. Such sponsor may also be required, when the exclusive use is likely to pre-empt a large number of potential users,

to notify the public of the exclusive use, its extent and duration by an appropriate form of public notice, including use of news media. It shall be unlawful for any person not an official participant in a permitted event to fail to obey markers, buoys, or signs designating water bodies or portions thereof as closed for exclusive use for the duration of the permitted marine event.

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.12

Authority: Ga. L. 1937, p. 264, Ga. L. 1973, p. 1427, O.C.G.A. Sec. 57-2-23.

History. Original Rule entitled "Marine Event Special Boating Restrictions" adopted. F. Dec. 12, 1979; eff. Jan. 1, 1980.

Repealed: New Rule of same title adopted. F. Jan. 30, 1981; eff. Feb. 19, 1981.

Amended: F. Oct. 30, 2008; eff. Nov. 19, 2008.

Rule 391-4-5-.13. Public Notice of Marine Events.

After issuance of a permit, the Department may require the sponsor to give the public full and adequate notice of the time and location of the marine event, together with full and complete information of any pertinent restrictions as imposed under the authority of section [391-4-5-.12](#).

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.13

Authority: Ga. L. 1937, p. 264, Ga. L. 1973, p. 1427.

History. Original Rule entitled "Public Notice of Marine Events" adopted. F. Dec. 12, 1979; eff. Jan. 1, 1980.

Repealed: New Rule of same title adopted. F. Jan. 30, 1981; eff. Feb. 19, 1981.

Rule 391-4-5-.14. Marine Event Navigational Aids.

The Department may require the sponsor to provide aids to navigation, as deemed necessary to assist in the observance and enforcement of any restrictions established for the holding of a marine event.

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.14

Authority: Ga. L. 1973, p. 1427.

History. Original Rule entitled "Marine Event Navigational Aids" adopted. F. Dec. 12, 1979; eff. Jan. 1, 1980.

Rule 391-4-5-.15. Criteria for Issuing Marine Event Permits.

In the issuance of a marine event permit, the Commissioner may, based on the application submitted, the magnitude of the event, the water body on which it will be held, the capability of the applicant or his agents, representatives or employees to comply with the public safety and natural resource protection requirements contained in these regulations, the applicant's previous experience, the Department's previous experience in regulating similar events and such other information as may be pertinent, require of the applicant the following additional information for the purpose of determining his eligibility to receive such a permit:

- (a) for marine events likely to attract 10,000 or more participants and/or spectators, the ability to meet the bonding requirements of subsection (c) of Section 6 of the Georgia Boat Safety Act and rule 391-45-.18 herein;
- (b) assurance that the public safety requirements listed in Rule [391-4-5-.04](#) can be provided, each listed service, the type and amount of services and manpower to be provided by such persons and the plan for coordinating the activities of the public safety authorities assisting in the conduct of the event;
- (c) the ability to notify participants of the boating safety requirements contained in Rule [391-4-5-.05](#), including a plan for disseminating these requirements to participants and water-borne spectators;
- (d) the ability to assure that all vessels entered in the event will be restricted to those constructed in such a manner and having buoyancy materials complying with Rule [391-4-5-.06](#);
- (e) the submittal of an agenda indicating the schedule of activities which will take place during the time allotted for the permitted event as provided in Rule [391-4-5-.07](#);
- (f) the ability to meet the solid waste disposal requirements contained in Rule [391-4-5-.08](#), including plans specifying the types of containers which will be used to accommodate solid waste generated during the event, the location of such containers during the event and plans for the disposition of the solid waste at the conclusion of the event, explanations of how participants and sponsor-approved food and beverage concessionaires will be notified of the requirements of the Georgia Litter Control Law;
- (g) the ability to meet the requirements for sanitary facilities as required in Rule [391-4-5-.09](#), including plans for determining an adequate number of facilities for a permitted event, plans for the placement of the facilities in the area of the permitted event and plans for removal of sanitary facilities and disposal of waste materials;
- (h) plans for debris recovery as required in Rule [391-4-5-.10](#) including provisions for the recovery of sunken and floating debris in the area of the permitted event, plus all debris generated by the event down-stream of the finish point if the event is to be held on a river or stream;
- (i) the ability to meet the site restoration requirements contained in Rule [391-4-5-.11](#), including plans for restoring areas within the permitted event to their pre-event condition when such areas have been negatively impacted by large crowds which disrupt vegetation, soils and other natural or man-made features present at the event site; and
- (j) overall ability to coordinate the requirements contained in this subsection into a single comprehensive plan for the conduct of a marine event.

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.15

Authority: Ga. L. 1937, p. 264 and Ga. L. 1973, p. 1427 *et seq.*, as amended.

History. Original Rule entitled "Criteria for Issuing Marine Event Permits" was filed on December 12, 1979; effective January 1, 1980.

Amended: Filed July 1, 1982; effective July 21, 1982.

Rule 391-4-5.16. Criteria for Selecting Among Competing Applicants.

If two or more applicants otherwise meeting the requirements of this chapter desire to conduct marine events on the same body of water during the same period of time, and if the Commissioner determines that in his best judgment a particular body of water has the natural resource capacity to support only one marine event during a given period of time, he may determine that one exclusive marine event permit is in the best interest of the public. In such an instance, the Commissioner shall issue a permit to one of the applicants after carefully evaluating all applications on the basis of the following additional considerations:

- (a) the past experience of the applicant in conducting marine events or other similar activities in a manner consistent with the protection of public safety and of natural resources;
- (b) the balance of public costs associated with conducting each applicant's proposed marine event, i.e. public safety, environmental degradation, and the financial and manpower burden of public agencies, as compared with the public recreational benefits likely to result from each applicant's proposed marine event.

Cite as Ga. Comp. R. & Regs. R. 391-4-5.16

Authority: Ga. L. 1937, p. 264, as amended; Ga. L. 1973, p. 1427, as amended.

History. Original Rule entitled "Criteria for Selecting Among Competing Applicants" was filed on December 12, 1979; effective January 1, 1980.

Amended: Filed January 30, 1981; effective February 19, 1981.

Rule 391-4-5.17. Restriction of Waters.

Whenever the Commissioner determines in advance that any of the waters of this State and their adjoining upland resource are not capable, without sustaining damage, of withstanding an unlimited number of marine events in any period of time, he may restrict the size, number, or duration of events that will be permitted for the said period of time on said waters and their adjoining upland resource. In determining an appropriate period of time for which to impose such restrictions, the Commissioner shall consider the size of the water body, the fragility of the ecosystem in the water body and its adjoining upland resource, the likelihood of applications for large marine events to be held thereon and his ability to protect the natural resource values of the potentially affected area by means of permit conditions. Such restrictions and their duration shall be publicly announced in a manner calculated to provide a reasonable time for preparation and submittal of applications for permits for marine events within the restricted area and in any event no less than 90 days prior to the effective date of such restriction.

Cite as Ga. Comp. R. & Regs. R. 391-4-5.17

Authority: Ga. L. 1937, p. 264, as amended; Ga. L. 1973, p. 1427, as amended.

History. Original Rule entitled "Restriction of Waters" was filed on December 12, 1979; effective January 1, 1980.
Amended: Rule repealed and a new Rule of the same title adopted. Filed January 30, 1981; effective February 19, 1981.

Rule 391-4-5-.18. Criteria for Requiring Indemnity and Forfeiture Bonds and for Declaring Default Thereon.

(1) Indemnity bonds.

- (a) In determining when the sponsor of a marine event shall be required to post an indemnity bond, in establishing the amount of such indemnity bond up to the maximum amount set forth in law, in determining when the Commissioner may make a demand on the bond, and in determining the amount of such demand, the Commissioner may consider the following:
 - 1. the type and amount of services and manpower to be provided by such sponsor and the plan for coordinating the activities of public service agencies assisting in the conduct of and cleanup after the proposed event;
 - 2. the ability of the sponsor to ensure that all vessels entered in the event are restricted to those constructed in such a manner and having buoyancy materials complying with Rule [391-4-5-.06](#);
 - 3. the ability of the sponsor to meet the solid waste disposal requirements contained in Rule [391-4-5-.08](#); including plans specifying the types of containers which will be used to accommodate solid waste generated during the event, the location of such containers during the event and plans for the disposition of the solid waste at the conclusion of the event and explanations of how participants and sponsor-approved food and beverage concessionaires will be notified of the requirements of the Georgia Litter Control Law;
 - 4. the ability of the sponsor to meet the requirements for sanitary facilities as required in Rule [391-4-5-.09](#), including plans for determining an adequate number of facilities for a permitted event, plans for the placement of the facilities in the area of the permitted event and plans for removal of sanitary facilities and disposal of waste materials;
 - 5. the sponsor's plans for debris recovery as required in Rule 391-4-5-.10 including provisions for the recovery of sunken and floating debris in the area of the permitted event, plus all debris generated by the event downstream of the finish point if the event is to held on a river or stream;
 - 6. the ability of the sponsor to meet the site restoration requirements contained in Rule [391-4-5-.11](#), including plans for restoring areas within the permitted event to their pre-event condition;

7. the total number of anticipated participants and spectators;
 8. the past experience of the Department in dealing with and/or regulating previous events of the same type, size, nature, structure or within the same type geographical or topographical area or previous events conducted by the proposed sponsor;
 9. the actual extent of compliance by the sponsor with cleanup, site restoration and waste disposal requirements;
 10. the actual extent of demand upon the Department including actual expenses, labor, equipment usage, etc., to provide cleanup and site restoration due to failure of the sponsor to adequately fulfill the requirements related to cleanup, site restoration and waste disposal.
- (b) Whenever the sponsor of a marine event for which an indemnity bond has been posted fails or refuses to comply with the conditions of its permit relating to clean up after the event or whenever it becomes apparent to the Department that the said sponsor will be unable to comply with those conditions within the time limit set forth in the said permit, the Department shall notify the sponsor and the bonding company of its finding of the sponsor's present or imminent default and its intent to proceed with the necessary clean up unless, within a specified period, the sponsor and the bonding company achieve full compliance with the said permit conditions. Upon a failure of the sponsor or the bonding company or both to achieve full compliance with the said permit conditions within the period specified in the notice, the Department will proceed with the necessary clean up, calculate its costs, including labor, equipment use and maintenance, materials and supplies, and declare the indemnity bond forfeited to the extent of its costs in accomplishing the clean up.

(2) Forfeiture Bonds.

- (a) In determining when the sponsor of a marine event shall be required to post a forfeiture bond, in establishing the amount of such forfeiture bond up to the maximum amount set forth in law, in determining when the Commissioner may make demand on the bond, and in determining if such demand will be for an amount less than the face amount of the bond, the Commissioner may consider the following:
1. the type and amount of services and manpower to be provided by such sponsor and the plan for coordinating the activities of public service agencies assisting in the conduct of and clean up after the proposed event;

2. the ability of the sponsor to ensure that all vessels entered in the event are restricted to those constructed in such a manner and having buoyancy materials complying with Rule [391-4-5-.06](#);
3. the ability of the sponsor to meet the solid waste disposal requirements contained in Rule [391-4-5-.08](#), including plans specifying the types of containers which will be used to accommodate solid waste generated during the event, the location of such containers during the event and plans for the disposition of the solid waste at the conclusion of the event and explanations of how participants and sponsor-approved food and beverage concessionaires will be notified of the requirements of the Georgia Litter Control Law;
4. the ability of the sponsor to meet the requirements for sanitary facilities as required in Rule [391-4-5-.09](#), including plans for determining an adequate number of facilities for a permitted event, plans for the placement of the facilities in the area of the permitted event and plans for removal of sanitary facilities and disposal of waste materials;
5. the sponsor's plans for debris recovery as required in Rule [391-4-5-.10](#) including provisions for the recovery of sunken and floating debris in the area of the permitted event, plus all debris generated by the event downstream of the finish point if the event is to be held on a river or stream;
6. the ability of the sponsor to meet the site restoration requirements contained in Rule [391-4-5-.11](#), including plans for restoring areas within the permitted event to their pre-event condition;
7. the total number of anticipated participants and spectators;
8. the past experience of the Department in dealing with and/or regulating previous events of the same type, size, nature, structure or within the same type geographical or topographical area, or previous events conducted by the proposed sponsor;
9. the ability of the sponsor to ensure compliance with the public safety requirements listed in Rule [391-4-5-.04](#);
10. the ability of the sponsor to enlist a sufficient number of authorized peace officers as required by law;
11. the ability of the sponsor to ensure compliance with the boating safety requirements contained in Rule [391-4-5-.05](#) and in the Georgia Boat Safety Act;

12. the overall ability of the sponsor to coordinate the requirements of the applicable laws, rules, regulations and permits issued into a single comprehensive plan for the conduct of a water event;
 13. the anticipated size and magnitude of the proposed event;
 14. the actual extent of compliance by the sponsor with cleanup, site restoration and waste disposal requirements;
 15. the existence of unusual public safety hazards inherent in the event;
 16. the fragility of the ecosystem in which the event is sought to be conducted.
- (b) Whenever the sponsor of a marine event for which a forfeiture bond has been posted fails or refuses to comply with any provision of the Georgia Boat Safety Act, these Rules or any of the conditions of its permit, the Commissioner may declare a forfeiture of the face amount of said bond or that portion of the face amount of the bond which he deems appropriate based on the extent of failure or refusal on the part of the sponsor. In making his decision, he may consider the following:
1. violations relating to public safety;
 2. violations relating to requirements for the provision of facilities for the comfort and convenience of participants and spectators;
 3. violations of requirements relating to preventing, minimizing or mitigating damage to the water body and surrounding area.
- (c) The Commissioner shall have the discretion to determine the precise amount to be declared forfeited, depending upon the seriousness and degree of the noncompliance.

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.18

Authority: Ga. L. 1973, p. 1427, *et seq.*, as amended.

History. Original Rule entitled "Repealer" was filed on December 12, 1979; effective January 1, 1980.

Amended: Rule repealed and a new Rule entitled "Criteria for Requiring Indemnity and Forfeiture Bonds and for Declaring Default Thereon" adopted. Filed July 1, 1982; effective July 21, 1982.

Rule 391-4-5-.19. Designated Swimming Areas.

In order to implement certain provisions of the Georgia Boat Safety Act, as amended, and specifically those provisions of paragraph (5) of subsection (c) of Section 11 of said Act relating to boating safety zones within the boundaries of designated swimming areas, the following swimming areas and beaches are identified as designated swimming, areas:

(a) Allatoona Lake

1. Sweetwater Camping Area
2. Cushing Memorial Park
3. CS-Ta Recreation Area
4. Payne Campground
5. Galt's Public Use Area
6. McKaskey Creek Campground
7. Red Top Mountain State Park
8. Allatoona Beach
9. Clark Creek South Campground
10. Tanyard Creek Public Use Area
11. FORSCOM Recreation Area
12. Dallas Road Public Use Area
13. U.S. Naval Recreation Area
14. Bartow County Park
15. Bartow Carver Park
16. Old Highway 41 Public Use Area #1
17. Old Highway 41 Campground #3
18. Atlanta Boys' Club
19. Camp Pine Acres
20. Camp Scout Haven
21. Chapel Knoll Beach

(b) Lake Blue Ridge

1. Morganton Point Beach

(c) Carters Lake

1. Harris Branch Public Use Area Beach

(d) Lake Lanier

1. West Bank Park Beaches (3)
2. Lanier Beach South
3. Two Mile Creek Park
4. Chattahoochee Country Club Beach
5. Loral Park
6. Holly Park
7. Van Pugh Park
8. University Yacht Club Beach
9. Big Creek Park Beaches (3)
10. Lake Lanier Islands Beach
11. Lanier Park Beach
12. Pine Isle Beach

(e) Lake Hartwell

1. Long Point #1
2. Long Point #2
3. Hart State Park
4. Tugaloo State Park
5. Hartwell Shores
6. Bruce Creek
7. Elrod's Ferry
8. Big Oaks
9. Chandler's Ferry

(f) Lake Chatuge

1. Towns County Recreation Area

(g) Lake Nottely

1. Nottely Swimming Area

(h) Lake Burton

1. Lake Burton Public Swimming Area

(i) Lake Rabun

1. Rabun Beach

(j) West Point Lake

1. Pyne Road Park
2. Earl Cook Access Area
3. Yellowjacket Access Area

(k) Lake Oliver

1. Green Island Hill Swimming Area

(l) Clark Hill Lake

1. West Dam Access Area
2. Wildwood Park
3. Fort Gordon Recreation Center
4. Mistletoe State Park
5. Raysville Boat Club
6. Elijah Clark State Park
7. Lake Springs Park

(m) Lake Oconee

1. Park's Ferry Public Use Area
2. Old Salem Public Use Area

3. Lawrence Shoals Public Use Area

(n) Lake Sinclair

1. Lake Sinclair Recreation Area (Federal Park)
2. Little River Park
3. Rocky Creek Park
4. Oconee Springs Park

(o) Lake Jackson

1. Georgia Power Park - West side of Lloyd Shoals Dam
2. Turtle Cove - East side of Alcovy River directly south of Will White Neck
3. Kersey's Marine

(p) Lake Walter F. George

1. Cotton Hill Park Public Use Area
2. Sandy Creek Park
3. East Bank Public Use Area

(q) Lake Seminole

1. Seminole State Park
2. Bainbridge Boat Basin
3. Bass Island
4. East Bank Public Use Area.

(r) Ogeechee River - U.S. Highway 17

1. King's Ferry Park

(s) Diamond Causeway (Skidaway Island Road at Intracoastal Waterway-Chatham County)

1. Diamond Causeway Park

(t) Lake Tobesofkee

1. Sandy Beach Park
 2. Claystone Park Beach
 3. Flintrock Park Beach
 4. Arrowhead Park Beach
- (u) Lake Blackshear
1. Georgia Veterans State Park
- (v) Lake Richard B. Russell
1. Coldwater State Park
- (w) Hard Labor Creek State Park (Lake Rutledge)
1. State Park Swimming Beach
- (x) Reed Bingham State Park Lake
1. State Park Swimming Beach

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.19

Authority: Ga. L. 1973, p. 1427, *et seq.* as amended.

History. Original Rule entitled "Designated Swimming Areas" was filed on July 1, 1982; effective July 21, 1982.

Amended: Filed May 1, 1984; effective May 21, 1984.

Amended: Filed December 9, 1986; effective December 29, 1986.

Rule 391-4-5-.20. Restricted Use Areas.

In order to implement certain provisions of the Georgia Boat Safety Act, as amended, and specifically those provisions of subsection (b) of Section 17 of said Act relating to restricted use of public waters in the vicinity of properly marked marinas, bridges, public access ramps and blind points, the followings areas are identified as restricted use areas:

- (1) **Marinas:**
- (a) Allatoona Lake
 1. Cushing Memorial Park
 2. CS-Ta Recreation Area

3. Victoria Landing
4. Galt's Ferry Landing
5. Atlanta Yacht Club
6. Allatoona Yacht Club
7. Park Marina
8. Red Top Mountain State Park, Little Marina
9. Allatoona Marina and Landing
10. King's Camp
11. Holiday Marina
12. U.S. Naval Recreation Area
13. Wilderness Camp
14. FORSCOM Recreation Area
15. Little River Landing

(b) Lake Blue Ridge

1. Blue Ridge Marina

(c) Carters Lake

1. Carters Blue Ridge Mountain Marina

(d) Lake Lanier

1. Habersham Marine
2. Baldrige Marine
3. Gerald's Marina
4. Stouffer's Marina
5. Holiday Marina
6. University Yacht Club

7. Lanier Yacht Club
8. Kelley's Marina
9. Aqualand Marina
10. Aqualand Sail Boat Docks
11. Lake Lanier Sailing Club
12. Snug Harbor Marina
13. Lan-Mar Marina
14. Long Hollow Boat Docks
15. Athens Boat Club
16. Gainesville Marina
17. Chattahoochee Boat Club
18. American Legion Boat Docks
19. Lanier Beach South Boat Docks
20. Rockport Boat Docks
21. Lazy Days Dry Storage Boat Docks
22. Lake Lanier Island Authority Docks and Boat Rental

(e) Lake Hartwell

1. Hartwell Marina
2. Harbor Light Marina

(f) Lake Chatuge

1. Mountain View Cottages
2. Lake Chatuge Marina
3. Shady Rest Marina
4. One-Stop Marina, Inc.

5. B & B Marina

(g) Lake Nottely

1. Terry's Marina

(h) Lake Burton

1. Cherokee Landing
2. Leprade's Marina
3. Anchorage Marina

(i) Lake Rabun

1. Hall's Boat House
2. Rabun Beach Grocery

(j) West Point Lake

1. Highland Marina

(k) Bartlett's Ferry Lake

1. Syferrette Marina

(l) Lake Oliver

1. Municipal Marina

(m) Clark Hill Lake

1. Augusta Sailing and Boat Club
2. Tradewinds Marina
3. Fort Gordon Recreation Center Marina
4. Tommy Shaw's Little River Sportsman Camp
5. Raysville Boat Club
6. Raysville Marina
7. Thomson Boat Club

8. Soap Creek Lodge

(n) Lake Oconee

1. Granite Shoals Marina
2. Collis Brothers' Marina
3. Blue Springs Marina
4. Sugar Creek Marina

(o) Lake Sinclair

1. Haslam's Marina
2. Sinclair Marina
3. Bass Boat House
4. Little River Park Marina
5. Lakeside Marina
6. Crooked Creek Marina
7. Oconee Springs Park Marina

(p) Lake Jackson

1. Martin's Marina
2. Kersey's Marina
3. Rocky Point Marina (Jackson Lake Marina)
4. Walker Harris' Marina
5. Betty's Boat Dock
6. Bear Creek Marina

(q) Lake Blackshear

1. Smoak Bridge Marina
2. Lakeshore Marina

- 3. Camper's Haven Marina
- (r) Lake Walter F. George
 - 1. Clay County Marina
 - 2. Florence Marina
- (s) Lake Seminole
 - 1. Dunn's Landing
 - 2. Kelley's Marina
 - 3. Stone's Landing
 - 4. Wingate's Lodge
 - 5. Holley Isles
- (t) Altamaha River -- Wayne County
 - 1. Jaycee Landing
- (u) Ogeechee River -- U.S. Highway 17
 - 1. Ogeechee Marine
- (v) Lake Richard B. Russell
 - 1. Beaverdam Marina
- (w) South Brunswick River
 - 1. Blythe Island Regional Park Marina

(2) **Bridges:**

- (a) Allatoona Lake
 - 1. Knox Bridge -- Georgia Highway 20
 - 2. Little River Bridge -- Georgia Highway 205
 - 3. Kellogg Creek Bridge
 - 4. Bethany Bridge

5. Clark Creek Bridge
6. Railroad Bridge
7. Interstate 75 (dual span)
8. Georgia Highway 293 Bridge
9. U.S. Highway 41 Bridge

(b) Lake Lanier

1. Six Mile Creek Bridge -- Georgia Highway 369
2. Two Mile Creek Bridge -- Georgia Highway 369
3. Wilkie Bridge -- Georgia Highway 136
4. Peck's Bridge -- Georgia Highway 283, Wahoo Creek
5. Bell's Mill Bridge -- U.S. Highway 129, East Fork Little River
6. Lula Bridge -- Georgia Highway 52
7. Clark's Bridge -- Georgia Highway 284
8. Clark's Bridge -- McEver Road, Flowery Branch Creek
9. Russell Bridge -- Lake Lanier Islands

(c) Lake Hartwell

1. Flat Shoals Bridge -- Georgia Highway 51
2. Little Lightwood Log Bridge -- Georgia 51
3. Vandiver Bridge -- Interstate 85
4. U.S. Highway 123 Bridge
5. Southern Railroad Trestle
6. Prather's Bridge -- Georgia Highway 184
7. Gum Log Creek Bridge -- Georgia Highway 328
8. Lightwood Log Creek Bridge -- Georgia Highway 77

(d) Lake Burton

1. Lake Burton -- U.S. Highway 76

(e) West Point Lake

1. Glass Bridge
2. Wehadkee Creek Bridge -- Georgia Highway 109
3. Chattahoochee River Bridge -- Georgia Highway 109
4. Seaboard Coastline Railroad Trestle -- Wehadkee Creek
5. Seaboard Coastline Railroad Trestle -- Chattahoochee River
6. Liberty Hill Bridge -- Whitewater Creek
7. Cameron Mill Bridge -- Yellowjacket Creek
8. Yellowjacket Creek Bridge -- Georgia Highway 219
9. Chattahoochee River Bridge -- Georgia Highway 219
10. Beech Creek Bridge -- U.S. Highway 27
11. Yellowjacket Creek Bridge -- U.S. Highway 27
12. New River Bridge -- U.S. Highway 27
13. Chattahoochee River Bridge -- U.S. Highway 27

(f) Bartlett's Ferry Lake

1. Lickskillet Bridge

(g) Lake Oliver

1. Standing Boy Bridge

(h) Clark Hill Lake

1. Keg Creek Bridge
2. Price Legg Bridge -- Georgia Highway 47
3. Raysville Bridge -- Georgia Highway 43

4. Soap Creek Bridge -- Georgia Highway 220
5. Soap Creek Bridge -- U.S. Highway 278
6. McCormick Bridge -- U.S. Highway 278
7. Fishing Creek Bridge -- Georgia Highway 79
8. Broad River Bridge -- Georgia Highway 79

(i) Lake Oconee

1. Oconee River Bridge -- U.S. Highway 278
2. Apalachee River Bridge--County Road 149, Swords, Georgia
3. Georgia Railroad Trestle
4. Interstate 20 Bridge--(dual span)
5. Sugar Creek Bridge--State Road 926, Buckhead Road
6. Oconee River Bridge--Georgia Highway 44
7. Lick Creek Bridge--State Road 2167, Old Phoenix Road
8. Beaverdam Creek--County Road 63, Walker Church Road

(j) Lake Sinclair

1. Taylor Creek Bridge--Georgia Highway 212
2. Twin Bridges--County Road over Little River
3. Railroad Trestle--Little River at Haslam's Marina
4. Little River Bridge--U.S. Highway 441
5. Beaverdam Creek--U.S. Highway 441
6. Crooked Creek--County Road
7. Oconee River Bridge--Georgia Highway 16

(k) Lake Jackson

1. Barnett's Bridge--at Kersey's Marina on Tussahaw Creek

2. Water's Bridge--Georgia 212 at Alcovy River
3. Conley's Cove Bridge--Crossing Conley Cove approximately 1/4 mile East of Georgia Highway 212

(l) Lake Blackshear

1. Smoak Bridge--Georgia Highway 257
2. Seaboard Coastline Railroad
3. U.S. Highway 280 Bridge (both old and new spans)

(m) Lake Walter F. George

1. Pataula Creek Bridge--Georgia Highway 39

(n) Lake Worth

1. Philema Road Bridge--Georgia Highway 91
2. Old Leesburg Road Bridge--Georgia Highway 3
3. Seaboard Railroad Trestle--40 yards upstream from Georgia Highway 3 Bridge on Kinchafoonee Creek
4. North Slappey Bridge--U.S. Highway 19
5. Old Albany Northern Railroad Trestle

(o) Lake Seminole

1. Georgia Highway 253 Bridge--Fish Pond Drain
2. Georgia Highway 374 Bridge--Fish Pond Drain
3. Cypress Pond Bridge
4. Swinging Bridge--Bainbridge Boat Basin

(p) Ogeechee River--U.S. Highway 17

1. U.S. Highway 17 Bridge
2. Old Highway 17 Bridge

(q) Diamond Causeway (Skidaway Island Road at Intracoastal Waterway--Chatham County)

1. Diamond Causeway (Bridge)

(r) Lake Tobesofkee

1. Sike's Cove Bridge--Mosely-Dixon Road
2. Langley's Cove Bridge - Mosely-Dixon Road
3. Christopher's Cove Bridge - Mosely-Dixon Road
4. Water's Cove Bridge - Mosely-Dixon Road
5. Lower Thomaston Road Bridge

(s) Lake Chatuge

1. U.S. Highway 76 Bridge (West of Hiawassee between Hiawassee and the Georgia Mountain Fairgrounds)

(t) Lake Nottely

1. Cowell Bridge - Pat Cowell Road
2. Youngcane Creek Bridge - Pat Cowell Road

(u) Lake Richard B. Russell

1. Coldwater Creek Bridge - Ruckersville Road
2. Beaverdam Creek Bridge - Herndon Mill Road
3. Little Van Creek Bridge - Little Van Creek Road
4. Beaverdam Creek Bridge - Pearl Mill Road
5. Pickens Creek Bridge - Pickens Creek Road
6. Heardmont - Dry Fork Creek Road Bridge (Road Number 244)
7. Coldwater Creek Bridge - Georgia Highway 368
8. Savannah River Bridge - Georgia Highway 368
9. Beaverdam Creek Bridge - (Middleton - Ruckersville Road)

10. Savannah River - Old Sanders Ferry Bridge
11. Savannah River Bridge - Georgia Highway 72
12. Savannah River Bridge- Georgia Highway 181
13. Savannah River - (Old Smith - McGee Bridge)
14. Seaboard Coastline Railroad Trestle - Savannah River
15. Seaboard Coastline Railroad Trestle - Beaverdam Creek

(3) Public Access Ramps:

(a) Allatoona Lake

1. Bartow Carver Park
2. CS-Ta Recreation Area
3. Holiday Marina
4. Red Top Mountain State Park (Bethany Bridge)
5. Red Top Mountain State Park (Iron Hill)
6. Old Highway 41 Public Use Area #3
7. Wilderness Camp
8. FORSCOM Recreation Area
9. Blockhouse No. 2
10. Cooper Branch No. 1
11. Little River Landing (two ramps)
12. Cherokee County Park
13. McKaskey Creek Campground
14. Clark Creek
15. Kings Camp (two ramps)
16. Macedonia Campground

17. McKinney Campground
18. Allatoona Landing
19. Websters Ferry
20. Victoria Campground
21. Galts Public Use Area
22. Kellogg Creek
23. Payne Ramp
24. Old Highway 41 #1 (2 ramps)
25. Knox Bridge
26. Sweetwater Campground
27. Dallas Road
28. Upper Stamp Creek
29. Cherokee Mills

(b) Lake Blue Ridge

1. Blue Ridge Marina
2. Lakewood Landing

(c) Carters Lake

1. Damsite Boat Ramp
2. Woodring Public Use Area
3. Doll Mountain Public Use Area
4. Ridgeway Public Use Area
5. Carters Blue Ridge Mountain Marina

(d) Lake Lanier

1. Sawnee Park

2. Little Ridge Creek Park
3. Habersham Marina Boat Ramp
4. Mary Alice Park
5. Baldrige Marina Boat Ramp
6. Pilgrim Mill Acres Boat Ramp
7. Baldrige Creek Public Use Area
8. F.A.A. Park
9. Tidwell Park
10. Deerwood
11. Lost Cove Young Deer Creek
12. Young Deer Park
13. Charleston Park
14. Six Mile Creek
15. Colonial Club Estates
16. A. .
- B Rieves
17. Shady Grove Park
18. Two Mile Creek
19. Bethel Park
20. Vann's Tavern
21. Lan-Mar Marina
22. Long Hollow
23. Keith Bridge

24. War Hill
25. Thompson Creek
26. Nix Bridge
27. Athens Park
28. Lumpkin County Park
29. Bolling Mill
30. Little Hall Park
31. Duckett Mill
32. Robinson Park
33. Simpson Park
34. Sardis Creek
35. Thompson Bridge
36. Wahoo Creek
37. Belton Bridge
38. Lula Bridge
39. Clarks Bridge
40. Loral Park
41. Long Street Bridge
42. Holly Park
43. Gainesville Marina
44. River Forks Park
45. Mountain View
46. Balus Creek
47. Beaver Ruin Park

48. Crow Park
49. Old Federal Park
50. Lake Lanier Sailing Club
51. Aqualand Marina Ramps
52. Aqualand Park
53. Flowery Branch Park
54. Chestnut Ridge
55. Van Pugh Ramps
56. University Yacht Club
57. Burton Mill
58. Big Creek Ramps
59. Lanier Island Bridge Ramps
60. Little Shoal Creek Park
61. Shoal Creek Park
62. Lanier Island Ramp
63. Lanier Harbor Ramp
64. Gwinnett Park
65. Lanier Park
66. East Bank Ramp
67. Lazy Days Dry Storage Boat Docks

(e) Lake Hartwell

1. Big Oak Ramp
2. Watsadler's Ramp
3. Elrod's Ferry

4. Powder Bag
5. Duncan Branch
6. Long Point
7. Gum Branch
8. Hart State Park
9. Lightwood Log
10. Cleveland Boat Ramp
11. New Prospect
12. Mill Town
13. Carter's Ferry
14. Crawford's Ferry
15. Mary Ann Branch
16. Reed Creek
17. Chandler's Ferry
18. Payne's Creek #1
19. Payne's Creek #2
20. Rock Springs
21. Rocky Ford
22. Harbor Light
23. Franklin County Park
24. Tugaloo State Park
25. Poplar Springs
26. Holcomb Landing
27. Bruce Creek Ramp

28. Jenkins's Ferry
29. Spring Branch
30. Stephens County Ramp
31. Old Highway 123 Ramp
32. Bradberry Ramp

(f) Lake Chatuge

1. T.V.A. Boat Ramp
2. Towns County Recreation Area
3. U.S. Forest Service Ramp
4. Towns County Public Boat Ramp
5. Lost Ramp
6. Bennett's Marina
7. One-Stop Marina, Inc.
8. Shady Rest
9. Lake Chatuge Marina
10. Mountain View Cottages

(g) Lake Nottely

1. Nottely Ramp
2. T.V.A. Ramp
3. McAfee Boat Ramp
4. Terry's Marina
5. Deavertown Landing
6. Reece Creek Ramp
7. Chatuge Cottages Ramp

8. Notla Landing Ramp

(h) Lake Burton

1. Cherokee Landing
2. Leprade's Marina Ramp
3. Moccasin Creek Ramp
4. Anchorage Marina Ramp

(i) Lake Rabun

1. Hall's Boat House Ramp
2. Rabun Beach Boat Ramp

(j) West Point Lake

1. East Lake Park Ramp
2. Long Cane Access Area
3. Pyne Road Park
4. Glass Bridge Park
5. Earl Cook Access Area
6. Potts Road Public Use Area
7. Bird Creek Access Area
8. Holiday Park Ramps
9. Wehadkee Public Use Area
10. Evansville Access Area
11. Caney Creek Access Area
12. State Line Road Access Area
13. Gene Autry Park
14. Liberty Hill Access Area

15. Neeley Road Boat Ramp, Whitewater Access Area
16. Highland Marina
17. Highland Marina Service Area
18. Yellowjacket Access Area
19. Sunny Point Access Area
21. Georgia Access Area
22. Wares Cross Road Public Use Area
23. Ringer Access Area
24. Franklin Boat Ramp
25. McGee Bridge Access Area

(k) Bartlett's Ferry Lake

1. Lickskillet Boat Ramp
2. Syferrette Boat Ramp

(l) Goat Rock Lake

1. Georgia Power Ramp - West Bank
2. Goat Rock Boat Ramp - East Bank

(m) Lake Oliver

1. Municipal Marina Boat Ramp

(n) Clark Hill Lake

1. Below dam, access
2. West dam Access Area
3. Petersburg Access Area
4. Lake Springs and Tradewinds Access Area
5. Wildwood Park

6. Keg Creek Access Area
7. Ridge Road Access Area
8. Fort Gordon Access Area
9. Little River Sportsman Camp
10. Mistletoe State Park, Ramp #1
11. Mistletoe State Park, Ramp #2
12. Mistletoe State Park, Ramp #3
13. Winfield Access Area
14. Rousseau Creek Access Area
15. Raysville Marina
16. Raysville Bridge Boat Ramp
17. Hart Creek Access Area
18. Smith Mill or Holiday Park Access Area
19. Lincoln County Boat Ramp, Raysville
20. Clay Hill Access Area
21. Gray's Creek Access Area
22. Leathersville Access Area
23. Lincoln County Boat Ramp, Little River
24. Double Branches, Cherokee Creek Access Area
25. Mosley's Creek Access Area
26. Chamberlin Ferry Access Area
27. Soap Creek Access Area
28. Elijah Clark State Park
29. Parkway Access Area (McCormick Bridge)

30. Elijah Clark State Park, Camping Area
31. Murray Creek Park, Camping Area
32. Murray Creek Park
33. Fishing Creek Access Area
34. Fishing Creek Access, Highway 79 Bridge
35. Hester's Ferry Access Area
36. Gill Point, Pistol Creek Access
37. Broad River Access Area
38. Pistol Creek Access Area
39. Coody Creek Access Area
40. Bobby Brown State Park #1
41. Morrah's Access Area
42. Bobby Brown State Park #2
43. Elbert County Fish & Game Conservation Club

(o) Hamburg State Park Lake

1. State Park Ramp

(p) Magnolia Springs State Park

1. State Park Ramp

(q) Lake Oconee

1. Redland Boat Ramp
2. Swords Boat Ramp
3. Park's Ferry Public Use Area
4. Sugar Creek Public Access Area
5. Armour Bridge Public Access, Richland Creek

6. Old Salem Public Use Area
7. Lakeview Marina Access Ramp
8. Long Shoals Public Use Area
9. Lawrence Shoals Public Use Area
10. Granite Shoals Marina
11. Collis Brothers' Marina
12. Blue Springs Marina
13. Double Bridges Boat Ramp (Greene County Public Landing)
14. Sugar Creek Marina Ramp

(r) Lake Sinclair

1. Green's Boat Landing
2. Lake Sinclair Recreation Area
3. Little River Park
4. Sandy's Access Ramp
5. Lakeside Marina
6. Crooked Creek Marina
7. Oconee Springs Marina
8. Hudson Park Ramp, Georgia Highway 16 Bridge
9. Haslam's Marina
10. Sinclair Marina
11. Bass Boat House
12. Rocky Creek Park
13. Devereux Landing

(s) Lake Jackson

1. Georgia Power Park
2. Martin's Marina
3. Kersey's Marina
4. Rocky Point (Jackson Lake Marina)
5. Walker Harris' Marina
6. Berry's Boat Dock and Marina
7. Bear Creek Marina
8. Alcovy Shores Ramp
9. Turtle Cove

(t) Lake Blackshear

1. Crisp County Public Landing
2. Smoak Bridge Marina
3. Georgia Veteran's Memorial State Park, Ramp #1
4. Georgia Veteran's Memorial State Park, Ramp #2
5. Lakeshore Marina
6. Camper's Haven Marina
7. Crisp County Power Commission, Steamplant Ramp

(u) Lake Walter F. George

1. River Bluff Park
2. Cool Branch Park
3. George T. Bagby State Park
4. Sandy Branch Public Use Area
5. Cotton Hill Park Public Use Area
6. Sandy Creek Park

7. East Bank Public Use Area

(v) Lake Worth

1. Turner Field Boat Ramp
2. Cromartie Beach Landing
3. Cleve Cox Landing
4. Chehaw Park Landing

(w) Lake Seminole

1. Desser Landing
2. Fairchild Park
3. Dunn's Landing
4. Saunder's Landing
5. Cummin's Landing
6. Kelley's Marina
7. Sealy's Landing - West
8. Sealy's Landing- East
9. Ray's Lake
10. Seminole State Park
11. Cypress Pond Landing
12. Reynolds Landing
13. Merkersen Landing
14. Brinson Station Landing
15. Ralph King Landing
16. Stone's Landing
17. Hale's Landing

18. Bainbridge Boat Basin
19. Flint River Heights
20. Mitchell County Line Boat Ramp
21. Big Slough
22. Cheney Griffin Park
23. Horse Shoe Bend
24. Faceville Landing
25. Wingate's Lodge
26. River Junction Landing
27. Booster Club Landing
28. East Bank Landing

(x) Altamaha River - Wayne County

1. Upper County Landing
2. Lower County Landing
3. Jaycee Landing

(y) Ogeechee River--U.S. Highway 17

1. Ogeechee Marine
2. King's Ferry Park

(z) Diamond Causeway (Skidaway Island Road at Intracoastal Waterway--Chatham County)

1. Diamond Causeway Park Ramp

(aa) Lake Tobesofkee

1. Claystone Park Ramps

(bb) Columbia Reservoir (George W. Andrews)

1. Koheele Creek Ramp
 2. Early County Boat Ramp (below dam on Chattahoochee River)
- (cc) Kolomoki Mounds State Park (Lake Kolomoki)
1. State Park Boat Ramp
- (dd) Reed Bingham State Park Lake
1. East State Park Ramp (Cook County)
 2. West State Park Ramp (Colquitt County)
- (ee) Lake Richard B. Russell
1. Shuck Pen Eddy Access Area
 2. Elbert Park Ramp
 3. Beaverdam Marina Ramp
 4. Beverly Park Ramp
 5. Middleton Access Area
 6. Dry Fork Access Area
 7. Coldwater State Park Ramp (Van Creek)
 8. Coldwater State Park Ramp (Coldwater Creek)
 9. Highway 368 Access Area (Coldwater Creek)
- (ff) Morgan Falls Lake (Chattahoochee River--Bull Sluice)
1. Boat ramps at Chattahoochee River Park operated by Fulton County
- (gg) South Brunswick River
1. Blythe Island Regional Park Ramp
- (4) **Blind Points:**
- (a) Allatoona Lake
1. Old Highway 41 Public Use Area #2 (Island)

2. Payne Campground

3. Wilderness Camp

(b) Carters Lake

1. Sharp bend in lake approximately 1/2 mile southeast Harris Branch Public Use Area

(c) Bartlett's Ferry Lake

1. Sharp bend in slough located approximately 1/4 mile NNW of Syferrette Marina

(d) Clark Hill Lake

1. Keg Creek above bridge
2. Curve in Cliatt's Creek at State Boathouse
3. Curve in Germany Creek above Raysville Boat Club
4. Curve in Hart Creek at rock pile
5. Curve in Cherokee Creek at Georgia Railroad Bank Club
6. Curve in Soap Creek below Highway 220 bridge

(e) Lake Sinclair

1. "Cut through" at east end of Baldwin County Airport between airport branch and main run (2 channels)

(f) Lake Jackson

1. Rocky Creek approximately 1/2 mile north of Lewis Neck on East side of Rocky Creek
2. Tussahaw Creek between power line and Kersey's Marina
3. Alcovy River--1/2 mile SSW of Bear Creek Marina on East Bank of river

(g) Lake Blackshear

1. Fort Early Slough
2. Lincoln Pinch

3. Beaver's Den

(h) Lake Worth

1. Moose Club area between island and bank approximately 200 yards from the mouth of Muckalee Creek where channel opens into small lake
2. 200 yards North of Philema Road Bridge at mouth of Muckalee Creek between island and bank
3. 500 yards North of Philema Road Bridge and approximately 750 yards West of Georgia Highway 3 Bridge on Kinchafoonee Creek

(i) Lake Seminole

1. Dunn's Landing
2. Cypress Pond Drain (2 points)
3. Reynolds' Landing
4. Small boat canal--between islands at intersection of Flint River and Spring Creek (4 points)
5. Faceville Landing Slough
6. Wingate's Slough
7. Fairchild Park Slough

(j) Reed Bingham State Park Lake

1. The area extending north for 100 yards from west bank boat ramp (Colquitt County side of lake)
2. The area between the wear bank and island number one (Northernmost island of four-island chain surrounding the west bank boat ramp)
3. The area between islands number 1 and 2 (numbered north to south) in the four-island chain surrounding the west bank boat ramp

(k) Lake Richard B. Russell

1. Coldwater State Park (Van Creek) half way between mouth of creek and state park swimming area

2. Coldwater Creek between green daymarker number 25 and green daymarker number 35
3. Coldwater Creek between black and white daymarker number 39 and red daymarker number 28
4. Coldwater Creek between green daymarker number 15 and green daymarker number 19

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.20

Authority: O.C.G.A. Title 52-7-1, *et. seq.*

History. Original Rule entitled "Restricted Use Areas" was filed on July 1, 1982; effective July 21, 1982.

Amended: Filed May 1, 1984; effective May 21, 1984.

Amended: Filed September 4, 1985; effective September 24, 1985.

Amended: Filed December 9, 1986; effective December 29, 1986.

Rule 391-4-5-.21. Repealer.

Any rule, or part thereof in conflict with the above rules is hereby repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.21

Authority: Ga. Laws 1973, p. 1427, *et seq.*, as amended.

History. Original Rule entitled "Repealer" was filed on July 1, 1982; effective July 21, 1982.

Rule 391-4-5-.22. Education Requirement for Vessel Rental.

- (1) For the purposes of this Rule, the following definitions shall apply:
 - (a) "Boat Livery" means a business which holds any vessel for renting, leasing, or chartering.
 - (b) "Person" means an individual, partnership, firm, corporation, association, or other legal entity.
- (2) A boat livery may not rent, lease, or let for hire any vessel ten horsepower or more to any person under 16 years of age. On and after July 1, 2014, a boat livery may rent, lease, or let for hire a vessel ten horsepower or more to a person 16 years of age or older if such person has completed a Rental Education Course approved by the Department's Law Enforcement Division and if all persons 16 years of age or older who intend to operate such vessel have also completed the Rental Education Course.
- (3) Rental Education Courses provided by boat liveries must be approved by the Department's Law Enforcement Division and must result in a Rental Education

Certificate being issued upon successful completion of the Course. Rental Education Certificates shall be effective for six months after the date of issuance and shall be valid anywhere in the State of Georgia. Boat liveries may use Rental Education Course materials provided by the Department, or they may use Rental Education Course materials approved by the Department. At a minimum, a Rental Education Course must consist of a ten minute operator operation familiarization video followed by a renter orientation checklist. Such video must address the following topics in order to be approved:

- (a) Operator responsibility (ethics), courtesy and good judgment on the water;
 - (b) Safety Equipment;
 - (c) Navigation Rules;
 - (d) Aids to navigation; buoys and other waterway markers; and
 - (e) Identification requirements.
- (4) The requirement to complete a Rental Education Course does not apply to any person licensed by the United States Coast Guard as a master of a vessel, any person who has in his or her possession a valid boater education identification card showing that he or she has completed a boating education course approved by the Department's Law Enforcement Division, or a nonresident who has in his or her possession proof that he or she has completed a National Association of State Boating Law Administrators approved boater education course or equivalency examination from another state.
- (5) Any person who violates this Rule shall be guilty of a misdemeanor.

Cite as Ga. Comp. R. & Regs. R. 391-4-5-.22

Authority: O.C.G.A. Sections [52-7-3](#), [52-7-8.3](#), [52-7-23](#), [52-7-26](#).

History. Original Rule entitled "Education Requirement for Vessel Rental" adopted. F. Dec. 16, 2013; eff. Jan. 5, 2014.

Subject 391-4-6. SAPELO ISLAND GENERAL OPERATING AND ACCESS PROCEDURES.

Rule 391-4-6-.01. Introduction.

- (1) The State of Georgia owns most of Sapelo Island. The Island consists of three management units assigned to the custody of the Department of Natural Resources (hereinafter sometimes referred to in this Chapter as DNR):

- (a) Richard J. Reynolds Wildlife Management Area (hereinafter sometimes referred to in this Chapter as Reynolds WMA): management of forest and wildlife resources; public hunting, fishing, camping and beach use.
 - (b) Sapelo Island National Estuarine Research Reserve (hereinafter sometimes referred to in this Chapter as the SINERR): protection of the Duplin River estuary; scientific research; public education; public hunting and fishing.
 - (c) Sapelo Island Natural Area (hereinafter sometimes referred to in this Chapter as the Natural Area): public education; low-intensity recreation; scientific research.
- (2) There is considerable public interest in Sapelo Island, which is created by the value of its natural and cultural resources, the amount of State investment in the Island, and the benefits which members of the general public receive from visiting it. The State, acting through DNR, is responsible to protect the natural and cultural resources of and the public interest in this unique Island.
- (3) State lands surround private lands known as the Hog Hammock Community. Some of its current permanent residents and their forebears have lived on Sapelo for generations. The State has acknowledged its duty to protect Hog Hammock's heritage by creating the Sapelo Island Heritage Authority, which furthers the preservation of the community's cultural and historic values (Official Code of Georgia Annotated (O.C.G.A.) Section [12-3-440](#)*et seq.*).
- (4) The State may provide certain essential services and water transportation for permanent residents and State employees living on Sapelo Island and their families. O.C.G.A. Section [12-2-5](#) grants DNR the authority to provide these services.

Cite as Ga. Comp. R. & Regs. R. 391-4-6-.01

Authority: O.C.G.A. Title 27, Secs. [12-2-5](#), [12-2-24](#), [12-3-9](#).

History. Original Rule entitled "Introduction" adopted. F. Jan. 25, 1996; eff. Feb. 14, 1996.

Rule 391-4-6-.02. Purpose.

The public interest in Sapelo Island requires that DNR establish rules for operation of and access to the Island. These rules are established to protect Sapelo Island and its fragile environment for the public's benefit while protecting the rights of those who have a property interest in the Island. These rules are promulgated to guide Island managers in performing their duties and to give the public notice of the Department's practices in managing state-owned property on the Island.

Cite as Ga. Comp. R. & Regs. R. 391-4-6-.02

Authority: O.C.G.A. Title 27, Secs. [12-2-5](#), [12-2-24](#), [12-3-9](#).

History. Original Rule entitled "Purpose" adopted. F. Jan. 25, 1996; eff. Feb. 14, 1996.

Rule 391-4-6-.03. Definitions.

Unless the context clearly requires otherwise, the following terms as used in this Chapter shall have the following meanings:

- (a) **"All-terrain vehicle"** or **"ATV"** means a small motorized three or four wheeled vehicle capable of carrying one or two passengers astride the vehicle and designed primarily for off-road travel such as in fields and forests.
- (b) **"Department"** and **"DNR"** mean the Department of Natural Resources of the State of Georgia.
- (c) **"Dependent family members"** mean family members residing in a single household and the children of that household who receive their financial support from that household while temporarily residing away from that household to attend school or college.
- (d) **"Essential services"** means those services enumerated in sub-paragraph 2. of the definition of "state official business" set out in this Chapter.
- (e) **"Family, family members or families"** mean persons related by blood or marriage, including adoption, regardless of age or degree of kinship.
- (f) **"General public"** means persons who are not included in any of the other classes of persons designated by these rules.
- (g) **"House"** means a structure built for residential use, including a preconstructed home.
- (h) **"Household"** means the house located on Sapelo Island of a permanent resident.
- (i) **"Guest for pay"** means a person who is hosted while visiting Sapelo Island by a permanent resident and who pays his or her host for food, lodging or transportation.
- (j) **"Invited guest"** means a person invited by a permanent resident to visit Sapelo Island without charge by the inviting party for food, lodging or transportation.
- (k) **"Institute"** or **"Marine Institute"** means the Marine Institute operated on the south end of Sapelo Island by the University of Georgia, a unit of the University System of Georgia, pursuant to a 50 year lease by and between the Department of Natural Resources and the Board of Regents of the University System of Georgia.
- (l) **"Island landowner"** means a person or other legal entity, other than the State of Georgia or an agency, authority or instrumentality thereof, which has a claim to title to real property on Sapelo Island; provided, however, that no undivided interest in a lot or parcel of land less than a one-fifth interest will be recognized unless a majority of the total number of persons holding an undivided interest in that lot or parcel of land, regardless of the total sum of their undivided interests, are related by blood or marriage.

- (m) **"Island manager"** means the DNR employee who has responsibility for managing Sapelo Island on a daily basis or his or her designee. The Island Manager may be reached at the following address:

Island Manager

DNR Wildlife Resources Division

Post Office Box 15

Sapelo Island, GA 31327

Phone: (912) 485-2251

- (n) **"Permanent residents"** mean Island landowners and persons domiciled on Sapelo Island and the dependent family members of all such persons.
- (o) **"Pets"** mean those animals which have traditionally lived in a state of dependence on and under the domination and control of humans and have been kept as tame pets, including cats and dogs.
- (p) **"Preconstructed homes"** means a manufactured home, a modular home, or a mobile home as those terms are Zoning Ordinance of McIntosh County adopted July 11, 1995.
- (q) **"Regents"** means the Board of Regents of the University System of Georgia.
- (r) **"State official business"** when used in this chapter, means any or all of the activities described in this sub-paragraph.
1. Regents operates the Marine Institute (hereinafter sometimes referred to as "UGAMI"), which is located on the south end of Sapelo Island, under the terms of a 50-year lease with DNR.
 2. DNR operates the Reynolds WMA, the SINERR and the Natural Area. DNR also may provide for permanent residents both water transportation to Sapelo Island and essential services on the Island. These essential services include:
 - (i) Transporting mail for DNR and for permanent residents;
 - (ii) Transporting school children between the Island and the mainland, under contract with the McIntosh County Board of Education;
 - (iii) Providing volunteer fire protection and waste disposal services on the Island;
 - (iv) Maintaining the State-owned roads on the Island;

- (v) To the extent that the well and pump in place on the effective date of this Rule are adequate to do so, providing the permanent residents of the Hog Hammock Subdivision with a drinking-water system;
 - (vi) When permitted by budgetary resources and when the proper equipment necessary to do the job is present on the Island, mowing rights of way in the Hog Hammock Subdivision;
 - (vii) Providing law enforcement services as authorized by the Game and Fish Code (O.C.G.A., Title 27). These services include enforcing:
 - (I) all State laws on property owned or controlled by DNR; and
 - (II) any State laws pertaining to functions assigned to DNR; and
 - (III) any State law when the violation of that law is committed in conjunction with a violation of State law pertaining to functions assigned to DNR; and
 - (IV) any State law on orders from the Governor or to protect any life or property when the circumstances demand action; and
 - (V) removing willing persons from Sapelo Island in the event of a life-threatening emergency such as an individual health crisis, uncontrollable wildlife or a major storm.
3. State official business includes business conducted by federal and local governmental officials in performance of their official duties.
- (s) **"Temporary official visitor"** means a person who is not a permanent resident but who temporarily visits the Island at the invitation of DNR or the University of Georgia Marine Institute (UGAMI) for State official business or for federal or local governmental business.

Cite as Ga. Comp. R. & Regs. R. 391-4-6-.03

Authority: O.C.G.A. Title 27, Secs. [12-2-5](#), [12-2-24](#), [12-3-9](#).

History. Original Rule entitled "Definitions" adopted. F. Jan. 25, 1996; eff. Feb. 14, 1996.

Rule 391-4-6-.04. Status As A Permanent Resident.

- (1) Those persons who desire the status of a permanent resident for purposes of this Chapter shall apply to the Commissioner or the Commissioner's designee.

- (2) The Commissioner or the Commissioner's designee in determining that an applicant for status as a permanent resident either owns an interest in land on Sapelo Island or is domiciled on Sapelo Island, may consider, but is not limited to consideration of, the presence or absence of the following indicators:
- (a) The status of the applicant or the applicant's spouse as the lessee of a dwelling in a written rental agreement or lease having a term of six months or longer.
 - (b) The listing of the dwelling of the applicant or the applicant's spouse located on Sapelo Island for purposes of insurance as the principal residence of the insured.
 - (c) A deed to an interest in land on Sapelo Island which conveys at least a one-fifth undivided interest in the land described in the deed.
 - (d) Genealogies which demonstrate the familial relationships of the applicant.
 - (e) Any information presented by the applicant or others in the form of affidavits or certifications that tend to establish that Sapelo Island is or is not the place of the applicant's domicile or that the applicant is an Island landowner.
- (3) The Commissioner or the Commissioner's designee may call upon the applicant to produce any indicators as may appear to be applicable or copies thereof and may place such weight on the presence or lack of any of the indicators listed in this rule and any other indicators which may be presented, as he or she may determine to be appropriate. Any decision of the Commissioner or the Commissioner's designee on an application for status as a permanent resident shall be appealable pursuant to the Administrative Procedure Act.

Cite as Ga. Comp. R. & Regs. R. 391-4-6-.04

Authority: O.C.G.A. Title 27, Secs. [12-2-5](#), [12-2-24](#), [12-3-9](#).

History. Original Rule entitled "Status as a Permanent Resident" adopted. F. Jan. 25, 1996; eff. Feb. 14, 1996.

Rule 391-4-6-.05. Authorized Uses of State-owned Land, Facilities and Roads on Sapelo Island.

- (1) Use of state-owned land, facilities and roads on Sapelo Island is a privilege and is restricted as provided in this Chapter to the following individuals or groups:
- (a) Permanent residents;
 - (b) Temporary official visitors, such as research scientists associated with the Marine Institute, or DNR employees who are not domiciled on the Island;
 - (c) Guests of permanent residents, but only as provided in this Chapter;

- (d) Conference groups associated with the Marine Institute or DNR; and
 - (e) Members of the general public but only as set forth in subparagraph (b) of paragraph (2) of this rule.
- (2) DNR does not regulate personal business conducted entirely on private property; however, DNR recognizes there is an increasing need to prohibit uncontrolled roaming of the state-owned lands on the Island.
- (a) Activities on State-owned lands on Sapelo Island by permanent residents, the invited guests of permanent residents, and the guests for pay of permanent residents are restricted as follows:
 - 1. Permanent residents may gather deadwood and handicraft materials on the state-owned parts of Sapelo Island so long as the activities do not conflict with DNR program goals. DNR's Island manager may designate areas in which such activities are prohibited.
 - 2. Permanent residents may fish from the docks, bridges and beaches within the Reynolds WMA and may also gather oysters and clams within approved shellfish harvesting areas unless such docks, bridges, beaches and shellfish harvesting areas are closed for such activities. DNR's Island manager may designate areas in which such activities are prohibited.
 - 3. Permanent residents may use DNR's boat hoist for work on their small boats, but only as individually authorized by DNR's Island manager.
 - 4. Permanent residents may hunt on State-owned land during legal seasons. DNR's Island manager may designate areas in which such activities are prohibited.
 - 5. The invited guests and the guests for pay of permanent residents may fish from the docks, bridges and beaches within the Reynolds WMA and may gather oysters and clams within approved shellfish harvesting areas, but only as specifically authorized by DNR's Island manager and only if accompanied by their host or a family member of their host.
 - 6. The invited guests and the guests for pay of permanent residents may also accompany their host or a family member of their host as he or she travels about the remainder of the state-owned parts of the Island; however, if unaccompanied by their host or a family member of their host, such guests are restricted to the activities permitted members of the general public.
 - 7. Activities other than the above by permanent residents, the invited guests of permanent residents, and the guests for pay of permanent residents on the

state-owned portions of the Island, including any use of the Reynolds WMA, will be only as specifically authorized by DNR's Island manager.

- (b) Members of the general public may engage in the following activities on those portions of Sapelo Island which are state-owned:
 - 1. Managed hunts, legal hunting, tours offered by DNR or by permanent residents domiciled on Sapelo Island entering into concession agreements with DNR for conducting tours, or Cabretta camping offered by DNR;
 - 2. Conferences hosted by the Marine Institute or DNR;
 - 3. The gathering of oysters in the Duplin River when the river is open for those purposes;
 - 4. Fishing, hunting waterfowl, or operating boats in the tidal waters surrounding Sapelo Island; and
 - 5. Using the beach below the high water mark.
 - 6. Activities other than those enumerated in subparagraphs 1. through 5. of this paragraph (b) by members of the general public, including any use of the Reynolds WMA, the SINERR, and the Natural Area, will be only as specifically authorized by DNR's Commissioner or the Regional Supervisor of the Department's Wildlife Resources Division.
- (3) With regard to participants in public tours, hunting, camping, and conferences, the following uses are permitted:
 - (a) Reservations for regular DNR tours are permitted. DNR schedules special tours through its office on Sapelo Island.
 - (b) Persons who participate in hunts at the Reynolds WMA may camp in the Moses Hammock hunting camp for the duration of the hunt and must remain within designated hunting areas while actually hunting.
 - (c) DNR limits use of the Cabretta camping area to organized groups, scheduling its use through the DNR office on Sapelo Island. Campers may use the designated Cabretta camping area, open portions of the Reynolds WMA, and the beach. Access to other parts of Sapelo Island for members of such groups will be only as specifically authorized by DNR's Island manager.
 - (d) Conference participants may use buildings and lands under the control of DNR and the Marine Institute as authorized by those agencies. They may also use the State-owned roads south of the Reynolds WMA and may use the beach.

- (e) Use of Sapelo Island other than the uses enumerated in subparagraphs (a) through (d) of this paragraph (3) by members of tour groups, hunters, campers and conference participants will be only as specifically authorized by the Marine Institute or DNR, whichever agency is responsible for managing the property in question.

Cite as Ga. Comp. R. & Regs. R. 391-4-6-.05

Authority: O.C.G.A. Title 27, Secs. [12-2-5](#), [12-2-24](#), 12-3-9.

History. Original Rule entitled "Authorized Uses of State-Owned Land, etc." adopted. F. Jan. 25, 1996; eff. Feb. 14, 1996.

Rule 391-4-6-.06. Access and Transportation Rules.

- (1) **Aircraft.** DNR and the Marine Institute may use the Sapelo Island airstrip and associated facilities for State official business. Other uses of aircraft at Sapelo Island are as follows:
 - (a) The U.S. Army may also use the airstrip as part of its Military Assistance to Safety and Traffic (MAST) Program housed at Fort Stewart. The MAST Program enables military personnel to provide emergency medical assistance to persons on Sapelo Island.
 - (b) The Federal Aviation Administration has designated the airstrip for emergency use. DNR allows use of the strip in the event of an aviation emergency, at the pilot's own risk.
- (2) **Boats.**
 - (a) **Ferry Service.**
 - 1. DNR provides regularly scheduled ferry service between Sapelo Island and the mainland.
 - 2. Prior written requests and approval by DNR are required for use of the ferry by guests of permanent residents. DNR further reserves the right to provide ferry service to approved guests only as space is available and only in the order of receipt of written requests for such ferry service. Requests for groups of more than ten persons must be submitted two weeks in advance. The Boat Request form should reveal the number of guests but need not reveal their names.
 - 3. Requests for boat runs other than those regularly scheduled must be made to DNR's Wildlife Resources Division Regional Supervisor two weeks in advance and must be approved by the Regional Supervisor.

4. DNR will endeavor to notify all persons filing Boat Request forms of its approval or disapproval of their requests at least twelve hours in advance of the scheduled ferry trip for which the request was made, but cannot guarantee that such advance notice can be given due to factors beyond the control of DNR.

(b) **Ferry Fees and Passes.**

1. **Permanent Residents.** Permanent residents and their dependent family members not otherwise provided for in the Institute's pass system or the Department's pass system will pay a fee of \$1.00 each way or may purchase a \$25.00 per year pass which will entitle them to ride on any scheduled trip.

2. **Marine Institute.**

- (i) Personnel assigned to or employed by the Institute and others as identified below may be provided a non-transferrable ferry pass, or may be covered by a letter of request to the department at the discretion of the Institute.
 - (I) Institute staff, faculty, students and technicians who are Island residents and their dependent family members.
 - (II) Scientific personnel not directly employed by the Institute but who are Island residents while carrying out research programs at the Institute and their dependent family members.
 - (III) Staff and faculty members from the University of Georgia who are required to make official visits to the Institute.
 - (IV) Faculty, students and technicians, from any institution, who are involved in ongoing research programs at the Institute.
 - (V) All employees of the Institute who commute daily to and from the facility.
 - (VI) All University of Georgia students doing course-related work at the Institute, including authorized field trips and their supervisors.
 - (VII) Repairmen who come to the Institute facility regularly for performing repair work. This category is restricted to those whose names are submitted to the department and listed on the passenger list.

- (ii) The following individuals will be required to pay a fee of \$5.00 per round trip or oneway trip:
 - (I) Unofficial guests of the Institute, including personal guests of Institute staff, personnel, students and technicians.
 - (II) Faculty, students and technicians from any institution, except those individuals covered by paragraph (1)(a).
 - (III) Institute related groups and individuals on personal (non-official) visits to the Island.
- (iii) The Institute will issue passes to the Institute related personnel identified in subparagraph (I) and will provide the department with a list of names to whom these passes are issued. At such times as names are added and/or deleted the Institute will inform the department by letter that a name(s) should be added or deleted and will collect the passes previously issued to individuals whose names are deleted.
- (iv) The Institute will follow the policy involving guests, i.e., a "Boat Request" form will be sent to the department office two (2) days in advance of proposed visits for groups of less than ten people and two weeks in advance for groups of ten or more. This procedure will enable the department to keep load limits within U.S. Coast Guard Regulations and will indicate to the boat captain that the visitor(s) has been permitted to ride the boat.

3. Department of Natural Resources.

- (i) Department personnel residing on the Island and their dependent family members will be issued a non-transferable ferry pass and will not be required to pay a fee.
- (ii) Department personnel who are non-Island residents but who must, from time to time, must, from time to time, travel to the Island for meetings and to carry out work activities, will not be required to pay a fee.
- (iii) All department personnel will follow the policy and will submit a "Boat Request" form for any invited guest(s) two (2) days prior to the proposed visit for groups of less than ten people and two weeks in advance for groups of ten or more.

4. **U.S. Postal Service.** U.S. Postal Service employees will be transported in accordance with the provisions of the Postal Service's contract with the department.
5. **School Children.** Children who reside on the Island while attending elementary and high schools on the mainland will be provided one (1) round-trip per school day to and from the Island to attend school under the contract between the department and McIntosh County Board of Education. In addition, all McIntosh County school groups visiting the Island for educational purposes will be issued a pass to ride the ferry.
6. **Repairmen, Employees of Contractors and Field Trip Participants.**
 - (i) Repairmen and employees of contractors who commute to department facilities on a regular basis for performing work will be placed on the passenger list and issued a pass to ride the ferry.
 - (ii) Repairmen and employees of contractors who are engaged by permanent residents will pay a fee of \$5.00 per round trip or one-way trip.
 - (iii) Participants in field trips to the refuge portion of the Island will pay a fee of \$5.00 per round trip or one-way trip.
7. **Guests of Permanent Residents.** All guests of permanent residents will pay a fee of \$5.00 per round trip or one-way trip. In addition, a "Boat Request" form for groups of less than ten invited guests must be sent by the host to the department office two (2) days in advance of a proposed visit; forms for groups of ten or more invited guests must be sent two weeks in advance. The Boat Request form should reveal the number of guests but need not reveal their names. This procedure will enable the department to keep load limits within U.S. Coast Guard Regulations and will indicate to the boat captain that the visitor(s) are to be permitted to ride the ferry for the \$5.00 rate.
8. **Children.** Children under six (6) years of age may ride free regardless of their category as a passenger or the category of an accompanying adult.
9. **Other Visitors.**
 - (i) Participants in regularly scheduled DNR tours, R. J. Reynolds Mansion conference participants, hunters, users of the Cabretta campground, and all other visitors must purchase round-trip tickets at the McIntosh County Chamber of Commerce or at a DNR facility at a

cost of \$15.00 for adults and \$10 for children to be eligible to ride the ferry, except as provided in subparagraph (ii) of this paragraph 9.

- (ii) Participants in unscheduled DNR tours and organized youth groups using the Cabretta campground shall pay the same fee as participants in regularly scheduled DNR tours and other users of the Cabretta campground; however, the fee may be waived by DNR's Wildlife Resources Division Regional Supervisor for temporary official visitors.

(c) **Passenger Priority.** U.S. Coast Guard regulations limit the number of passengers that may be transported on the boat(s) operated by the department as ferries to Sapelo Island. To insure the maximum availability of space for key personnel while simultaneously complying with Coast Guard limitations, the priority system outlined below is hereby established. This system will be applied by the Boat Captain at any time passenger demand exceeds rated passenger capacity of the boat in service.

1. **Priority No. 1.** The persons identified below will be issued a "Priority No. 1" pass and will be entitled to first consideration whenever an overload situation becomes evident.
 - (i) All permanent residents and their dependent family members.
 - (ii) Institute and department personnel residing off the Island who require daily transportation to and from their work area.
 - (iii) Repair and service technicians going to and from the Institute or department facilities for the purpose of performing repair or service work.
2. **Priority No. 2.** The following persons will be issued a "Priority No. 2" pass and may board the vessel after all Priority No. 1 passengers have embarked.
 - (i) State employees other than those covered by Priority No. 1, who must visit the Island for official business.
 - (ii) Staff and faculty members from the University of Georgia who are required to make official visits to the Institute.
 - (iii) University of Georgia students visiting the Institute on official business or an authorized field trip.

3. **Priority No. 3.** All guests and visitors, including repair and service technicians not otherwise covered.

(d) Barge Operations.

1. The department operates barges to transport heavy freight, motor vehicles, bulk fuel and other cargo between the mainland and Sapelo Island for use of the department and the Institute.
2. The department offers transportation without charge for household goods and motor vehicles belonging to Marine Institute and DNR employees while living on Sapelo Island.
3. Permanent residents may be granted the privilege of using the state-owned docks for a private barge to transport building materials, building equipment, preconstructed homes and motor vehicles (except ATVs) to the Island. All persons transporting such items must complete a DNR permit application for use of state-owned docks to unload the building materials, building equipment, preconstructed homes or motor vehicles and receive approval of the request prior to transporting the cargo to the Island.
 - (i) All persons utilizing the state-owned docks for transporting such items to the Island must also complete an affidavit disclosing what specific building materials, building equipment, motor vehicle or preconstructed home they propose to bring to the Island. In the case of motor vehicles, the affidavit must state whether or not the motor vehicle will be utilized for personal use or as a rental vehicle to be rented to paying guests. In the case of preconstructed homes or building materials, the destination lot and the existence of ownership or the source of the person's right to use that particular lot must be disclosed. Copies of a current McIntosh County building permit, if applicable, and a septic tank certification must be attached to the affidavit. A letter from the McIntosh County Building and Zoning Inspector shall also be attached to the affidavit stating that he or she has personally inspected the destination lot and that the proposed building structure or proposed use conforms in all respects to the provisions of the McIntosh County zoning ordinance and other applicable regulations. A letter from the designated representative of the McIntosh County Board of Health shall also be attached to the affidavit stating that he or she has personally inspected the destination lot and that the proposed building structure or proposed use conforms in all respects to the provisions of the McIntosh County ordinance adopting and enacting a Code of Enforcement of Rules and Regulations of the McIntosh County Board of Health. A mobile

home must be titled in the name of the person causing it to be transported to the Island and must be currently state registered.

- (ii) Permanent residents may be granted the privilege of utilizing the state's docking facilities to possess on the Island no more than three (3) motor vehicles per household for personal use at any given time. Prior to scheduling the transport of an additional personal use vehicle to the Island, persons who already possess three personal use motor vehicles on the Island must remove one of the personal use vehicles already possessed from the Island.
 - (iii) Motor vehicles which are transported to the Island to be rented to guests for pay must be properly insured and display a current Georgia license plate.
 - (iv) All-terrain vehicles (ATVs) may not be transported to the Island except in the conduct of State official business.
4. A permanent resident may deliver a non-functioning motor vehicle to the Department's designated holding lot for transport back to the mainland, together with his or her agreement that the Department may, at its convenience and expense, transport the non-functioning motor vehicle to the mainland and dispose of it. Until transported by the Department to the mainland, permanent residents will be allowed to salvage parts from a non-functioning motor vehicle on the holding lot with the permission of the person who delivered the non-functioning motor Vehicle to the holding lot.
5. DNR may authorize persons under contract with the State to remove timber from Sapelo Island using a barge. These persons may bring to the Island vehicles and equipment which are necessary for the timber harvesting operations but those vehicles and equipment must be removed upon completion of the timber harvesting contract unless a subsequent contract has been awarded to the same person. Persons under contract with the State to remove timber may also contract with permanent residents to utilize their equipment to perform such work as the digging of holes for septic tank installation and the removal of stumps, provided that such work is done at a time which does not conflict with the duties of the timber person with regard to the State timber removal.
6. Private barge operators, including the State's timber barge operator, who transport building materials, pre-constructed homes, automobiles or other goods and equipment to or from the Island for persons other than DNR or the Institute, shall pay a docking fee of \$50.00 for use of the state-owned docks.

- (e) **Docking and Use of Small Boats.** DNR and the Marine Institute operate research vessels, patrol boats and other small watercraft for State official business, docking these vessels at designated Island and mainland locations. These docks are identified on maps located in the office of the Island manager which maps are incorporated herein by reference. Other authorized docking and uses of small watercraft at Sapelo Island are as follows:
1. Permanent residents may operate small boats to and from the Island. They and their guests must use the Foundation dock located in Barn Creek immediately behind the former post office but only for the purposes authorized by this Chapter.
 2. Participants in the managed hunts on Sapelo Island may use the Moses Hammock dock during their stay but only for the purposes authorized by this Chapter.
 3. Members of the general public may use boats in the tidal waters surrounding Sapelo Island. They may anchor boats off the beach for access to the beach below the high water mark during daylight hours. They may not beach or dock their boats on state-owned property without specific permission from the Island manager.
 4. Any uses of state-owned docks other than as specified above will be only as specifically approved by DNR or the Marine Institute, whichever agency has responsibility for managing the dock in question.
- (3) **Motor Vehicles.** DNR and the Marine Institute operate motor vehicles for State official business on Sapelo Island; however, due to the remoteness of Sapelo Island and its fragile environment, there is a need to limit the use of motor vehicles on the state-owned roads on the Island. Uses of non-state owned motor vehicles on the Island over the state-owned road system are authorized only as follows:
- (a) A permanent resident may operate motor vehicles owned or rented by the permanent resident on the state-owned road system of Sapelo Island for the uses of the Island permitted him or her by this Chapter.
 - (b) Rented motor vehicles may be used on the open portions of the state-owned roads but only if the persons who own or control the motor vehicles have entered into a concession agreement with DNR which sets forth the terms and conditions of such use.
 - (c) The invited guests and the guests for pay of permanent residents may not use the State-owned roads in rented vehicles unless either engaged in one of the activities enumerated in subparagraphs (b) or paragraph (2) of Rule [391-4-6.05](#) or accompanied by their host or a member of the host's family.

- (d) Any motor vehicles utilized for transportation of guests for pay, whether accompanied or unaccompanied by their host or a member of the family of the host, must be titled in the name of the person renting the motor vehicle to the user, be properly insured, be currently state registered and display a current state license plate.
 - (e) Non-state owned all-terrain vehicles (ATVs) may not be used on the state-owned roads except in the conduct of State official business.
 - (f) No person may operate any motor vehicle on, over, or across the dynamic dune fields, sand dunes, or beaches, as those terms are defined in O.C.G.A. [12-5-232](#), of Sapelo Island, except as authorized by the State of Georgia' Shore Protection Committee, except that individual disability vehicles, emergency vehicles, and governmental vehicles utilized for beach maintenance or research may operate within the dynamic dune fields, sand dunes, and beaches without authorization from the Shore Protection Committee as long as those vehicles operate across existing cross-overs, paths, or drives.
 - (g) As authorized by contract, persons harvesting timber for DNR may bring to the Island motor vehicles necessary for their operations. Such vehicles shall be removed from the Island immediately if they become unserviceable and upon expiration or termination of the contract unless a subsequent contract has been awarded to the same person. Such vehicles shall be used only in furtherance of the contract for the harvesting of timber or as authorized by subparagraph (1)(d)(5) of this Rule and shall not be rented or loaned to other persons.
 - (h) Employees of DNR and the Marine Institute, their dependent family members, and their invited guests may with prior authorization by DNR operate privately owned vehicles on the open portions of the state-owned road system.
 - (i) The privilege of operating motor vehicles within the Reynolds WMA, the SINERR, and the Natural Area, is subject to restriction without prior notice and the Regional Supervisor of the Department's Wildlife Resources Division may close the state-owned roads on Sapelo Island to such travel.
- (4) **Pets.** Pets are not permitted within the dynamic dune fields and sand dunes, as those terms are defined in O.C.G.A. Section [12-5-232](#), of Sapelo Island at any time. Pets are permitted on the beaches, as that term is defined in O.C.G.A. Section [12-5-232](#), below the ordinary high-water mark. In order to protect sea turtles, beach-nesting and colonial-nesting birds, and other wildlife during critical periods such as nesting and hatching, DNR's Island Manager may post signs prohibiting pets on the beaches or segments of the beaches below the ordinary high-water mark during certain months of the year or during certain hours of the day. The prohibitions contained in this subsection do not apply to guide animals assisting disabled persons.

Cite as Ga. Comp. R. & Regs. R. 391-4-6-.06

Authority: O.C.G.A. Secs. [12-2-5](#), [12-2-24](#), [12-3-9](#).

History. Original Rule entitled "Access and Transportation" adopted. F. Jan. 25, 1996; eff. Feb. 14, 1996.

Amended: F. Jan. 23, 2013; eff. Feb. 12, 2013.

Rule 391-4-6-.07. Obtaining Permission to Use Sapelo Island.

The Island manager or his or her designee can provide details about receiving permission to use Sapelo Island in the ways outlined above. Uses of Sapelo Island not specifically mentioned in the terms of this Rule will require submittal of a written request for permission to the Wildlife Resources Division's Regional Supervisor for DNR's consideration.

Cite as Ga. Comp. R. & Regs. R. 391-4-6-.07

Authority: O.C.G.A. Title 27, Secs. [12-2-5](#), [12-2-24](#), [12-3-9](#).

History. Original Rule entitled "Obtaining Permission to Use Sapelo Island" adopted F. Jan. 25, 1996; eff. Feb. 14, 1996.

Rule 391-4-6-.08. Water Service For The Permanent Residents of Hog Hammock Subdivision.

To the extent that the well and pump in place on the effective date of this Chapter are adequate to do so, water service from DNR is available for the dwellings and other structures of permanent residents located within that tract of land commonly known as Hog Hammock Subdivision located on Sapelo Island, Georgia, which is more particularly shown and described on that certain plat of survey dated March 12, 1980, prepared by Wilder Surveying & Mapping - Paul D. Wilder #1559, a copy of which is on file with the Island manager. Applications for water service should be submitted to the Hog Hammock Community Foundation, Inc.

Cite as Ga. Comp. R. & Regs. R. 391-4-6-.08

Authority: O.C.G.A. Title 27, Secs. [12-2-5](#), [12-2-24](#), [12-3-9](#).

History. Original Rule entitled "Water Service for Hog Hammock Subdivision" adopted. F. Jan. 25, 1996; eff. Feb. 14, 1996.

Subject 391-4-7. PROTECTED WILDLIFE HABITATS.

Rule 391-4-7-.01. Purpose.

The purpose of these rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations for wildlife protection, preservation, and management pursuant to O.C.G.A. § [27-1-6\(1\)\(B\)](#); to protect natural areas as provided by the Georgia Natural Areas Act, O.C.G.A. § [12-3-90](#)*et seq.*; and pursuant to O.C.G.A. § [27-1-33](#); and for the management and use of heritage preserves as provided by O.C.G.A. § [12-3-74\(a\)\(1\)](#). The purpose also includes the implementation of the Governor's dedication of the islands named in Rule [391-4-7-.03](#) as heritage preserves.

Cite as Ga. Comp. R. & Regs. R. 391-4-7-.01

Authority: O.C.G.A. Secs. [12-3-74\(a\)\(1\)](#), [12-3-90](#)*et seq.*, 27-1-6-(1)(B), 27-1-33.

History. Original Rule entitled "Purpose" adopted. F. Apr. 30, 1998; eff. May 20, 1998.

Rule 391-4-7-.02. Definitions.

For the purpose of these rules and regulations, "Pet" means those taxa of animals which have traditionally lived in a state of dependence on and under the domination and control of humans and have been kept as tame pets, including cats and dogs.

Cite as Ga. Comp. R. & Regs. R. 391-4-7-.02

Authority: O.C.G.A. Secs. [12-3-74\(a\)\(1\)](#), [12-3-90](#)*et seq.*, 27-1-6(1)(B), 27-1-33.

History. Original Rule entitled "Definitions" adopted. F. Apr. 30, 1998; eff. May 20, 1998.

Rule 391-4-7-.03. Shorebird and Sea Bird Habitat Protection.

- (1) In order to protect habitat for shorebirds and sea birds, except as provided in paragraph (d) of this subsection (1), no person shall:
 - (a) Enter those natural areas known as Egg Island Bar Natural Area, Satilla River Marsh Island Natural Area, or St. Catherines Island Bar Natural Area at any time.
 - (b) Enter that portion of Williamson Island which has been designated by signs indicating that the area is closed to human access. This closed area will be approximately 1,000 feet in length and of varying width, depending upon the width of the dry sand beach, and will be located at least 50 feet landward of the mean high tide line. The closed area will not include the northern and southern ends of the island or the ocean-facing beach.
 - (c) Enter that portion of Pelican Spit Natural Area which has been designated by signs indicating that the area is closed to human access. This closed area will include the interior portion of the island and the southeastern spit. The closed area will not include the southwestern beach, Hampton River Beach, the northeastern spit, or the ocean-facing beach.
 - (d) The restrictions in this chapter do not apply to the properly authorized actions of contractors and associates of the department when conducting research and monitoring activities for birds on these islands, or when responding to stranded marine mammals or other emergencies.
- (2) Pets.
 - (a) Pets are not permitted on Egg Island Bar Natural Area, Pelican Spit Natural Area, Satilla River Marsh Island Natural Area, St. Catherines Island Bar Natural Area, or Williamson Island.

Cite as Ga. Comp. R. & Regs. R. 391-4-7-.03

Authority: O.C.G.A. Secs. [12-3-74\(a\)\(1\)](#), [12-3-90](#)*et seq.*, 27-1-6(1)(B), 27-1-33.

History. Original Rule entitled "Shorebird and Sea Bird Habitat Protection" adopted. F. Apr. 30, 1998; eff. May 20, 1998.

Subject 391-4-8. RENUMBERED AS 391-2-4 - RESERVED.

Subject 391-4-9. GENERAL REGULATIONS.

Rule 391-4-9-.01. Scientific Collecting Permits.

- (1) Purpose. The purpose of this rule is to establish administrative procedures to be followed by applicants and/or holders of scientific collecting permits and to discourage excessive duplication of effort and reduce excess collecting.
- (2) Definition. Unless the context clearly requires otherwise, the following terms as used in this rule shall have the following meanings:
 - (a) "Collection report" means a summary, prepared by the permittee, which details collections of the previous year and includes data on species collected, dates, numbers, methods, locations, and disposition of specimens;
 - (b) "Master permittee" means a person to whom a scientific collecting permit has been issued, which permit allows him to authorize students, assistants, aides, employees or field workers to assist with collections under his supervision;
 - (c) "Project proposal" means a document which outlines proposed research activities that require scientific collecting permits and justifies the need for scientific collecting. The project proposal shall explain specific objectives, methods, location, frequency of collection, number of individuals needed, and the planned disposition of specimens to be taken;
 - (d) "Scientific collecting permit" means a permit which authorizes one to take, possess, capture, kill, ship or transport any of the wildlife of this State, or the plumage, skin or body thereof, or the nest of eggs of the same for scientific purposes according to the rules and regulations promulgated by the Board of Natural Resources;
 - (e) "Special purpose permit" means a permit that grants privileges beyond that of a scientific collecting permit, i.e., possession of specimens collected for longer than sixty days following expiration of the scientific collecting permit;
 - (f) "Sub-permittee" means a student, assistant, aide, employee or field worker who is working under the supervision of and is authorized to collect wildlife by a master permittee.

(3) Application for Permit.

- (a) A specific request must be made for the issuance of a master permit. Applicants must clearly justify their need for a master permit.
- (b) Unless otherwise specified on the permit, scientific collecting permits shall be effective from April 1 through March 31.
- (c) Student collectors must submit a project proposal and a written and signed endorsement thereof by their major professor.
- (d) A five dollar (\$5.00) fee per permit must accompany the application. Payment must be made by certified check or money order made payable to the Georgia Department of Natural Resources.
- (e) A collection report detailing the previous year's collection activities is required with any renewal application.

(4) Use of Permit.

- (a) Permittees and sub-permittees must have their permit in their possession when collecting. Permits are non-transferable, except that a master permittee may designate students, assistants, aides, employees, or field workers assistants in collecting. All such sub-permittees must have on their person a copy of the master permit and a letter of authorization issued by the master permittee to them. The master permittee shall be responsible for any violations by any such sub-permittees and shall be responsible for maintaining all records.
- (b) Instructors whose class members are directed to collect wildlife are responsible for assuring that only a representative sample of animals are retained and sacrificed for class use.
- (c) All live specimens retained must be humanely cared for. All collectors are expected to use good judgment when exercising the privileges of their collecting permit. Collectors should be as prudent and humane as possible in collecting and capture activities.
- (d) The District Law Enforcement Office of the Department of Natural Resources in each area of collection must be notified at least three (3) days in advance of the date and place specimens are to be collected, the species to be collected, the method of collection and the permit number.

(5) Disposition of Specimens. In order to ensure the maximum use of all specimens collected under the auspices of a scientific collecting permit, the disposition of wildlife, their carcasses, parts, products, or progeny thereof shall be as follows:

- (a) Live, uninjured and unimpaired specimens which could reasonably be expected to survive in the wild, shall be returned to the location of capture and released. Records of such releases shall be indicated on the scientific collection report.
 - (b) All other specimens taken and possessed under authorization of a scientific collection permit must be denoted and transferred to a public, scientific, or educational institution within sixty (60) days following expiration of the permit, unless the permittee has been issued a special purpose permit authorizing possession for a longer period of time. Specimens not suitable for donation must be destroyed. Edible specimens shall be donated to a charitable institution and receipt obtained. Receipts must be attached to annual collection report.
- (6) Reports.
- (a) A collection report detailing the previous year's collecting activities must be submitted with any request for renewal of a permit. Individuals not renewing a permit must submit a report by March 31, or within sixty (60) days after collecting, whichever is later. Data should be provided on species collected, dates, location, and disposition of specimens.
 - (b) A listing of all publications, research papers, theses, progress reports, etc. derived from the study of such collections, shall be submitted with the annual collection report. Copies of such material shall be made available to the Department of Natural Resources upon request.
- (7) State parks, municipal parks, public museums, public zoological parks, and public scientific or educational institutions may possess law-fully acquired wildlife without a permit, provided the wildlife may be acquired only from persons authorized by this paragraph; or persons authorized by permit from this department; or from Federal or State game authorities by the gift of seized, condemned, or sick or injured wildlife; or through salvage of wildlife which have been killed as the result of unintentional accident or an act of nature; and also provided that it shall be unlawful to possess migratory birds without authorization from the United States Fish and Wildlife Service.

Cite as Ga. Comp. R. & Regs. R. 391-4-9-.01

Authority: Ga. L. 1977, p. 396.

History. Original Rule entitled "Disposition of Wildlife" was filed on December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule entitled "Scientific Collecting Permits" adopted. Filed August 11, 1978; effective August 31, 1978.

Amended: F. Jul. 17, 1991; eff. Aug. 6, 1991.

Rule 391-4-9-.02. Firing Ranges.

(1) Permissible Firearms and Ammunition on Ranges Owned or Operated by the Wildlife Resources Division:

- (a) Only firearms utilizing single projectile ammunition may be used on firing ranges, except that shotguns utilizing multiple projectile ammunition may be fired at stationary targets positioned such that discharged pellets will strike between the base and halfway up the backstop.
- (b) Sawed-off shotguns, sawed-off rifles, machine guns, dangerous weapons, and silenced weapons as defined in O.C.G.A. § [16-11-121](#), and any weapon firing more than once with a single trigger pull are prohibited on firing ranges unless approved by the department in advance for special events. However, sawed-off shotguns, sawed-off rifles and silenced weapons may be used by any person provided that such person has in possession proof of registration of such sawed-off shotgun, sawed-off rifle and silencer consistent with the National Firearms Act and such person is in compliance with O.C.G.A. § [16-11-124\(4\)](#).
- (c) Rifles using centerfire cartridges .50 caliber or larger are prohibited.

(2) General Range Rules:

- (a) Alcoholic beverages as defined in O.C.G.A. [3-1-2](#) are prohibited on firing ranges.
- (b) No person under the influence of alcohol or drugs is permitted on a firing range.
- (c) Smoking is prohibited on firing ranges.
- (d) Non-shooters shall remain at least six feet behind the firing line when a shooter is at the firing line, except a coach or instructor aged eighteen (18) years or older while directly advising the shooter at the firing line.
- (e) Tracer, incendiary or explosive ammunition is prohibited.
- (f) Targets shall be constructed of materials that will not cause bullet ricochet. Metal targets are prohibited unless approved by the department in writing prior to use.
- (g) Targets shall be positioned such that bullets will strike between the base and halfway up the backstop.
- (h) Shooting at flying or thrown objects is prohibited except with shotguns and shot shells in areas specifically designated by the department for such shooting activities.
- (i) Any person under eighteen (18) years of age shall be directly supervised by an adult eighteen (18) years old or older.

- (j) All objects, trash, targets, and spent cartridge hulls must be removed by firing range users when leaving the range.
- (k) Range use is allowed only in accordance with range hours and dates posted at the firing range.
- (l) Shooters shall fire only at the target directly down range of that person's position.
- (m) A person at or near the firing line shall wear hearing and eye protection when firearms are being discharged.
- (n) Double tapping and rapid fire are prohibited. Shooters shall allow at least one second between shots.
- (o) No person shall shoot a firearm or archery tackle when any other person is down range or otherwise between the shooter and the target.

(3) Handling of firearms:

- (a) In the event of a firearm malfunction, hang-fire, misfire or squib load, the shooter shall keep the firearm pointed down range, advise all persons at the firing line of the malfunction, and unload as soon as possible. If the firearm cannot be cleared it must be removed from the range.
- (b) In the event of a firearm malfunction, all firearms at the firing line shall be unloaded with actions open for the duration of the malfunction.
- (c) All firearms on the firing line shall be grounded and unloaded with actions open whenever anyone is downrange.
- (d) The muzzle of any firearm on the firing line shall be pointed down range at all times.
- (e) The muzzle of a firearm in the firing position shall be in front of the front edge of the bench upon which it rests.
- (f) Muzzle loading firearms shall be loaded only with single charge dispensers; pouring powder from larger containers directly into a muzzleloader is prohibited.
- (g) Loading muzzleloaders must be done at least six (6) feet behind the firing line whenever another muzzle loading firearm is on the firing line.
- (h) Shooters must be at the firing line and the muzzle pointed downrange before capping or priming muzzle loading firearms.
- (i) Containers of muzzleloader propellant shall remain closed except when filling a single charge dispenser.

(4) Range Safety Officers:

- (a) Any person on the range shall obey the range commands of department Range Safety Officers. This includes, but is not limited to: Begin Fire commands, Cease Fire commands, and Resume Fire commands.
- (b) Range Safety Officers may call a Cease Fire any time an unsafe condition is recognized on the range. Any person on the range shall immediately obey a Cease Fire command by grounding all firearms with actions open.
- (c) It is unlawful for any person on the range to disregard safety related instructions issued by a Range Safety Officer.

(5) Shotgun Ranges:

- (a) Shooting is permitted only from designated shooting stations on trap, skeet and 5-stand ranges, in a safe direction down range.
- (b) Firearms shall be unloaded with the action open until the shooter is at the designated shooting stations on the trap, skeet or 5-stand range.
- (c) No more than two (2) shells shall be loaded in a shotgun at any time.
- (d) Waiting shooters shall remain a minimum of 3 feet behind the shooter at the shooting station, except that a person aged eighteen (18) years or older who is coaching or pulling may stand directly behind the shooter.
- (e) Shot sizes larger than 7 ½ are prohibited.
- (f) No one is permitted down-range from the shooting stations at any time for any reason, except for Range Safety Officers in accordance with normal duties.
- (g) First time shotgun range users must undergo a safety briefing and range orientation by the Range Safety Officer.
- (h) Shotguns capable of holding 2 different gauge shells at the same time are prohibited.

(6) Archery Ranges:

- (a) Arrows shall only be nocked onto the bowstring when standing on the shooting line and preparing to shoot.
- (b) Archers must shoot directly down range.
- (c) Archers shall keep nocked arrows pointed down range at all times. Pointing the arrow upward while drawing (sky drawing) is prohibited.

- (d) An archer may release an arrow only from the shooting line or position.
- (e) Bows must be hung on the bowhanger behind the shooting line when waiting to shoot or any person is down range retrieving arrows.
- (f) A person may place a paper face on an existing target provided that all paper is removed from the range or placed in a trash receptacle immediately after use. Personal targets are not allowed on range.
- (g) Shooting at flying or thrown objects is prohibited.
- (h) Non-shooters must remain at least six feet behind the archery line/post whenever any archer is shooting, except that a person aged eighteen (18) years or older who is coaching may stand immediately behind the pupil.
- (i) Only arrows with field or target points shall be used or possessed on range.

Cite as Ga. Comp. R. & Regs. R. 391-4-9-.02

Authority: O.C.G.A. § [27-1-4](#).

History. Original Rule entitled "Firing Ranges" adopted. F. Dec. 22, 1980; eff. Jan. 11, 1981.

Repealed: New Rule of same title adopted. F. June 5, 1992; eff. June 25, 1992.

Repealed: New Rule of same title adopted. F. May 30, 1996; eff. June 19, 1996.

Repealed: New Rule of same title adopted. F. May 29, 2001; eff. June 18, 2001.

Repealed: New Rule of same title adopted. F. May 30, 2003; eff. June 19, 2003.

Amended: F. May 27, 2009; eff. June 16, 2009.

Repealed: New Rule of same title adopted. F. Jun. 1, 2011; eff. Jun. 21, 2011.

Repealed: New Rule of same title adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Rule 391-4-9-.03. Wildlife Rehabilitation Permits.

- (1) Definitions. Unless the context clearly requires otherwise, the following terms as used in this Rule shall have the following meanings:
 - (a) Rehabilitation means the action or process of restoring wildlife to a condition of health and shall include maintaining a state of health in young wildlife to an age of independence;
 - (b) Veterinarian means any person possessing a valid license to practice veterinary medicine in the State of Georgia;
 - (c) All other terms shall have the meanings ascribed to them in Section [27-1-2](#) of the Game and Fish code.
- (2) Permits - When used.

- (a) Pursuant to authority granted in Section [27-2-22](#) of the Game and Fish Code, the Department may issue a rehabilitation permit, conditioned as deemed appropriate to assure compliance with this Rule, to any person determined by the Department to possess the experience or training or both necessary to restore, or in the case of dependent young to maintain the health of ill, injured or dependent wildlife until it may be returned to the wild or otherwise disposed of in a manner approved by the Department. The qualifications for the permittee include, but are not limited to:
1. Sufficient knowledge of the type(s) of wildlife sought to be rehabilitated to assure identification of the species(s) and familiarity with food preferences thereof.
 2. Training or experience or both in the handling, care and treatment of the type(s) of wildlife (including dependent young) sought to be rehabilitated.
 3. Applicants who are not licensed veterinarians must score a minimum of 80 percent on a general examination on wildlife rehabilitation developed by the Department. Any applicant not achieving this minimum score may retake the test after 30 days. Applicants may be exempted from this testing requirement upon demonstration of sufficient knowledge and skills as determined by the Game Management Regional Supervisor having jurisdiction in the geographical area where rehabilitation is to take place.
 4. Injured or orphaned wildlife that, prior to being rehabilitated, are determined to be nonreleasable to the wild shall be euthanized unless the Department grants an exception for a specific animal. Injured or orphaned wildlife that subsequent to rehabilitation efforts are determined by the Department to be nonreleasable to the wild shall be disposed of in a manner approved by the Department.
- (b) College-level training and experience in the fields of veterinary medicine or wildlife biology are prima facie evidence of qualification. Training or experience as a veterinary assistant, zoo employee or pet shop employee working with animals, or as a falconer, may be some evidence of qualification depending upon the type(s) of wildlife sought to be rehabilitated. Permits for rehabilitation of birds of prey (raptors) may be issued only to veterinarians, falconers possessing a permit under Section [27-2-17](#) of the Game and Fish Code, or persons who are able to establish that they have had at least two years of experience in holding, training, and caring for raptors. Because of the public health risk associated with rabies infection in bats, bobcats, coyotes, foxes, raccoons, and skunks, rehabilitation permits for those species will be issued only to veterinarians; or persons that:
1. Have a least two (2) years experience as a licensed wildlife rehabilitator and have taken in at least 20 individuals for care.

2. Score a minimum of 85 percent on a qualifying examination covering all aspects of rabies including symptoms, reporting, and other areas as determined by the Department.
 3. Receive rabies pre-exposure vaccination and can demonstrate rabies antibody levels that are recommended for adequate protection before a permit is issued and at least every five years thereafter.
- (c) The issuance of a rehabilitation permit is further conditioned upon the Department's determining that an applicant's rehabilitation services are needed or are likely to be utilized in the area he/ she proposes to operate.
- (d) Applications for rehabilitation permits shall be submitted, on forms provided by the Department, to the Special Permit Unit at the address indicated on said form.
- (e) Nothing in this rule shall be construed to limit or prohibit a licensed veterinarian or licensed veterinary technician from providing emergency care, vaccination or other veterinary care that otherwise falls within the scope of professional and ethical judgment.
- (f) Persons permitted to rehabilitate bats, bobcats, coyotes, foxes, raccoons, and skunks shall be required to contact the appropriate rabies control authority as prescribed by the Department to report possible rabies exposures; to hold these species in arrival groups and in isolation for the duration of convalescence and release rehabilitated animals only in areas designated by the Department; and to submit for rabies testing all bats, bobcats, coyotes, foxes, raccoons, and skunks accepted for care which are dead on arrival or which subsequently die during care.

(3) Permits - Term.

- (a) Rehabilitation permits may be issued for a period not to exceed five years and shall expire at the end of the fifth calendar year (i.e., December 31).
- (b) Prior to expiration of an initial permit, a permittee may apply for permit renewal. A renewal permit may be granted only if, upon inspection of the reports or records required by Section (6) hereof and reinspection of applicant's facilities, it appears that applicant has complied with Section [27-2-22](#) of the Game and Fish Code and this Rule and that there is a continuing need for his/her rehabilitation services in the area.
- (c) If the Department determines, in any case wherein a person has notified the Department that such person has found or is holding any recently found ill, injured, or dependent wildlife, that the circumstances clearly indicate it to be in the best interest of the wildlife that treatment or care not be delayed pending assignment to a permitted rehabilitator, it may, at the request of such person,

waive such of the qualifications and facilities requirements herein as are necessary and justified under the circumstances and immediately issue to the finder or holder of such wildlife an emergency onetime rehabilitation permit. Such permits will not be issued for any wildlife requiring care of a nature which the Department concludes the wildlife finder or holder is incapable of providing. Such permits shall expire at the earlier of the date the wildlife is fully rehabilitated and released, or the date of expiration stated herein. If an expiration date is specified in the permit, the wildlife shall be surrendered to a Departmental representative for appropriate disposition on or before that date.

- (4) Facilities - Generally. A rehabilitation permit will be issued only after the Department has inspected the applicant's wildlife holding facilities and has determined that they conform with Section [27-5-6](#) of the Game and Fish Code. In order to be approved, facilities must also be constructed in a manner sufficient and of a dimension adequate to provide security and protection for both the wildlife held therein and humans or other animals which may be or come in close proximity thereto. The facilities must also be located so as to provide the seclusion necessary for recuperation from illness or injury.
- (5) Facilities for Raptors. In addition to the requirements of Section (4) above, raptors may be held in facilities that either:
 - (a) Allow for the bird(s) to be tethered to a perch when appropriate, with sufficient room in the enclosure to allow full wing extension without breakage of flight feathers; or
 - (b) Area equipped with an appropriate perch for each member of each specie held and with vertical bars over any windows and are free from any other hazards to the health and safety (including plumage) of the birds so held.
- (6) Other Rehabilitation Requirements.
 - (a) In all other respects, e.g. relating to feeding, watering, sanitation, veterinary care, handling, separation, and transportation of wildlife, as well as qualifications of employees, permittee's rehabilitation practices must comply with Section [27-5-6](#) of the Game and Fish Code.
 - (b) Permittee shall maintain complete records on all wildlife held for purposes of rehabilitation, which records shall document at least the following information for each animal held; annually these data shall be compiled into a report which shall be submitted to the Department not later than January 31 following each year in which a permit is held:
 - 1. Date received;
 - 2. Species;

3. Condition requiring rehabilitation;
 4. Treatment administered and results;
 5. Final disposition and date thereof.
- (c) In the case of migratory birds, permittees shall also comply with any applicable federal regulations or requirements for rehabilitation.
- (7) Enforcement. Upon determination by the Commissioner that any permittee has violated Section [27-2-22](#) of the Game and Fish Code, any provision of this or any other applicable Rule of the Department, or any condition of his/her permit, he may, in his discretion, proceed:
- (a) Pursuant to Section [27-1-37](#) of the Game and Fish Code, to issue an administrative order to the permittee to take corrective action or authorizing other appropriate enforcement action including seizure of wildlife held by permittee; or
 - (b) To initiate criminal prosecution pursuant to Section [27-1-38](#) or civil penalty proceedings pursuant to Section [27-1-36](#) of the Game and Fish Code; or
 - (c) To deny, revoke, suspend or refuse to renew the rehabilitation permit pursuant to Section [27-2-25](#) of the Game and Fish Code.

Cite as Ga. Comp. R. & Regs. R. 391-4-9-.03

Authority: O.C.G.A. Secs. [27-1-4](#), [27-2-22](#), [27-3-4](#).

History. Original Rule entitled "Wildlife Rehabilitation Permits" adopted. F. Aug. 10, 1981; eff. Aug. 30, 1981.

Amended: F. July 17, 1991; eff. August 6, 1991.

Amended: ER. 391-4-9-0.37-.03 adopted. F. Nov. 3, 1997; eff. Oct. 29, 1997, the date of adoption.

Amended: F. Apr. 24, 1998; eff. May 14, 1998.

Amended: F. May 30, 2003; eff. June 19, 2003.

Rule 391-4-9-.04. Wildlife Exhibition Permits.

- (1) Purpose. The purpose of these regulations is to protect wildlife and the citizens of Georgia by establishing minimum requirements for obtaining a wildlife exhibition permit and establishing standards for holding and exhibiting wildlife.
- (2) General Regulations. A wildlife exhibition permit shall not be issued unless the following conditions are met:
 - (a) The applicant must be at least eighteen (18) years of age;

- (b) Facilities for holding and exhibiting wildlife must comply with O.C.G.A. [27-5-6](#) and must meet minimum requirements as specified by the Department;
 - (c) Applicants proposing to exhibit mammals must first obtain an exhibitor's license from the United States Department of Agriculture, Animal and Health Inspection Service (USDA/APHIS), or provide documentation that the applicant is exempt from USDA/APHIS requirements; and
 - (d) Applicants proposing to exhibit migratory birds regulated by the United States Fish and Wildlife Service (USFWS) must obtain an appropriate permit from USFWS before obtaining or exhibiting migratory birds. A copy of USFWS permits shall be sent to the Department, Special Permit Unit.
- (3) Fixed facilities. Wildlife exhibition permits for fixed facilities shall not be issued unless the following criteria are met:
 - (a) A fixed facility for exhibiting wildlife shall be open to the public for a time no less than 30 hours per week for at least six (6) months each year during reasonable hours of the day. A sign specifying the days and hours the facility is open to the public shall be placed in a prominent location visible to the public and in close proximity to the facility.
 - (b) Each cage or pen shall be signed identifying the animal(s) by common and scientific name. Additional information about each species shall be provided through interpretative signs and/or audio-visual material.
- (4) Mobile Educational Programs. For the purpose of this rule, mobile educational program shall mean any educational program using live wildlife and which program is conducted outside of the enclosure where the wildlife is permanently housed. Conditions for conducting mobile educational programs are as follows:
 - (a) Residents holding wildlife for use in educational programs shall conduct a minimum of twelve (12) program hours per year. Program hours must be documented and provided at the time of renewal;
 - (b) Animals must be handled so there is minimal risk of harm to the public and animals with sufficient distance allowed between the animals and the viewing public to assure safety to both the public and the animals as determined by the Department. Animals shall not be handled by the public, except that nonvenomous reptiles and amphibians may be handled by members of the public under close supervision of the permittee.
- (5) Exhibition of rabies prone species.
 - (a) Bats, bobcats, coyotes, foxes, raccoons, and skunks shall not be exhibited in mobile educational programs.

- (b) In fixed facilities, the exhibition of bats, bobcats, coyotes, foxes, raccoons, and skunks will be made in a facility constructed in a manner satisfactory to the Department to ensure that the public cannot gain access to animals which may have exposure to free-living rabies vector species.
- (c) Bats, bobcats, coyotes, foxes, raccoons, and skunks shall be kept in isolation from contact with other exhibit animals and free-living wildlife for a minimum of 180 days before exhibition in fixed facilities.
- (d) Persons with specific responsibilities related to handling, feeding, or caring for animals at facilities which exhibit bats, bobcats, coyotes, foxes, raccoons, and skunks shall receive rabies pre-exposure vaccination and must demonstrate rabies antibody levels that are recommended for adequate protection before a permit is issued and at least every five years thereafter.

(6) Exemptions.

- (a) Educational institutions; federal, state, city, county, or municipal governments or their agencies; or transient circuses, shall receive a wildlife exhibition permit at no cost, provided that such exhibition shall comply with all laws and regulations relating to handling, care, confinement, and transporting of wildlife and rules contained herein.
- (b) Falconers licensed in Georgia shall not be required to purchase a wildlife exhibition permit to conduct mobile educational programs with raptors held under their Georgia State/Federal falconry license.
- (c) Residents exhibiting wildlife at both a fixed facility and at mobile educational programs shall meet the requirements of 391-4-99-.04(3)(a) or (4)(a), but shall not be required to comply with both paragraphs (3)(a) and (4)(a).
- (d) Persons issued wildlife exhibition permits or licenses prior to passage of this rule shall have until November 1, 1998 to comply with these regulations.
- (e) Nothing in this rule shall be construed to limit or prohibit a licensed veterinarian or licensed veterinary technician from providing emergency care, vaccination or other veterinary care that otherwise falls within the scope of professional and ethical judgment.

(7) Penalties.

- (a) Wildlife exhibitors in violation of this rule shall have their license or permit revoked or suspended by the Department for a period of not less than two (2) years.

Cite as Ga. Comp. R. & Regs. R. 391-4-9-.04

Authority: O.C.G.A. Secs. [27-1-4](#), [27-2-13](#), [27-5-2](#), [27-5-5](#).

History. Original Rule entitled "Wild Animal for Which License or Permit Required" adopted as ER 391-4-9-0.26-.01. F. Aug. 10, 1993; eff. July 23, 1993, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Oct. 29, 1993; eff. Nov. 18, 1993.

Repealed: New Rule entitled "Wildlife Exhibition Permits" adopted. F. Apr. 24, 1998; eff. May 14, 1998.

Rule 391-4-9-.05. Importation of Cervids.

It shall be unlawful to import into Georgia, any live member of the Family of Cervidae without prior written approval from the Department.

Cite as Ga. Comp. R. & Regs. R. 391-4-9-.05

Authority: O.S.G.A. Secs. [27-1-4](#), [27-2-13](#), [27-5-2](#).

History. Original Rule entitled "Wildlife Exhibition Permits" adopted as ER 391-4-9-0.37-.05. F. Nov. 3, 1997, eff. Oct. 29, 1997, the date of adoption.

Amended: New Rule entitled "Importation of Cervids" adopted. F. Aug. 19, 2002; eff. Sept. 8, 2002.

Rule 391-4-9-.06. Georgia WRD Lands Pass.

- (1) The purpose of this regulation is to implement a Georgia WRD Lands Pass (Pass) system for use, other than hunting, fishing, trapping, or camping, of wildlife management areas, public fishing areas and other designated sites on lands operated or managed by the Wildlife Resources Division (WRD), provide for exemptions from the requirement to purchase a Pass, establish fees for Passes, and provide for the availability of a Pass.
- (2) The posting of signs at the entrance to a wildlife management area, public fishing area or other designated areas or sites on WRD lands stating that a Pass is required shall constitute sufficient notice for the entire wildlife management area, public fishing area or other designated site on WRD lands.
- (3) No person age 16 or older shall enter upon designated lands, areas or sites operated or managed by WRD without first obtaining a valid Pass except that any person who possesses a valid Georgia license that allows hunting or fishing on state land is exempt from this requirement. Provided further that individuals volunteering or participating in department sponsored events or activities on such lands are exempt from Pass requirements during the event or activity. Individuals that have paid WRD for camping and persons directly associated with paid camping, as prescribed by WRD, are exempt from the Pass requirement on such lands during their paid camping dates.
- (4) A Pass is an individual requirement. The cost of a Pass is: resident annual \$30, and nonresident annual \$60. A Pass is valid for not more than 365 days from the date of purchase.

- (5) Any organization or individual who desires to sponsor or conduct an event, activity, or series of events or activities on lands operated or managed by WRD may be required to obtain a "Right of Entry" agreement from the department. Such organization or individual shall formally request a "Right of Entry" agreement from the department not less than 30 days prior to the event, activity, or series of events or activities. A "Right of Entry" agreement may restrict the event, activity, or series of events or activities to specific locations, number of participants, and specific times; and may require the posting of damage deposits or bonds. Events that conflict with one or more of the primary uses of lands managed by WRD may not be allowed. If the event is approved, the "Right of Entry" agreement may require each participant to obtain a Pass. For wildlife management areas on U.S. Forest Service lands, special use permits, if issued by the U.S. Forest Service shall satisfy the requirement for a "Right of Entry" agreement.
- (6) Passes shall be issued and sold by the department as prescribed by the department.

Cite as Ga. Comp. R. & Regs. R. 391-4-9-.06

Authority: O.C.G.A. §§ [12-3-3](#), [12-3-9](#), [27-1-3](#), [27-1-33](#).

History. Original Rule entitled "Georgia Outdoor Recreation Pass" adopted. F. Jun. 1, 2011; eff. Jun. 21, 2011.

Repealed: New Rule entitled "Georgia WRD Lands Pass" adopted. F. July 13, 2017; eff. August 2, 2017.

Repealed: New Rule of same title adopted. F. May 22, 2019; eff. June 11, 2019.

Rule 391-4-9-.07. Falconry Permits.

- (1) **Purpose.** The purpose of this regulation is to implement rules and regulations pertaining to the issuance of falconry permits and practice of falconry in accordance with federal regulations so as to ensure the continuation of the sport of falconry and continue to conserve the state's birds of prey.
- (2) **Falconry Permitting and Standards.** Permittees shall comply with all standards, requirements, and limitations as provided in [50 C.F.R. 21.29](#), as now or hereafter amended.
- (3) **Golden Eagles.** It shall be unlawful for any person to trap, transport or possess a golden eagle (*Aquila chrysaetos*) unless authorized as provided in 50 C.F.R. Part 22, as now or hereafter amended.
- (4) **Raptor Propagation.** Raptor propagation and activities associated with raptor propagation are permitted in accordance with the provisions of 50 C.F.R. Part 21, as now or hereafter amended. No additional state permit is required; provided, however, that all persons engaging in such activities shall submit one copy of each federally required report to the department at the time such report is submitted to federal authorities.
- (5) **Importation Permits.** Holders of Georgia falconry permits may transport the raptors held under their permits within this state, may remove the raptors from this state for meets, trials, and hunting in other states, and may bring such raptors back into this state

without obtaining a Georgia importation permit; provided, however, that any person transporting a raptor into another state shall obtain any permit or license required for such activities by the state into which the raptor is transported. A falconry permittee may import into this state a legally acquired raptor without obtaining a Georgia wildlife importation permit provided that a properly completed federal Form 3-186A Migratory Bird Acquisition/Disposition Report shall accompany each raptor during importation and the permittee complies with all applicable requirements of the state of origin.

Cite as Ga. Comp. R. & Regs. R. 391-4-9-.07

Authority: O.C.G.A. Sec. [27-2-17](#).

History. Original Rule entitled "Falconry Permits" adopted. F. May 28, 2013; eff. June 17, 2013.

Rule 391-4-9-.08. Film Production Wildlife Permit.

- (1) The purpose of this regulation is to protect wildlife and the citizens of Georgia by establishing regulations for the possession and exhibition of wildlife to be used in the film industry. This regulation provides and establishes permit requirements and requirements for animal origin, humane care, use and handling, and reporting.
- (2) Permit Requirements. A Film Production Wildlife (FPW) permit shall not be issued unless the following conditions are met:
 - (a) Application for a FPW permit shall be made on an official application form provided by the department. FPW permits are valid upon issuance date and expire annually on March 31.
 - (b) An applicant wishing to possess or provide mammals must possess a valid U.S. Department of Agriculture Animal Welfare Act license and submit a copy of this license with the application for an FPW permit.
 - (c) An applicant wishing to possess or provide FPW animals which are currently listed in the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, or the Endangered Species Act must possess a valid United States Fish and Wildlife Service (USFWS) permit and submit a copy of this permit with the application for an FPW permit.
 - (d) An applicant for a resident FPW permit must be a legal Georgia resident who has a minimum of five years of verifiable film/entertainment industry experience, and who is at least 21 years old. Verifiable experience requires a resume detailing at least five years of professional, documented animal training and handling for film/entertainment industry activities within the previous ten years and must be submitted with the application. Members of the family Cervidae and rabies vector species including: bats, bobcats, coyotes, foxes, raccoons and skunks shall not be imported into Georgia.

- (e) An applicant for a non-resident FPW permit must have a minimum of five years of verifiable film/entertainment industry experience and be at least 21 years old. Verifiable experience requires a resume detailing at least five years of professional, documented animal training and handling for film/entertainment industry activities within the previous ten years and must be submitted with the application. Members of the family Cervidae and rabies vector species including: bats, bobcats, coyotes, foxes, raccoons and skunks shall not be imported into Georgia.
- (f) Anyone who has been convicted of a wildlife or animal welfare violation in Georgia, or the equivalent in another state within the past five years is not eligible for a FPW permit.
- (g) All resident facilities where animals will be housed, maintained or trained shall be inspected by the department prior to issuance of an initial FPW permit. Facilities must comply with the specifications for the humane handling, care, confinement, and transportation of animals set forth in O.C.G.A. § [27-5-6](#) and must meet minimum requirements as specified by the department.
- (h) The application must contain an animal inventory list of the species and number of animals to be possessed under the permit. Once a FPW permit has been granted by the department, the applicant must obtain department approval prior to acquiring any additions to their inventory possessed under this permit.
- (i) Liability insurance is required for the possession of any wildlife to be utilized under the terms of this permit. Prior to the issuance of a FPW permit, any applicant other than a governmental agency or university research facility must provide proof of liability insurance from a company licensed to do business in this state or an unauthorized insurer if permitted by Chapter 5 of Title 33. Such insurance must be maintained in force and effect and cover claims for injury or damage to persons or property in an amount equal to \$40,000.00 for each animal up to a maximum of \$500,000.00.
- (j) An applicant is responsible for, and shall so indicate on the application, any and all costs associated with the escape, capture and disposition of a permitted animal. This includes any such costs incurred by the Department.

(3) General Rules

- (a) This permit is valid only for wildlife species which are native to Georgia. Species not native to Georgia are considered Wild Animals (OCGA § [27-1-2\(75\)](#)) and must be held under a valid Wild Animal License (OCGA § [27-5-4](#)).
- (b) Georgia wildlife permitted under these regulations shall not be taken from the wild and no wildlife shall be released into the wild. Permitted animals must have been obtained from a source permitted or approved by the department.

- (c) Persons with specific responsibilities related to handling, feeding, or caring for rabies vector species including bats, bobcats, coyotes, foxes, raccoons and skunks shall receive rabies pre-exposure vaccination and shall demonstrate rabies antibody levels recommended for adequate protection before a permit is issued and at least every five years thereafter while the permit is valid.
- (d) Each permitted animal shall have an official health certificate signed by a licensed veterinarian. This health certificate shall reference a specific microchip identification tag that has been surgically implanted into the animal by the licensed veterinarian. Veterinary health inspections on all animals possessed under the FWP permit shall be performed annually.
- (e) Permit holder shall allow inspections of premises by department employees for purposes of enforcing these regulations. Inspections may be unannounced and may include, but are not limited to pens, stalls, holding facilities, records and examination of animals as necessary to determine species identification, sex, health and/or implanted microchip number.
- (f) Whenever an animal is present, the specifications for the humane handling, care, confinement, and transportation of animals set forth in OCGA § [27-5-6](#) must be provided in all FWP facilities, film production locations and venues, educational venues, permanent and temporary housing enclosures, and during transport.
- (g) Animals held under an FWP permit may be utilized in the film production industry, or utilized for educational purposes provided that the specific animal(s) being displayed is/are included in the most current animal inventory list submitted to the department by the applicant. Animals held under an FWP permit may not be used in any photography opportunity with a patron which may allow physical contact between the animal and the patron. Animals held under a FWP permit may not be used in any activity which may allow physical contact between the animal and a member of the general public.
- (h) Animals held under an FWP permit, except rabies vector species, may be displayed at educational program venues by the permit holder or sub-permit holder outside of a secure enclosure provided that these animals are under constant control and immediate physical restraint of the permit holder or sub-permit holder, such restraint precluding any chance of escape or physical contact, intentional or accidental, with any individual other than the permit or a sub-permit holder.

(4) Reporting and Renewal Requirements

- (a) An Annual Report of activities completed under this permit is required when submitting a request for permit renewal. This Annual Report shall be completed on official forms provided by the department.

- (b) FWP permits will not be renewed until all renewal requirements indicated on the renewal application are received. Copies of current USDA, USFWS or other applicable license must also accompany the renewal application.
- (c) Certificate of Veterinary Inspection or other proof of veterinary health examinations for any and all animals held under this permit must be submitted with renewal application.
- (d) A report detailing injuries to any person involving an animal held under this permit, or an injury to any animal held under this permit during the previous year must accompany the renewal application. Reportable injuries include those occurring during housing at primary facility, transport, at temporary housing facilities and during film production activities. Report must contain a narrative describing the circumstances surrounding the injury, identification of remedial measures, conclusive identification of animal(s) involved and disposition of said animals. A reportable injury includes a bite, scratch, or claw wounding, no matter how minor or any other type of injury requiring first aid or more serious medical intervention. For an animal held under this permit, a reportable injury is one that causes unjustifiable physical pain, suffering or death to any living animal, including, but not limited to, any wound, bite, broken bone, damage to organ or tissue, or environment-related stress that requires first aid, veterinary attention, euthanasia or removal from availability for use in film production activities.
- (e) At least 24 hours prior to transporting any permitted animal to a film production or educational venue the FPW permit holder shall notify the Special Permit Unit with details of the job or appearance. These details shall include date, location, type of job, duration of job, travel times, specific animals involved, the permit holder or sub-permit holder involved and any overnight housing/caging facilities to be used. Contact information for the agent or contractor should also be included.
- (f) Notification of any animal escape must be made to the Special Permit Unit immediately upon detection of the escape event. This notification must include date, time, location, the species of animal that escaped, a description of actions taken to recover the escaped animal and the outcome of the event. Escapes may result in suspension or revocation of the permit. Failure to notify the Special Permit Unit of any escape may result in immediate revocation of this permit.
- (g) Once an FPW permit has been granted by the department, the permit holder shall submit and maintain an up to date accurate written inventory list of animals in possession. This inventory list shall include species, sex, and microchip number of specific animals that are actually in possession of the permit holder. Individual animals must be identifiable through microchip implantation. Permit holder shall maintain records of microchip numbers and make such records available to the department upon demand. The Special Permit Unit must be notified within 48 hours of any changes to this animal inventory list. Deletions must be justified and

contain the disposition of the animal. Additions to the list of species being held by a permit holder are subject to approval at the discretion of the department, and may require re-inspection of facilities. Failure to maintain an accurate, up to date animal inventory list may subject the permit holder to revocation or suspension of this permit.

- (h) Any injury (bite, scratch, or claw wounding, no matter how minor, or any other type of injury requiring first aid or more serious medical intervention), accidentally or otherwise incurred by an audience member or any individual of the general public, that is caused by an unpermitted animal, an animal not specifically listed on the most recent inventory submitted to the department, or an animal possessed by an FWP permit holder shall be reported to the department immediately following the incident. Such injuries may subject the permit holder to revocation or suspension of this permit.
- (i) Any unreported injury (bite, scratch, or claw wounding, no matter how minor, or any other type of injury requiring first aid or more serious medical intervention), accidentally or otherwise incurred by an audience member or any individual of the general public, that is caused by a permitted or unpermitted animal may result in a revocation of this permit.

(5) Penalties.

- (a) Film Production Wildlife Permit holders in violation of this rule shall be subject to revocation or suspension of their permit in accordance with O.C.G.A. § [27-2-25](#).

Cite as Ga. Comp. R. & Regs. R. 391-4-9-.08

Authority: O.C.G.A. § [27-2-13.1](#), *et seq.*, as adopted.

History. Original Rule entitled "Film Production Wildlife Permits" adopted. F. Sep. 6, 2016; eff. Sept. 26, 2016.

Subject 391-4-10. PROTECTION OF ENDANGERED, THREATENED, RARE, OR UNUSUAL SPECIES.

[Rule 391-4-10-.01. Purpose.](#)

The purpose of these rules and regulations is to establish the organizational structure and administrative procedures to be followed in the protection of endangered species of plant and animal life. The Department of Natural Resources is authorized by the Wildflower Preservation Act of 1973 (Ga. Laws 1973, p. 333, *et seq.*), the Endangered Wildlife Act of 1973 (Ga. Laws 1973, p. 932, *et seq.*), the laws relating to game and fish (Ga. Laws 1955, p. 483, *et seq.*) as amended, in particular by (Ga. Laws 1968, p. 497, *et seq.*) and other laws administered by the Department of Natural Resources, to promulgate rules and regulations for the protection of designated species. The Department of Natural Resources is required by the Endangered Wildlife Act of 1973 and the Wildflower Preservation Act of 1973 to designate all plant and animal

species indigenous to the state which are determined by the Department to be "rare", "unusual", or in "danger of extinction". Such species are then "protected species" and subject to the provisions of the above-cited laws and the rules and regulations of the Department of Natural Resources. The Department is required to review periodically its "protected species" list and to make additions or deletions when appropriate.

Cite as Ga. Comp. R. & Regs. R. 391-4-10-.01

Authority: Ga. L. 1973, p. 932.

History. Original Rule entitled "Purpose" was filed on August 5, 1976 as rule [391-4-13-.01](#); effective August 25, 1976.

Amended: Rule renumbered as 391-4-10-.01. Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-10-.02. Definitions.

All terms used in these rules and regulations shall be interpreted in accordance with the definitions as set forth in the Acts or as otherwise herein defined.

- (a) The "**Acts**" as used in these rules refer to the "Wildflower Preservation Act of 1973", the "Endangered Wildlife Act of 1973", and other laws relating to game and fish.
- (b) "**Department**" means the Department of Natural Resources.
- (c) "**Person**" means any natural person, firm, corporation, partnership, proprietorship, local government of the state, or other legal entity.
- (d) "**Protected species**" means those species of plants and animal life which the Department shall have designated as such and has made subject to the protection of these Acts. Protected species shall be interpreted to include those classified as follows:
 - 1. "**Endangered species**" means any resident species which is in danger of extinction throughout all or a significant portion of its range, or one which is designated as endangered under the provisions of the Federal Endangered Species Act of 1973 (P.L. 93-205).
 - 2. "**Threatened species**" means any resident species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range or one that is designated as threatened under the provisions of the Federal Endangered Species Act of 1973 (P.L. 93-205).
 - 3. "**Rare species**" means any resident species which, although not presently endangered or threatened as previously defined, should be protected because of its scarcity.
 - 4. "**Unusual species**" means any resident species which exhibits special or unique features and because of these features deserves special consideration in its continued survival in the State.

- (e) **"Public lands"** means all those lands within this state which are owned by the State of Georgia.
- (f) **"Resident species"** means any species, sub-species or variety of plant or animal life that is genetically, morphologically, ecologically, or geographically distinct, and which interbreeds freely with its kind at maturity, and which exists in this state, including its waters, in the wild during any part of its life.
- (g) **"Status Undetermined species"** means a resident species which is not afforded protection under these rules and regulations, but should additional research show the need for protection these or any other species may be moved to the protected category.

Cite as Ga. Comp. R. & Regs. R. 391-4-10-.02

Authority: Ga. L. 1973, p. 932, O.C.G.A. Secs. [12-6-172](#), [27-3-132](#).

History. Original Rule entitled "Definitions" was filed on August 5, 1976 as Rule [391-4-13-.02](#); effective August 25, 1976.

Amended: Rule renumbered as 391-4-10-.02. Filed December 22, 1980; effective January 11, 1981.

Amended: F. Nov. 4, 1992; eff. Nov. 24, 1992.

Rule 391-4-10-.03. Determination of Protected Species.

- (1) **Criteria.** The criteria for the determination as to whether any resident species is an endangered, threatened, rare, or unusual species are as follows:
 - (a) The present or threatened destruction, modification or curtailment of its habitat.
 - (b) Overutilization for commercial, sporting, scientific, or educational purposes.
 - (c) Disease or predation.
 - (d) The inadequacy of existing regulatory mechanisms.
 - (e) Other natural or man-made factors affecting its continued existence.
- (2) **Procedures.** General procedures for modifying the state "protected species" list are as follows:
 - (a) Any member of the public may nominate a species for consideration. An application for nomination, in the form prescribed by the Department, must be submitted to the Department with all supporting data.
 - (b) If the Department determines that review is warranted, additional data is solicited from all relevant sources and notice of the nomination is published in the Department news release.

- (c) All available scientific and commercial data is evaluated by the Department and tentative determination is made regarding the status of the nominated species.
 - (d) If the nominated species is determined by the Department not to warrant review or not to be endangered, threatened, rare or unusual, the person making the nomination is notified in writing of such determination.
 - (e) If the nominated species is tentatively determined by the Department to be endangered, threatened, rare, or unusual, public notice is given by publishing the proposal in the Department news release and by any other method required by the Georgia Administrative Procedures Act (Ga. Laws, p. 338 *et seq.*) as amended. The Department shall also distribute a public notice to all persons who have requested to be placed on the mailing list. Such request shall be made in writing and shall be renewed in December of each year. Failure to renew the request shall result in the removal of such name from the mailing list.
 - (f) A minimum of 20 days is allowed for public comment, during which time a public hearing may be requested pursuant to the Georgia Administrative Procedure Act.
 - (g) The Department considers public comment and, if necessary, compiles and analyzes additional data.
 - (h) The Department will submit its recommendation to the Board of Natural Resources no later than one year after the initial nomination of the species.
 - (i) The Board will then determine appropriate classification of nominated species by either adopting, modifying and adopting, or rejecting the submitted classification.
- (3) General Procedures for deleting a species from the state "protected species" list are as follows:
- (a) Any member of the public, or the Department on its own initiative, may propose that a protected species be deleted from the state protected species list.
 - (b) If the Department determines that review of such proposed deletion is warranted, additional data is solicited from all relevant sources and notice of the proposed deletion is published in the Department news release.
 - (c) All available scientific and commercial data is evaluated by the Department and tentative determination is made regarding the status of the species proposed for deletion.
 - (d) If the species proposed for deletion is determined by the Department not to warrant review the person making the nomination is notified in writing of such determination.

- (e) If a species proposed for deletion has been tentatively determined by the Department as appropriate for deletion from the list as endangered, threatened, rare, or unusual, public notice is given by publishing the proposal in the Department news release and by any other method required by the Georgia Administrative Procedures Act as amended. The Department shall also distribute a public notice to all persons who have requested to be placed on the mailing list. Such request shall be made in writing and shall be renewed in December of each year. Failure to renew the request shall result in the removal of such name from the mailing list.
- (f) A minimum of 20 days is allowed for public comment, during which time a public hearing may be requested pursuant to the Georgia Administrative Procedure Act.
- (g) The Department considers public comment and, if necessary, compiles and analyzes additional data.
- (h) The Department will submit its recommendation to the Board of Natural Resources no later than one year after the initial proposal for deletion of the species.
- (i) The Board will then determine whether the species proposed for deletion should be deleted or its current classification modified.

Cite as Ga. Comp. R. & Regs. R. 391-4-10-.03

Authority: Ga. Law 1973, p. 932, O.C.G.A. Secs. [12-6-172](#), [27-3-132](#).

History. Original Rule entitled "Determination of Protected Species" was filed on August 5, 1976 as Rule [391-4-13-.03](#); effective August 25, 1976.

Amended: Rule renumbered as 391-4-10-.03. Filed December 22, 1980; effective January 11, 1981.

Amended: F, Nov. 4, 1992; eff. Nov. 24, 1992.

Rule 391-4-10-.04. Land Acquisition.

The acquisition of natural areas and/or unique habitats upon which are rare and endangered species depend shall be continued for the purposes of protection, conservation and preservation. Lands or aquatic habitats acquired for these purposes shall be managed or protected with this principal objective in mind. Acquisitions of lands, aquatic habitats, or interest herein may be made pursuant to any of the following:

- (a) through the Georgia Heritage Trust Program of the Department;
- (b) through joint State--Federal agreements;
- (c) by donation of gift to the State, in part, or in full; or

- (d) by any other means or by any combination of the above.

Cite as Ga. Comp. R. & Regs. R. 391-4-10-.04

Authority: Ga. L. 1973, p. 932.

History. Original Rule entitled "Land Acquisition" was filed on August 5, 1976 as Rule 391-4-13-.04; effective August 25, 1976.

Amended: Rule renumbered as 391-4-10-.04. Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-10-.05. Interagency Cooperation.

The Department shall cooperate with other state agencies, authorities, local governments, federal agencies, other states, counties, and organizations in carrying out land acquisitions and management programs for the purpose of conserving any endangered or threatened species.

Cite as Ga. Comp. R. & Regs. R. 391-4-10-.05

Authority: Ga. L. 1973, p. 932.

History. Original Rule entitled "Interagency Cooperation" was filed on August 5, 1976 as Rule 391-4-13-.05; effective August 25, 1976.

Amended: Rule renumbered as 391-4-10-.05. Filed December 22, 1980; effective January 11, 1981.

Rule 391-4-10-.06. Prohibited Acts.

- (1) The following acts regarding protected species of animals are prohibited:
 - (a) Any activities intended to harass, capture, kill, or otherwise directly cause death of any protected animal species, except as specifically authorized by law or by regulation as adopted by the Board of Natural Resources.
 - (b) The sale or purchase of any protected animal species or parts thereof and the possession of any such species or parts thereof unless the possession is authorized by a scientific collecting, wildlife exhibition, or other permit or license issued by the department.
 - (c) The destruction of the habitat of any protected animal species on public lands.
- (2) The authorization to take certain nongame animal species set forth in O.C.G.A. Section [27-1-28](#) does not apply to any protected species whether on public or private land.

Cite as Ga. Comp. R. & Regs. R. 391-4-10-.06

Authority: O.C.G.A. §§ [12-6-172](#), [27-3-132](#).

History. Original Rule entitled "Prohibited Acts" adopted. F. Dec. 22, 1980; eff. Jan. 11, 1981.

Amended: F. Nov. 4, 1992; eff. Nov. 24, 1992.

Amended: F. June 8, 2021; eff. June 28, 2021.

Rule 391-4-10-.07. Exceptions.

- (1) **Permits.** The Department may issue permits for the collection, transportation, and/or possession of protected plant and animal species. Such permits do not alleviate the responsibility to acquire specific federal permits, if required.
- (2) **Protected Crayfish Species.** The collection of state protected crayfish species (those species included in [391-4-10-.09](#)) while collecting fishing bait is authorized without permit under the following conditions:
 - (a) State protected crayfish species may not be collected from crayfish burrows (i.e., "crayfish chimneys") in any manner, including burrow excavation or setting traps or other devices within, on or near the entrance to the burrow.
 - (b) State protected crayfish species may not be exported from the state of Georgia.
- (3) **Peregrine Falcon Take for Falconry Purposes.** The Department may issue up to five (5) annual permits for the trapping and possession of wild peregrine falcons for falconry purposes in accordance with the framework established by the United States Fish and Wildlife Service and as may be appropriate based on sound wildlife management principles. Trapping is allowed only during September 20 through October 20 and only within Chatham, Bryan, Liberty, McIntosh, Glynn, and Camden counties. Only wild peregrines trapped during their first year (passage birds) may be kept. Permits are issued based upon a random drawing of qualified applicants. Preference is given to Georgia residents such that most permits are issued to qualified resident applicants.
 - (a) To qualify, an applicant shall be a licensed Master Falconer, or a licensed General Falconer with at least 5 years of licensed falconry experience.
 - (b) When trapping or attempting to trap a peregrine falcon, a person shall have on their person a current peregrine falcon take permit from the Department, a valid Georgia hunting license, and a valid falconry license.
 - (c) A peregrine falcon take permit does not authorize any person possessing said permit to commit any act inconsistent with O.C.G.A. [27-2-17](#).
 - (d) Said permit may be revoked in accordance with the provisions of the Game and Fish Code.

Cite as Ga. Comp. R. & Regs. R. 391-4-10-.07

Authority: O.C.G.A. §§ [12-6-172](#), [27-3-132](#).

History. Original Rule entitled "Exceptions" adopted. F. Dec. 22, 1980; eff. Jan. 11, 1981.

Repealed: New Rule of same title adopted. F. Oct. 26, 2006; eff. Nov. 15, 2006.

Amended: F. Oct. 22, 2009; eff. Nov. 11, 2009.

Amended: F. June 8, 2021; eff. June 28, 2021.

Rule 391-4-10-.08. Penalty.

Any person violating these rules and regulations shall be guilty of a misdemeanor and upon conviction thereof, shall be punished for a misdemeanor.

Cite as Ga. Comp. R. & Regs. R. 391-4-10-.08

Authority: Ga. L. 1973, p. 932.

History. Original Rule entitled "Penalty" adopted. F. Dec. 22, 1980; eff. Jan. 11, 1981.

Rule 391-4-10-.09. Protected Species of Plants and Animals.

(1) Mammals:

- (a) **Corynorhinus rafinesquii:** Rafinesque's Big-eared Bat (rare)
- (b) **Eubalaena glacialis:** North Atlantic Right Whale (endangered)
- (c) **Geomys pinetis:** Southeastern Pocket Gopher (threatened)
- (d) **Megaptera novaeangliae:** Humpback Whale (endangered)
- (e) **Myotis grisescens:** Gray Bat (endangered)
- (f) **Myotis sodalis:** Indiana Bat (endangered)
- (g) **Neofiber alleni:** Round-tailed Muskrat (threatened)
- (h) **Puma concolor coryi:** Florida Panther (endangered)
- (i) **Sylvilagus obscurus:** Appalachian Cottontail (rare)
- (j) **Trichechus manatus:** West Indian Manatee (endangered)

(2) Birds:

- (a) **Aimophila aestivalis:** Bachman's Sparrow (rare)
- (b) **Ammodramus henslowii:** Henslow's Sparrow (rare)
- (c) **Calidris canutus:** Red Knot (rare)
- (d) **Campephilus principalis:** Ivory-billed Woodpecker (endangered)
- (e) **Charadrius melodus:** Piping Plover (threatened)
- (f) **Charadrius wilsonia:** Wilson's Plover (threatened)

- (g) **Corvus corax:** Common Raven (rare)
- (h) **Dendroica cerulea:** Cerulean Warbler (rare)
- (i) **Dendroica kirtlandii:** Kirtland's Warbler (endangered)
- (j) **Elanoides forficatus:** Swallow-tailed Kite (rare)
- (k) **Falco peregrinus:** Peregrine Falcon (rare)
- (l) **Falco sparverius paulus:** Southeastern Kestrel (rare)
- (m) **Haematopus palliatus:** American Oystercatcher (rare)
- (n) **Haliaeetus leucocephalus:** Bald Eagle (threatened)
- (o) **Mycteria americana:** Wood Stork (endangered)
- (p) **Picoides borealis:** Red-cockaded Woodpecker (endangered)
- (q) **Rynchops niger:** Black Skimmer (rare)
- (r) **Sterna antillarum:** Least Tern (rare)
- (s) **Sterna nilotica:** Gull-billed Tern (threatened)
- (t) **Vermivora chrysoptera:** Golden-winged Warbler (endangered)

(3) Reptiles:

- (a) **Caretta caretta:** Loggerhead Sea Turtle (endangered)
- (b) **Chelonia mydas:** Green Sea Turtle (threatened)
- (c) **Clemmys guttata:** Spotted Turtle (unusual)
- (d) **Dermochelys coriacea:** Leatherback Sea Turtle (endangered)
- (e) **Drymarchon couperi:** Eastern Indigo Snake (threatened)
- (f) **Eretmochelys imbricata:** Hawksbill Sea Turtle (endangered)
- (g) **Glyptemys muhlenbergii:** Bog Turtle (endangered)
- (h) **Gopherus polyphemus:** Gopher Tortoise (threatened)
- (i) **Graptemys barbouri:** Barbour's Map Turtle (threatened)

- (j) **Graptemys geographica:** Common Map Turtle (rare)
 - (k) **Graptemys pulchra:** Alabama Map Turtle (rare)
 - (l) **Heterodon simus:** Southern Hognose Snake (threatened)
 - (m) **Lepidochelys kempii:** Kemp's Ridley Sea Turtle (endangered)
 - (n) **Macrochelys temminckii:** Alligator Snapping Turtle (threatened)
 - (o) **Malaclemys terrapin:** Diamondback Terrapin (unusual)
 - (p) **Ophisaurus mimicus:** Mimic Glass Lizard (rare)
- (4) Amphibians:
- (a) **Ambystoma cingulatum:** Flatwoods Salamander (threatened)
 - (b) **Amphiuma pholeter:** One-toed Amphiuma (rare)
 - (c) **Aneides aeneus:** Green Salamander (rare)
 - (d) **Cryptobranchus alleganiensis:** Hellbender (threatened)
 - (e) **Gyrinophilus palleucus:** Tennessee Cave Salamander (threatened)
 - (f) **Haideotriton wallacei:** Georgia Blind Salamander (threatened)
 - (g) **Notophthalmus perstriatus:** Striped Newt (threatened)
 - (h) **Plethodon petraeus:** Pigeon Mountain Salamander (rare)
 - (i) **Rana capito:** Gopher Frog (rare)
- (5) Fishes:
- (a) **Acipenser brevirostrum:** Shortnose Sturgeon (endangered)
 - (b) **Alosa alabamae:** Alabama Shad (threatened)
 - (c) **Ameiurus serracanthus:** Spotted Bullhead (rare)
 - (d) **Cyprinella caerulea:** Blue Shiner (endangered)
 - (e) **Cyprinella callitaenia:** Bluestripe Shiner (rare)
 - (f) **Cyprinella xaenura:** Altamaha Shiner (threatened)

- (g) **Elassoma okatie:** Bluebarred Pygmy Sunfish (endangered)
- (h) **Enneacanthus chaetodon:** Blackbanded Sunfish (endangered)
- (i) **Erimystax insignis:** Blotched Chub (endangered)
- (j) **Etheostoma brevirostrum:** Holiday Darter (endangered)
- (k) **Etheostoma chlorbranchium:** Greenfin Darter (threatened)
- (l) **Etheostoma chuckwachatte:** Lipstick Darter (endangered)
- (m) **Etheostoma ditrema:** Coldwater Darter (endangered)
- (n) **Etheostoma duryi:** Black Darter (rare)
- (o) **Etheostoma etowahae:** Etowah Darter (endangered)
- (p) **Etheostoma parvipinne:** Goldstripe Darter (rare)
- (q) **Etheostoma rupestre:** Rock Darter (rare)
- (r) **Etheostoma scotti:** Cherokee Darter (threatened)
- (s) **Etheostoma tallapoosae:** Tallapoosa Darter (rare)
- (t) **Etheostoma trisella:** Trispot Darter (endangered)
- (u) **Etheostoma vulneratum:** Wounded Darter (endangered)
- (v) **Fundulus bifax:** Stippled Studfish (endangered)
- (w) **Fundulus catenatus:** Northern Studfish (rare)
- (x) **Hemitremia flammea:** Flame Chub (endangered)
- (y) **Hybopsis lineapunctata:** Lined Chub (rare)
- (z) **Ichthyomyzon bdellium:** Ohio Lamprey (rare)
- (aa) **Lucania goodei:** Bluefin Killifish (rare)
- (bb) **Macrhybopsis sp.:** Coosa Chub (endangered)
- (cc) **Micropterus notius:** Suwannee Bass (rare)
- (dd) **Moxostoma carinatum:** River Redhorse (rare)

- (ee) **Moxostoma robustum:** Robust Redhorse (endangered)
- (ff) **Moxostoma sp.:** Sicklefim Redhorse (endangered)
- (gg) **Notropis ariommus:** Popeye Shiner (endangered)
- (hh) **Notropis asperifrons:** Burrhead Shiner (threatened)
- (ii) **Notropis hypsilepis:** Highscale Shiner (rare)
- (jj) **Notropis photogenis:** Silver Shiner (endangered)
- (kk) **Notropis scepticus:** Sandbar Shiner (rare)
- (ll) **Noturus eleutherus:** Mountain Madtom (endangered)
- (mm) **Noturus munitus:** Frecklebelly Madtom (endangered)
- (nn) **Percina antesella:** Amber Darter (endangered)
- (oo) **Percina aurantiaca:** Tangerine Darter (endangered)
- (pp) **Percina aurolineata:** Goldline Darter (endangered)
- (qq) **Percina jenkinsi:** Conasauga Logperch (endangered)
- (rr) **Percina lenticula:** Freckled Darter (endangered)
- (ss) **Percina sciera:** Dusky Darter (rare)
- (tt) **Percina shumardi:** River Darter (endangered)
- (uu) **Percina sp.:** Halloween Darter (threatened)
- (vv) **Percina sp.:** Muscadine Darter (rare)
- (ww) **Percina sp.:** Upland Bridled Darter (endangered)
- (xx) **Percina squamata:** Olive Darter (endangered)
- (yy) **Percina tanasi:** Snail Darter (endangered)
- (zz) **Phenacobius crassilabrum:** Fatlips Minnow (endangered)
- (aaa) **Phenacobius uranops:** Stargazing Minnow (threatened)
- (bbb) **Phoxinus tennesseensis:** Tennessee Dace (endangered)

- (ccc) **Pteronotropis euryzonus:** Broadstripe Shiner (rare)
- (ddd) **Pteronotropis welaka:** Bluenose Shiner (threatened)
- (eee) **Typhlichthys subterraneus:** Southern Cavefish (endangered)

(6) Invertebrates:

- (a) **Alasmidonta arcula:** Altamaha Arcmussel (threatened)
- (b) **Alasmidonta triangulata:** Southern Elktoe (endangered)
- (c) **Amblema neislerii:** Fat Threeridge (endangered)
- (d) **Anodonta heardi:** Apalachicola Floater (rare)
- (e) **Anodontoides radiatus:** Rayed Creekshell (threatened)
- (f) **Cambarus coosawattae:** Coosawattee Crayfish (endangered)
- (g) **Cambarus cryptodytes:** Dougherty Plain Cave Crayfish (threatened)
- (h) **Cambarus cymatilis:** Conasauga Blue Burrower (endangered)
- (i) **Cambarus doughertyensis:** Dougherty Burrowing Crayfish (endangered)
- (j) **Cambarus englishi:** Tallapoosa Crayfish (rare)
- (k) **Cambarus extraneus:** Chickamauga Crayfish (threatened)
- (l) **Cambarus fasciatus:** Etowah Crayfish (threatened)
- (m) **Cambarus georgiae:** Little Tennessee Crayfish (endangered)
- (n) **Cambarus harti:** Piedmont Blue Burrower (endangered)
- (o) **Cambarus howardi:** Chattahoochee Crayfish (threatened)
- (p) **Cambarus parrishi:** Hiwassee Headwaters Crayfish (endangered)
- (q) **Cambarus scotti:** Chattooga River Crayfish (threatened)
- (r) **Cambarus speciosus:** Beautiful Crayfish (endangered)
- (s) **Cambarus strigosus:** Lean Crayfish (threatened)
- (t) **Cambarus truncatus:** Oconee Burrowing Crayfish (threatened)

- (u) **Cambarus unestami:** Blackbarred Crayfish (threatened)
- (v) **Cordulegaster sayi:** Say's Spiketail (threatened)
- (w) **Distocambarus devexus:** Broad River Burrowing Crayfish (threatened)
- (x) **Elliptio arca:** Alabama Spike (endangered)
- (y) **Elliptio arctata:** Delicate Spike (endangered)
- (z) **Elliptio purpurella:** Inflated Spike (threatened)
- (aa) **Elliptio spinosa:** Altamaha Spinymussel (endangered)
- (bb) **Elliptoideus sloatianus:** Purple Bankclimber (threatened)
- (cc) **Epioblasma metastrata:** Upland Combshell (endangered)
- (dd) **Epioblasma othcaloogensis:** Southern Acornshell (endangered)
- (ee) **Fusconaia masoni:** Atlantic Pigtoe (endangered)
- (ff) **Gomphus consanguis:** Cherokee Clubtail (threatened)
- (gg) **Hamiota altilis:** Fine - lined Pocketbook (threatened)
- (hh) **Hamiota subangulata:** Shinyrayed Pocketbook (endangered)
- (ii) **Leptoxis foremani:** Interrupted Rocksnail (endangered)
- (jj) **Medionidus acutissimus:** Alabama Moccasinshell (threatened)
- (kk) **Medionidus parvulus:** Coosa Moccasinshell (endangered)
- (ll) **Medionidus penicillatus:** Gulf Moccasinshell (endangered)
- (mm) **Medionidus simpsonianus:** Ochlockonee Moccasinshell (endangered)
- (nn) **Ophiogomphus edmundi:** Edmund's Snaketail (endangered)
- (oo) **Pleurobema decisum:** Southern Clubshell (endangered)
- (pp) **Pleurobema georgianum:** Southern Pigtoe (endangered)
- (qq) **Pleurobema hanleyianum:** Georgia Pigtoe (endangered)
- (rr) **Pleurobema pyriforme:** Oval Pigtoe (endangered)

- (ss) **Procambarus gibbus:** Muckalee Crayfish (threatened)
- (tt) **Procambarus verrucosus:** Grainy Crayfish (rare)
- (uu) **Procambarus versutus:** Sly Crayfish (rare)
- (vv) **Ptychobranhus greenii:** Triangular Kidneyshell (endangered)
- (ww) **Strophitus connasaugaensis:** Alabama Creekmussel (endangered)
- (xx) **Strophitus subvexus:** Southern Creekmussel (endangered)
- (yy) **Toxolasma pullus:** Savannah Lilliput (threatened)

(7) Plants:

- (a) **Allium speculae:** Flatrock Onion (threatened)
- (b) **Alnus maritima subsp. georgiensis:** Georgia Alder (threatened)
- (c) **Amorpha georgiana:** Georgia Indigo-bush (endangered)
- (d) **Amphianthus pusillus:** Pool Sprite (threatened)
- (e) **Arabis georgiana:** Georgia Rockcress (threatened)
- (f) **Arnoglossum diversifolium:** Variable-leaf Indian-plantain (threatened)
- (g) **Asclepias purpurascens:** Purple Milkweed (rare)
- (h) **Asplenium heteroresiliens:** MarlSpleenwort (threatened)
- (i) **Astragalus michauxii:** Sandhill Milk-vetch (threatened)
- (j) **Aureolaria patula:** Spreading Yellow Foxglove (threatened)
- (k) **Balduina atropurpurea:** Purple Honeycomb Head (rare)
- (l) **Baptisia arachnifera:** Hairy Rattleweed (endangered)
- (m) **Berberis canadensis:** American Barberry (endangered)
- (n) **Brickellia cordifolia:** Heartleaf Brickellia (threatened)
- (o) **Calamagrostis porteri:** Porter's Reed-grass (rare)
- (p) **Calamintha ashei:** Ohoopee Wild Basil (threatened)

- (q) **Carex baltzellii:** Baltzell's Sedge (endangered)
- (r) **Carex biltmoreana:** Granite Dome Sedge (threatened)
- (s) **Carex dasycarpa:** Velvet Sedge (rare)
- (t) **Carex misera:** Wretched Sedge (threatened)
- (u) **Carex radfordii:** Radford's Sedge (threatened)
- (v) **Carya myristiciformis:** Nutmeg Hickory (rare)
- (w) **Ceratiola ericoides:** Sandhill Rosemary (threatened)
- (x) **Chamaecyparis thyoides:** Atlantic White-cedar (rare)
- (y) **Chelone cuthbertii:** Cuthbert's Turtlehead (threatened)
- (z) **Clematis fremontii:** Fremont's Leatherflower (endangered)
- (aa) **Clematis socialis:** Alabama Leatherflower (endangered)
- (bb) **Convallaria majuscula:** American Lily-of-the-valley (rare)
- (cc) **Coreopsis integrifolia:** Floodplain Tickseed (threatened)
- (dd) **Coreopsis latifolia:** Broadleaf Tickseed (rare)
- (ee) **Crataegus triflora:** Three-flowered Hawthorn (threatened)
- (ff) **Croomia pauciflora:** Croomia (threatened)
- (gg) **Cuscuta harperi:** Harper's Dodder (endangered)
- (hh) **Cymophyllus fraserianus:** Fraser's Sedge (threatened)
- (ii) **Cypripedium acaule:** Pink Ladyslipper (unusual)
- (jj) **Cypripedium kentuckiense:** Kentucky Ladyslipper (endangered)
- (kk) **Cypripedium parviflorum:** Yellow Ladyslipper (rare)
- (ll) **Desmodium ochroleucum:** Cream-flowered Tick-trefoil (threatened)
- (mm) **Dicanthelium hirstii:** Hirst's Witch Grass (endangered)
- (nn) **Dicerandra radfordiana:** Radford's Mint (endangered)

- (oo) **Draba aprica:** Sun-loving Draba (endangered)
- (pp) **Echinacea laevigata:** Smooth Purple Coneflower (endangered)
- (qq) **Elliottia racemosa:** Georgia Plume (threatened)
- (rr) **Epidendrum conopseum:** Greenfly Orchid (unusual)
- (ss) **Eriocaulon koernickianum:** Dwarf Hatpins (endangered)
- (tt) **Evolvulus sericeus:** Silky Morning-glory (endangered)
- (uu) **Fimbristylis perpusilla:** Harper's Fimbry (endangered)
- (vv) **Forestiera godfreyi:** Godfrey's Wild Privet (endangered)
- (ww) **Forestiera segregata:** Florida Wild Privet (rare)
- (xx) **Fothergilla gardenii:** Dwarf Witch-alder (threatened)
- (yy) **Fothergilla major:** Mountain Witch-alder (threatened)
- (zz) **Gentianopsis crinita:** Fringed Gentian (threatened)
- (aaa) **Gymnoderma lineare:** Rock Gnome Lichen (endangered)
- (bbb) **Habenaria quinqueseta:** Michaux's Spider Orchid (threatened)
- (ccc) **Hartwrightia floridana:** Hartwrightia (threatened)
- (ddd) **Helianthus verticillatus:** Whorled Sunflower (endangered)
- (eee) **Helonias bullata:** Swamp Pink (threatened)
- (fff) **Hydrastis canadensis:** Goldenseal (endangered)
- (ggg) **Hymenocallis coronaria:** Shoals Spiderlily (threatened)
- (hhh) **Illicium floridanum:** Florida Anise (endangered)
- (iii) **Isoetes melanospora:** Black-spored Quillwort (endangered)
- (jjj) **Isoetes tegetiformans:** Mat-forming Quillwort (endangered)
- (kkk) **Isotria medeoloides:** Small Whorled Pogonia (threatened)
- (lll) **Jamesianthus alabamensis:** Alabama Warbonnet (endangered)

(mmm) **Jeffersonia diphylla:** Twinleaf (rare)

(nnn) **Kalmia carolina:** Carolina Bog Laurel (threatened)

(ooo) **Leavenworthia exigua var. exigua:** Least Gladecress (threatened)

(ppp) **Leiophyllum buxifolium:** Sand-myrtle (threatened)

(qqq) **Leitneria floridana:** Corkwood (threatened)

(rrr) **Lilium michiganense:** Michigan Lily (rare)

(sss) **Lilium philadelphicum:** Wood Lily (endangered)

(ttt) **Lindera melissifolia:** Pond Spicebush (endangered)

(uuu) **Litsea aestivalis:** Pond Spice (rare)

(vvv) **Lotus helleri:** Carolina Trefoil (endangered)

(www) **Lysimachia fraseri:** Fraser's Loosestrife (rare)

(xxx) **Lythrum curtissii:** Curtiss' Loosestrife (threatened)

(yyy) **Macbridea caroliniana:** Carolina Bogmint (rare)

(zzz) **Macranthera flammea:** Hummingbird Flower (threatened)

(aaaa) **Marshallia mohrii:** Coosa Barbara Buttons (threatened)

(bbbb) **Marshallia ramosa:** Pineland Barbara Buttons (rare)

(cccc) **Matelea alabamensis:** Alabama Milkvine (threatened)

(dddd) **Matelea pubiflora:** Trailing Milkvine (rare)

(eeee) **Megaceros aenigmaticus:** Bighorn Hornwort (threatened)

(ffff) **Monotropsis odorata:** Sweet Pinesap (threatened)

(gggg) **Morella inodora:** Odorless Bayberry (threatened)

(hhhh) **Myriophyllum laxum:** Lax Water Milfoil (rare)

(iiii) **Najas filifolia:** Narrowleaf Naiad (endangered)

(jjjj) **Nestronia umbellula:** Indian Olive (rare)

(kkkk) **Neviusia alabamensis:** Alabama Snow-wreath (threatened)

(llll) **Oxypolis canbyi:** Canby Dropwort (endangered)

(mmmm) **Pachysandra procumbens:** Allegheny-spurge (rare)

(nnnn) **Packera millefolia:** Blue Ridge Golden Ragwort (threatened)

(oooo) **Paronychia virginica:** Yellow Nailwort (endangered)

(pppp) **Pedicularis lanceolata:** Swamp Lousewort (endangered)

(qqqq) **Pedimelum piedmontanum:** Dixie Mountain Breadroot (endangered)

(rrrr) **Penstemon dissectus:** Cutleaf Beardtongue (rare)

(ssss) **Pinguicula primuliflora:** Clearwater Butterwort (threatened)

(tttt) **Pityopsis pinifolia:** Sandhill Golden-aster (rare)

(uuuu) **Platanthera integrilabia:** Monkeyface Orchid (threatened)

(vvvv) **Prenanthes barbata:** Barbed Rattlesnake Root (rare)

(wwww) **Pteroglossaspis ecristata:** Crestless Plume Orchid (threatened)

(xxxx) **Ptilimnium nodosum:** Harperella (endangered)

(yyyy) **Quercus oglethorpensis:** Oglethorpe Oak (threatened)

(zzzz) **Rhododendron prunifolium:** Plumleaf Azalea (threatened)

(aaaaa) **Rhus michauxii:** Dwarf Sumac (endangered)

(bbbbb) **Rhynchospora solitaria:** Solitary Beakrush (endangered)

(ccccc) **Rudbeckia auriculata:** Swamp Black-eyed Susan (endangered)

(ddddd) **Rudbeckia heliopsidis:** Little River Black-eyed Susan (threatened)

(eeee) **Sabatia capitata:** Cumberland Rose Gentian (rare)

(fffff) **Sageretia minutiflora:** Climbing Buckthorn (threatened)

(ggggg) **Sagittaria secundifolia:** Kral's Water-plantain (threatened)

(hhhhh) **Salix floridana:** Florida Willow (endangered)

(iiii) **Sanguisorba canadensis:** Canada Burnet (threatened)

(jjjj) **Sapindus marginatus:** Soapberry (rare)

(kkkkk) **Sarracenia flava:** Yellow Flytrap (unusual)

(lllll) **Sarracenia leucophylla:** Whitetop Pitcherplant (endangered)

(mmmmm) **Sarracenia minor:** Hooded Pitcherplant (unusual)

(nnnnn) **Sarracenia oreophila:** Green Pitcherplant (endangered)

(ooooo) **Sarracenia psittacina:** Parrot Pitcherplant (threatened)

(ppppp) **Sarracenia purpurea:** Purple Pitcherplant (endangered)

(qqqqq) **Sarracenia rubra:** Sweet Pitcherplant (threatened)

(rrrrr) **Schisandra glabra:** Bay Star-vine (threatened)

(sssss) **Schwalbea americana:** Chaffseed (endangered)

(ttttt) **Scutellaria montana:** Large-flowered Skullcap (threatened)

(uuuuu) **Scutellaria ocmulgee:** Ocmulgee Skullcap (threatened)

(vvvvv) **Sedum nevii:** Nevius Stonecrop (threatened)

(wwwww) **Sedum pusillum:** Granite Stonecrop (threatened)

(xxxxx) **Shortia galacifolia:** Oconee Bells (endangered)

(yyyyy) **Sibbaldiopsis tridentata:** Mountain Cinquefoil (endangered)

(zzzzz) **Sideroxylon macrocarpum:** Ohoopee Bumelia (rare)

(aaaaa) **Sideroxylon thornei:** Swamp Buckthorn (rare)

(bbbbb) **Silene ovata:** Ovate Catchfly (rare)

(ccccc) **Silene polypetala:** Fringed Campion (endangered)

(ddddd) **Silene regia:** Royal Catchfly (endangered)

(eeeeee) **Solidago simulans:** Cliffside Goldenrod (endangered)

(ffffff) **Spiraea virginiana:** Virginia Spirea (threatened)

- (gggggg) **Spiranthes magnicamporum:** Great Plains Ladies-tresses (endangered)
- (hhhhhh) **Stewartia malacodendron:** Silky Camellia (rare)
- (iiiiii) **Streptopus lanceolatus:** Rosy Twisted Stalk (threatened)
- (jjjjjj) **Stylisma pickeringii var. pickeringii:** Pickering's Morning-glory (threatened)
- (kkkkkk) **Symphyotrichum georgianum:** Georgia Aster (threatened)
- (llllll) **Thalictrum cooleyi:** Cooley Meadowrue (endangered)
- (mmmmmm) **Thalictrum debile:** Trailing Meadowrue (threatened)
- (nnnnnn) **Thaspium pinnatifidum:** Glade Meadowparsnip (endangered)
- (oooooo) **Torreya taxifolia:** Florida Torreya (endangered)
- (pppppp) **Trientalis borealis:** Starflower (endangered)
- (qqqqqq) **Trillium persistens:** Persistent Trillium (endangered)
- (rrrrrr) **Trillium pusillum:** Dwarf Trillium (endangered)
- (ssssss) **Trillium reliquum:** Relict Trillium (endangered)
- (tttttt) **Tsuga caroliniana:** Carolina Hemlock (endangered)
- (uuuuuu) **Veratrum woodii:** Ozark Bunchflower (rare)
- (vvvvvv) **Viburnum bracteatum:** Limerock Arrowwood (endangered)
- (wwwwww) **Waldsteinia lobata:** Barren Strawberry (rare)
- (xxxxxx) **Xerophyllum asphodeloides:** Eastern Turkeybeard (rare)
- (yyyyyy) **Xyris tennesseensis:** Tennessee Yellow-eyed Grass (endangered)

Cite as Ga. Comp. R. & Regs. R. 391-4-10-.09

Authority: O.C.G.A. Secs. [12-6-172](#), [27-3-132](#).

History. : Original Rule entitled "Protected Species of Plants and Animals" adopted. F. Dec. 22, 1980; eff. Jan. 11, 1981.

Amended: F. Apr. 20, 1984; eff. May 10, 1984.

Amended: F. Nov. 4, 1992; eff. Nov. 24, 1992.

Repealed: New Rule of same title adopted. F. Oct. 26, 2006; eff. Nov. 15, 2006.

Subject 391-4-11. COMMERCIAL ALLIGATOR FARMING.

Rule 391-4-11-.01. Purpose.

The purpose of these regulations are to establish the procedures for the permitting/licensing of commercial alligator farms and to prescribe the standards under which alligator farms must operate. They also prescribe the administrative requirements for the sale of alligators, or parts thereof, the control, harvest, and sale of alligator hides and meats of alligators produced on an alligator farm licensed under the provision of the Official Code of Georgia Annotated (O.C.G.A.), Section 272-10.

Cite as Ga. Comp. R. & Regs. R. 391-4-11-.01

Authority: O.C.G.A. Title 27, Sec. [27-2-10](#).

History. Original Rule entitled "Purpose" was filed on July 25, 1983; effective August 14, 1983.

Repealed: New Rule of same title adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Rule 391-4-11-.02. Licensing.

- (1) Application for license shall be submitted on forms provided by the Department and may be filed at any time. The license year is from April 1 to March 31 of the following year. The cost of the annual license as provided in Section [27-2-3](#) O.C.G.A. is \$50.00.
- (2) License shall not be issued to any applicant under 18 years of age.
- (3) Before a license is issued, Department personnel will inspect the facilities and/or review the specifications of proposed facilities to insure they meet the requirements for the safe handling, humane care and treatment of the alligators.
- (4) An alligator farming license shall not be issued to any person who has been convicted of any violation of O.C.G.A., Title 27, Sections [27-2-10](#) and [27-3-19](#) or rules of the Department of Natural Resources relating to the illegal taking of any crocodilian species, or their eggs, for two (2) years following such conviction.
- (5) The alligator farming license of any persons convicted of any violation of O.C.G.A., Title 27, Sections [27-2-10](#) and [27-3-19](#) or rules of the Department of Natural Resources relating to the illegal taking of any crocodilian species, or their eggs, shall be revoked.
- (6) Upon revocation of an alligator farming license as provided in 391-4-11-.02(5), the licensee shall have six (6) months to dispose of legally acquired alligator stock. Alligator stock may not be disposed of to corporations or partnerships to which the licensee is a principle.

Cite as Ga. Comp. R. & Regs. R. 391-4-11-.02

Authority: O.C.G.A. Title 27, Secs. [27-2-23](#), [27-2-10](#).

History. Original Rule entitled "Licensing" was filed on July 25, 1983; effective August 14, 1983.

Amended: F. Jul. 24, 1990; eff. Aug. 13, 1990.

Repealed: New Rule of same title adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Rule 391-4-11-.03. Acquisition of Alligators.

- (1) Alligator stock (alligators or alligator eggs) must be obtained from captive sources such as an established alligator farm or similar legal source or obtained from a licensed alligator agent-trapper. A permit as provided for in Section [27-2-10\(b\)](#) Official Code of Georgia Annotated must be obtained from the Georgia Game & Fish Division before any alligators or their eggs are acquired or transported from one alligator farm to another. If the stock is obtained from an out-of-state source, legal requirements of the state from which the alligators originate must be satisfied before live alligators or alligator eggs can be moved across state lines. A bill of lading identifying the source of the alligators, their number, length, and sex, if known, or similar evidence of the sale, must be retained by the buyer.
- (2) Alligator farmers licensed under the provisions of O.C.G.A. Section [27-2-10](#) may purchase from any legal source alligator carcasses, the hide and other products from which may then be sold subject to provisions in Chapter 391-4-13.

Cite as Ga. Comp. R. & Regs. R. 391-4-11-.03

Authority: O.C.G.A., Title 27, Sec. [27-2-10](#).

History. Original Rule entitled "Acquisition of Breeding Stock" was filed on July 25, 1983; effective August 14, 1983.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 15, 1988; effective August 4, 1988.

Repealed: New Rule entitled "Acquisition of Alligators" adopted. F. Jul. 17, 1989; eff. Aug. 6, 1989.

Amended: F. Jul. 24, 1990; eff. Aug. 13, 1990.

Repealed: New Rule of same title adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Rule 391-4-11-.04. Specifications for Alligator Farms.

- (1) Breeding ponds, grow-out ponds, or any other outside alligator holding facilities, shall be fenced around the perimeters with woven wire or board fences of sufficient height (minimum, 4 feet) and tightness, constructed so as to prevent the escape or entrance of any size of alligator. Fences shall be buried or otherwise secured at the bottom so as to prevent entrance or escape.
- (2) Holding houses containing an adequate number of artificial tanks will be provided for growing out alligators. Alligators six feet or less in length must be held in tanks or ponds that can be readily drained and are constructed so as to make all alligators visible upon draining.
- (3) A controlled environmental chamber complete with an artificial nesting area (incubator) will be provided for hatching of eggs.

Cite as Ga. Comp. R. & Regs. R. 391-4-11-.04

Authority: O.C.G.A., Title 27, Sec. [27-2-10](#).

History. Original Rule entitled "Facility Standards" was filed on July 15, 1983; effective August 14, 1983.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 15, 1988; effective August 4, 1988.

Amended: F. Jul. 17, 1989; eff. Aug. 6, 1989.

Repealed: New Rule entitled "Specifications for Alligator Farms" adopted.

Amended: F. Jul. 17, 1991; eff. Aug. 6, 1991.

Repealed: New Rule of same title adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Rule 391-4-11-.05. Harvest of Alligators.

- (1) Alligators, or the skins or products of such captive-reared alligators raised on a farm licensed under the provisions of O.C.G.A. Section [27-2-10](#), or alligators purchased from a licensed alligator agent-trapper or other legal source may be sold, but only in accordance with the following restrictions:
 - (a) Alligators may be harvested and skinned only at Department approved sites and only with approval of an authorized agent of the Department. Alligator hides must be held at a specified site until the date of sale. An alligator farmer may request authorization from the Department to skin and receive hide tags for no more than his current total farm inventory of alligators.
 - (b) The sale of alligators or alligator products from the captive-reared or otherwise legally-obtained alligators shall not be permitted until six (6) months have elapsed from the date of the initial issuance of an alligator farming license.
 - (c) Any alligator killed under authority of this section shall be tagged within 24 hours with a tag furnished by the Department. Such tag shall remain attached to the alligator hide until finally processed by the fabricator. Tags removed from hides used to manufacture alligator products shall either be a) turned over to the U.S. Fish and Wildlife Service upon product export or b) turned over to the Georgia Department of Natural Resources, Game and Fish Division, if the product is not exported. It shall be unlawful for any farmer or processor to possess untagged alligator hides or carcasses following the 24 hour period allowed. All alligators that die due to accident, natural causes, or reasons other than harvest shall be tagged within 24 hours or destroyed and recorded in the farm inventory records.
 - (d) Property rights to identifying hide tags issued to farmers shall be vested in the Department, and tags shall remain the property of the state. Unused tags will be returned to the Department within 15 days of the end of the calendar year. Possession of any alligator hide tags by persons other than licensed farmers or licensed nuisance alligator agent-trappers shall be prohibited.
 - (e) The meat of any alligator legally harvested or purchased from a licensed alligator agent-trapper may be consumed by the farmer or his immediate family, but shall not be sold or transferred except as provided in Rule [391-4-11-.07](#) below. Other alligator products may be sold subject to Rule [391-4-11-.07](#) also. Meat not processed and packaged for sale may be kept for personal consumption, but shall not be sold. Each package of meat so processed shall be labeled in indelible ink to

indicate the hide tag number of the alligator from which it came and the alligator farm or agent-trapper's name who harvested the alligator.

Cite as Ga. Comp. R. & Regs. R. 391-4-11-.05

Authority: O.C.G.A., Title 27, Sec. [27-2-10](#).

History. Original Rule entitled "Harvest of Alligators" was filed on July 25, 1983; effective August 14, 1983.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 15, 1988; effective August 4, 1988.

Amended: F. Jul. 17, 1989; eff. Aug. 6, 1989.

Amended: F. Jul. 24, 1990; eff. Aug. 13, 1990.

Repealed: New Rule of same title adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Rule 391-4-11-.06. Sale of Alligators.

- (1) Alligator farmers licensed under the provisions of O.C.G.A. Section [27-2-10](#), may sell, barter, exchange, give or loan any live alligators or their eggs provided a permit is first obtained from the Department. If sold, bartered, exchanged in the interstate commerce or foreign trade, legal requirements of the state or country involved in the transaction must also be satisfied. Live alligators or alligator eggs may not be sold and transported to any state or country outside of their historical range without written permission of the Director.
- (2) The request for such permits must contain the name and address of the proposed buyer, a reference to the buyer's license number or other authority for possession, and shall indicate the number and total lengths of alligators to be sold.

Cite as Ga. Comp. R. & Regs. R. 391-4-11-.06

Authority: O.C.G.A., Title 27, Sec. [27-2-10](#).

History. Original Rule entitled "Sale of Live Alligators" was filed on July 25, 1983; effective August 14, 1983.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 15, 1988; effective August 4, 1988.

Amended: F. Jul. 17, 1989; eff. Aug. 6, 1989.

Repealed: New Rule of same title adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Rule 391-4-11-.07. Sale of Alligator Meat and Other Alligator Products.

Alligator hides, meat, and other alligator products produced on a licensed farm may be sold subject to provision in Chapter 391-4-13.

Cite as Ga. Comp. R. & Regs. R. 391-4-11-.07

Authority: O.C.G.A., Title 27, Secs. [27-2-10](#), [27-3-19](#).

History. Original Rule entitled "Sale of Alligator Meat" was filed on July 25, 1983; effective August 14, 1983.

Amended: Rule repealed and a new Rule entitled "Sale of Alligator Meat and Other Alligator Products" adopted. Filed July 15, 1988; effective August 4, 1988.

Repealed: New Rule of the same title adopted. F. Jul. 17, 1989; eff. Aug. 6, 1989.

Repealed: New Rule of same title adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Rule 391-4-11-.08. Records.

- (1) Licensed alligator farmers shall maintain complete written records and documentation regarding initial inventory of breeding stock indicating the source of such stock, their numbers, length, and sex, if known. Complete, accurate written records will be maintained on a current basis reflecting subsequent population levels due to hatching success, mortality, sale of stock, purchases of additional stock, etc. Shipping documents, invoices, or bills of lading must be maintained to reflect the disposition made of any alligator stock. Farmers shall maintain records that show an accurate inventory of alligators present on each farm. Any change in the number of alligators and the cause of such change (i.e. escape, death, transport, harvest, etc.) shall be recorded. Such records shall be made available to Department personnel for inspection at their request.
- (2) Records shall be maintained at the alligator farm on all alligator carcasses purchased from nuisance alligator agent-trappers and shall include the length and hide tag number of the alligator purchased, the name of the agent-trapper, and the date of the purchase.

Cite as Ga. Comp. R. & Regs. R. 391-4-11-.08

Authority: O.C.G.A., Title 27, Secs. [27-2-10](#), [27-3-19](#).

History. Original Rule entitled "Records" was filed on July 25, 1983; effective August 14, 1983.

Repealed: New Rule of the same title adopted. F. Jul. 17, 1989; eff. Aug. 6, 1989.

Amended: F. Jul. 24, 1990; eff. Aug. 13, 1990.

Repealed: New Rule of same title adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Rule 391-4-11-.09. Reports.

- (1) A complete and accurate Alligator Farm Annual Report form supplied by the Department must be submitted to the Department not later than March 1 of each year before an application for license renewal will be considered. The report must include the following information:
 - (a) number of alligators on the farm in the 0-2 feet, 2-4 feet, and over 4 feet size classes;
 - (b) number of breeding females, nests, eggs and hatching success ratio during the license year;
 - (c) total mortality (natural) during the year to include cause of death, if known, and disposition of hide and/or meat;
 - (d) number alligators harvested for market, identified by the size classes as outlined in (a) above;
 - (e) number of alligators or alligator carcasses purchased and identified by the size classes outlined in (a) above; and

- (f) number of live alligators sold to other legal operatives, identified by the size classes as outlined in (a) above.
- (2) It shall be a violation of this section to submit inaccurate or incomplete reports. For the purpose of this section, an inaccurate report shall be one that deviates more than ten (10) percent from the actual total of alligators present on a farm.

Cite as Ga. Comp. R. & Regs. R. 391-4-11-.09

Authority: O.C.G.A., Title 27, Sec. [27-2-10](#).

History. Original Rule entitled "Reports" was filed on July 25, 1983; effective August 14, 1983.

Amended: F. Jul. 17, 1989; eff. Aug. 6, 1989.

Amended: F. Jul. 24, 1990; eff. Aug. 13, 1990.

Repealed: New Rule of same title adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Rule 391-4-11-.10. Inspections and Inventories of Alligator Farms.

- (1) Department personnel may at any time inspect alligator farms including alligators, eggs, hides and other products, records, lands, buildings, motor vehicles and other equipment that could be used in production, processing, or transportation of alligator, alligator eggs, or alligator products.
- (2) An alligator farm inspection will not include inventory by the Department except under one or more of the following conditions:
 - (a) upon lawful sale or transfer of farm ownership;
 - (b) where inspections of alligator farms or alligator farm records indicate a failure to maintain accurate, complete alligator farming records;
 - (c) when inspection or other Department actions indicate a violation of alligator processing procedures;
 - (d) pursuant to an investigation wherein alligators or their eggs are suspected of being taken, illegally from the wild; or
 - (e) before the transfer of alligator stock occurs after a conviction resulting in revocation of an alligator farming license.
 - 1. An inventory may consist of a total count or a sample of a portion of the facility.
- (3) Should an inventory be required by the Department, the licensed alligator farmer shall cooperate fully (including providing labor as requested) to conduct said inventory. Failure to abide by this requirement shall result in the suspension of all hide tags and transportation permits until the inventory is completed.

- (4) If an inventory reveals a discrepancy in the reported numbers of alligators by a farmer in excess often (10) percent of the total, it shall be a violation of this section. Upon finding such a violation, all remaining hide tags will be seized as evidence and transportation permit requests held until the discrepancies are satisfactorily resolved or until the final disposition of the case by the court.

Cite as Ga. Comp. R. & Regs. R. 391-4-11-.10

Authority: O.C.G.A., Title 27, Sec. [27-2-10](#).

History. Original Rule entitled "Repealer" was filed on July 25, 1983; effective August 14, 1983.

Repealed: New Rule entitled "Inspections and Inventories of Alligator Farms" adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Rule 391-4-11-.11. Repealer.

Any other regulation or parts thereof in conflict with the above regulations is hereby repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-11-.11

Authority: O.C.G.A., Title 27, Sec. [27-2-10](#).

History. Original Rule entitled "Repealer" adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Subject 391-4-12. NUISANCE ALLIGATOR HARVEST.

Rule 391-4-12-.01. Purpose.

The purpose of these regulations are to establish procedures by which agent-trappers designated by the Department may take and dispose of nuisance alligators. They also prescribe necessary qualifications, selection and review procedures, and conditions governing operations of agent-trappers.

Cite as Ga. Comp. R. & Regs. R. 391-4-12-.01

Authority: O.C.G.A. Title 27, Sec. [27-2-10](#), [27-3-19](#).

History. Original Rule entitled "Purpose" was filed on July 15, 1988; effective August 4, 1988.

Repealed: New Rule of same title adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Rule 391-4-12-.02. Qualification and Liability of Agent-trappers.

- (1) Shall reside in the region where the agent-trapper is authorized to take, possess, or kill alligators.
- (2) Shall be capable of supplying all equipment necessary to perform the duties of an agent-trapper.
- (3) Shall have sufficient time available to promptly take designated alligators.

- (4) Shall not have been convicted of violating any law or rule protecting crocodilians within two years of the date of application.
- (5) Shall assume personal liability for their health, welfare and safety while acting as agent-trappers.
- (6) Shall not be engaged in alligator farming or employed by anyone so engaged.

Cite as Ga. Comp. R. & Regs. R. 391-4-12-.02

Authority: O.C.G.A. Title 27, Secs. [27-2-10](#), [27-3-19](#).

History. Original Rule entitled "of Agent-trappers to Harvest Nuisance Alligators" was filed on July 15, 1988; effective August 4, 1988.

Repealed: New Rule entitled "Qualification and Liability of Agent-trappers" adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Rule 391-4-12-.03. Selection and Review of Agent-trappers.

- (1) Applicants for agent-trapper shall be reviewed by a Game and Fish Division selection committee which will make recommendations for selection to the Director of the Game and Fish Division for appointment. The number of appointments shall be based on need.
- (2) Agent-trappers appointed shall enter into a contract with the Department to take and possess nuisance alligators in accordance with this rule. The sole consideration for this contract shall be the appointment as an agent-trapper and the right to keep and dispose of the alligator meat, hides, and other products.

Cite as Ga. Comp. R. & Regs. R. 391-4-12-.03

Authority: O.C.G.A., Title 27, Secs. [27-2-10](#), [27-3-19](#).

History. Original Rule entitled "Qualification and Liability of Agent-trappers" was filed on July 15, 1988; effective August 4, 1988.

Repealed: New Rule entitled "Selection and Review of Agent-trappers" adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Rule 391-4-12-.04. Conditions Governing Operations of Authorized Agent-trappers.

- (1) The agent-trapper will be issued a permit assigning in writing a specific nuisance alligator complaint by designated Department personnel. No agent-trapper shall possess any live alligator for more than 48 hours except as directed by designated Department personnel.
- (2) Alligators shall be humanely killed, but firearms (except a bang stick) shall not be used without specific authorization by the Department.

- (3) An alligator hide tag furnished by the Department shall be attached within 24 hours to any alligator killed by the agent-trapper and shall remain attached until consumed by the trapper. No person shall possess any untagged alligator hide.
- (4) Alligators shall be skinned only at designated sites and in accordance with written skinning instructions provided by the Department. The tagged hides and parts of the alligators taken may be held by the agent-trapper at a designated site for purposes of salt curing or cold storage until time of sale.
- (5) The meat of the alligators taken may be consumed by the agent-trapper or his immediate family or may be sold or transferred only as provided in Chapter 391-4-13. Containers of meat processed for personal consumption by the agent-trapper or his immediate family shall be labeled in indelible ink with the hide tag number of the alligator from which it came and the agent-trapper's name.
- (6) Each agent-trapper may be assisted, providing that no such assistant shall transport or possess any alligator or conduct any trapping activity except in the presence of the agent-trapper. However, alligators may be skinned and processed by an assistant at a designated facility without the agent-trapper being present, and tagged hides or other properly packaged and labeled alligator products may be transported by an assistant provided they are accompanied by complete DNR shipping documents. Assistants shall assume personal liability for their own health, welfare, and safety while assisting an agent-trapper.
- (7) Property rights to nuisance alligator hide tags issued to agent-trappers shall be vested in the Department and shall remain the property of the Department. No person except an authorized agent-trapper shall possess any nuisance alligator tag at any time. Unused alligator hide tags must be returned to the Department within 15 days of the expiration date of the nuisance alligator collection permit.
- (8) Issuance of nuisance alligator collection permits and alligator hide tags shall be discontinued and agent-trapper contract terminated upon receipt of information verified by the Department that the agent-trapper has:
 - (a) Attempted to generate alligator complaints;
 - (b) Failed to respond promptly to an assigned complaint;
 - (c) Been convicted of a violation of any regulation or law concerning the taking of alligators or alligator eggs;
 - (d) Violated any portion of this rule;
 - (e) Acted incompetently in carrying out the responsibilities of his assignments.
- (9) Agent-trappers must have a valid trapper's license in order to take nuisance alligators and sell alligator meat, hides or products.

Cite as Ga. Comp. R. & Regs. R. 391-4-12-.04

Authority: O.C.G.A., Title 27, Secs. [27-2-10](#); [27-3-19](#).

History. Original Rule entitled "Conditions Governing Operations of Authorized Agent-trappers" was filed July 15, 1988; effective August 4, 1988.

Amended: F. Jul. 24, 1990; eff. Aug. 13, 1990.

Repealed: F. Aug. 27, 1993; eff. Sept. 16, 1993.

Rule 391-4-12-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-12-.05

Authority: O.C.G.A., Title 27, Secs. [27-2-10](#); [27-3-19](#).

History. Original Rule entitled "Conditions Governing Operations of Authorized Agent-trappers" was filed July 15, 1988; effective August 4, 1988.

Amended: F. Jul. 24, 1990; eff. Aug. 13, 1990.

Repealed: F. Aug. 27, 1993; eff. Sept. 16, 1993.

Rule 391-4-12-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-4-12-.06

Authority: O.C.G.A., Title 27, Sec. [27-2-10](#).

History. Original Rule entitled "Sale of Alligator Hides or Other Alligator Products" was filed July 15, 1988; effective August 4, 1988.

Repealed: F. Aug. 27, 1993; eff. Sept. 16, 1993.

Subject 391-4-13. SALE OF ALLIGATOR MEAT AND PRODUCTS.

Rule 391-4-13-.01. Purpose.

The purpose of these regulations is to establish procedures by which alligator meat, hides, and other products may be sold or transferred. They also prescribe licensing and record keeping requirements for the sale or transfer of alligator meat, hides, and other products.

Cite as Ga. Comp. R. & Regs. R. 391-4-13-.01

Authority: O.C.G.A. Title 27, Secs. [27-2-10](#), [27-3-19](#).

History. Original Rule entitled "Purpose" was filed on July 15, 1988; effective August 4, 1988.

Repealed: New Rule of same title adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Rule 391-4-13-.02. Sale of Alligator Meat.

- (1) Alligator meat that is lawfully acquired through production on a licensed alligator farm, harvested by approved nuisance alligator agent-trappers, or otherwise obtained from a legal source may be sold or transferred provided that:

- (a) Any alligator meat sold or transferred shall be packaged in approved containers and labeled as specified by the Department indicating that it contains alligator meat, the weight of meat enclosed, the name of the seller, the hide tag number for the alligator from which the meat was taken, and the date of packaging. No more than five pounds of meat shall be included per container and containers shall be used only once. Alligator meat must be packaged and marked in accordance with regulations of the State of origin.
- (b) Alligator farmers and agent-trappers shall maintain written records of all alligator meat sales or transfers. Such records shall be open to inspection by Department personnel. Meat sales or transfers by agent trappers, shall be reported on a form supplied or approved by the Department and a copy must be returned to the Department within 30 days of the date of sale. Alligator farmers shall report total pounds of alligator meat harvested on Department supplied annual farm reports at the end of each calendar year.
- (c) Alligator meat shall be retained in the original container until prepared for consumption or processing. Alligator meat that has been processed or repackaged for sale must be replaced in a tamperproof container approved by the Director or his authorized agent. Such processed or repackaged meat must be labeled with the hide tag number of the alligator(s) from which the meat came. Purchasers of alligator meat from alligator farmers or nuisance alligator agent-trappers must retain an invoice or shipping document for a period of six months from the date of sale.
- (d) All containers of alligator meat labeled in accordance with these regulations shall be shipped only with the State of Georgia or to those states or countries allowing the sale of alligator meat.
- (e) Alligator meat shall only be sold and possessed for sale or transfer in compliance with all applicable sanitation and permit requirements of the Georgia Department of Agriculture, Consumer Protection Division, the county health department of the county where the processing facility is located, and other federal, state, or local authorities.
- (f) Any person selling alligator meat must purchase a Wholesale Fish Dealer's license from the Georgia Department of Agriculture, provided that no permit shall be required for prepared alligator meat sold for food by restaurants.

Cite as Ga. Comp. R. & Regs. R. 391-4-13-.02

Authority: O.C.G.A. Title 27, Secs. [27-2-10](#), [27-3-19](#).

History. Original Rule entitled "Sale of Alligator Meat" was filed on July 15, 1988; effective August 4, 1988.

Amended: F. Jul. 24, 1990; eff. Aug. 13, 1990.

Amended: F. Jul. 17, 1991; eff. Aug. 6, 1991.

Repealed: New Rule of same title adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Amended: F. May 21, 1998; eff. June 10, 1998.

Rule 391-4-13-.03. Sale of Alligator Hides and Other Products.

- (1) Alligator hides and other products, except meat, may be sold or transferred in accordance with the following:
 - (a) Alligator farmers, agent-trappers, and other persons authorized to take or possess alligators may sell or transfer the hides, feet, viscera or skeletal parts of alligators when all such sales or transfers are documented on a Department supplied or approved report form which indicates the kind and quantity of items sold or transferred and the name and address of each buyer. A copy of such form must be returned to the Department within 30 days of the date of sale or transfer. Any packaged alligator parts must be labeled with a Department-approved label that indicates the hide tag number(s) of the alligator(s) from which the parts came, the name and address of the seller, the date of the sale or transfer, and the number and kind of parts included.
 - (b) Any alligator skull sold or transferred shall be permanently labeled with the identifying alligator hide tag number of the alligator from which the skull was taken and the name of the farmer or agent-trapper selling or transferring the skull.
 - (c) Upon approval by the Department, agent-trappers may collect oviductal eggs from gravid nuisance alligators for sale to licensed Georgia alligator farmers.
 - (d) No person, except a licensed alligator farmer or an approved nuisance alligator agent-trapper, shall engage in the sale of alligator hides, viscera, and skeletal parts, unless such person has a valid fur dealer's or fur dealer's agent license from the Department.
 - (e) Persons selling finished or unfinished alligator products shall maintain documentation of their legal acquisition.
 - (f) No person shall sell or transfer any hide, meat, or other product manufactured from a crocodilian species which has been declared to be endangered or threatened by the United States Fish and Wildlife Service.
 - (g) All alligator hides sold or transferred must be tagged by the State of origin, and all alligator parts from out-of-state sources must be packed and marked in accordance with regulations of the State of origin.

Cite as Ga. Comp. R. & Regs. R. 391-4-13-.03

Authority: O.C.G.A. Title 27, Secs. [27-2-10](#), [27-3-19](#).

History. Original Rule entitled "Sale of Alligator Hides and Other Products" was filed on July 15, 1988; effective August 4, 1988.

Amended: F. Jul. 17, 1989; eff. Aug. 6, 1989.

Amended: F. Jul. 24, 1990; eff. Aug. 13, 1990.

Repealed: New Rule of same title adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Subject 391-4-14. AQUACULTURE.

Rule 391-4-14-.01. Application for Aquaculture Registration.

Each applicant for an aquaculture registration shall furnish the following information on their application, in addition to any information required by any other law, rule, or regulation:

- (a) Applicants name, mailing address, and phone number;
- (b) Name and kinds (fish hatchery, catch-out pond, wholesale fish operation, retail fish operation, or other type) of each business, corporation, agency or institution to be covered by the registration;
- (c) The address and location, including county, where each facility is located; and
- (d) The species of fish that will be included under the registration.

Cite as Ga. Comp. R. & Regs. R. 391-4-14-.01

Authority: O.C.G.A. Secs. [27-4-255](#), [27-4-256](#), [27-4-257](#), [27-4-262](#).

History. Original Rule entitled "Application for Aquaculture Registration" adopted. F. Feb. 4, 1994; eff. Feb. 24, 1994.

Rule 391-4-14-.02. Disqualification or Revocation.

Possession of state provided fish at the time of application shall disqualify applicant. Falsification of the application as to possession of state provided fish shall constitute grounds for revocation of registration.

Cite as Ga. Comp. R. & Regs. R. 391-4-14-.02

Authority: O.C.G.A. Secs. [27-4-256](#), [27-4-259](#), [27-4-260](#), [27-4-262](#).

History. Original Rule entitled "Disqualification or Revocation" adopted. F. Feb. 4, 1994; eff. Feb. 24, 1994.

Rule 391-4-14-.03. Registration Certificates.

Registration certificates must be displayed in a prominent location at the place of business, and a copy should be in possession of the owner or his agents when conducting business off the premises.

Cite as Ga. Comp. R. & Regs. R. 391-4-14-.03

Authority: O.C.G.A. Secs. [27-4-261](#), [27-4-262](#).

History. Original Rule entitled "Registration Certificates" adopted. F. Feb. 4, 1994; eff. Feb. 24, 1994.

Subject 391-4-15. WILDLIFE VIOLATOR COMPACT.

Rule 391-4-15-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-4-15-.01

Authority: O.C.G.A. [27-2-41](#).

History. Original Rule entitled "Effective Date" adopted. F. May 30, 2003; eff. June 19, 2003.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-4-15-.02. Purpose.

The purpose of these rules and regulations is to establish the administrative procedures necessary to carry out the purposes of Article 2 of Title 27, Chapter 2, Wildlife Violator Compact. The Wildlife Violator Compact is a voluntary interstate agreement which provides participating states with a mechanism to participate in a reciprocal program to:

- (1) Promote compliance with the statutes, laws, administrative rules and regulations relating to management of wildlife resources in their respective states, and
- (2) Provide for the fair and impartial treatment of wildlife violators operating within the participating states in recognition of the individual's right of due process and the sovereign status of a party state.

Cite as Ga. Comp. R. & Regs. R. 391-4-15-.02

Authority: O.C.G.A. Sec. [27-2-41](#).

History. Original Rule entitled "Purpose" adopted. F. May 30, 2003; eff. June 19, 2003.

Rule 391-4-15-.03. Wildlife Violator Compact Manual.

Subject to all applicable statutes and the constitution of the State of Georgia, including the provisions of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", and pursuant to the provisions of O.C.G.A. [27-2-41](#), the following Wildlife Violator Compact Manual hereby establishes the administrative and procedural guidelines for participation in the Wildlife Violator Compact.

WILDLIFE VIOLATOR COMPACT MANUAL

SECTION I

The following are the general procedures to be followed by Georgia Conservation Rangers in handling hunting, fishing, and trapping misdemeanor violations committed by individuals who are not residents of Georgia, but are a resident of a Wildlife Violator Compact (WVC) member state at the time of the violation. Georgia non-residents who are residents of a WVC member state at the time of the misdemeanor hunting, fishing, or trapping violation occurring in Georgia may be released on personal recognizance under the following conditions:

Violations Covered

1. Any misdemeanor hunting, fishing, or trapping violation enumerated in Title 27 of the Official Code of Georgia annotated subject to the provisions of a "Penalty Assessment", which allows a violator to comply with a citation by mailing a fine payment to a court, thereby admitting guilt without a formal appearance.
2. Any misdemeanor hunting, fishing, or trapping violation written as a summons requiring a violator to deal directly with the court, either in person, by mail or through an attorney.
3. In order for a violation to be subject to these provisions the person to whom the citation is issued must be a resident of a WVC member state, other than the issuing state, at the time the citation is issued.

Types of Violations Not Covered

1. Any violations that mandate a personal appearance.
2. Any petty offense or misdemeanor violation that has a jail term as a mandatory penalty.
3. Any felony violation.
4. Any violation that the issuing officer deems serious enough to arrest a resident violator.
5. Any violation or situation which the laws, policies or procedures of the State of Georgia dictate shall be handled otherwise.

I. Procedures for the Georgia Department of Natural Resources

A. The officer issues a citation to the violator on the standard form used by Georgia DNR.

1. When a non-resident is issued a citation and released on personal recognizance under the provisions of this compact, it is advisable that the signature of the recipient is contained on the citation, regardless of specific requirements on that issue. A physical description of the recipient (height, weight, eye color, and hair color) should also be listed.
2. The citation is returnable to the court at a future date specified on the document, in accordance with the laws, regulations, policies, or procedures of the State of Georgia and/or the Court of jurisdiction.

B. If the violator pays the fine or resolves the case with the court, as appropriate, the matter is closed and no further action is taken.

C. If the violator does not resolve the case by payment of the fine or with the court, action under the provisions of the WVC will be initiated.

1. The "Defendant's Notice of Failure to Comply" form will be completed and the original delivered to the violator by certified mail, return receipt requested, or in person. The remaining copies (Home State Notice of Failure to Comply, Defendant's Notice of Compliance, and Home State Notice of Compliance) are held in a suspense file pending a response from the violator.

a. Sufficient time will be allowed for the defendant to respond to the Defendant's Notice of Failure to Comply Form prior to initiating further action under the WVC. This will normally be not less than 14 days and not more than 28 days, or within any other grace period established by the Board of Compact Administrators, as defined in Code Section [27-2-40](#), Article VII, (a).

b. If the defendant complies with the terms of the citation within the grace period allowed, no further action is taken under the provisions of this section of the WVC. Final action in a court case is not a prerequisite for compliance.

2. If the defendant fails to respond within the time allowed, the "Home State Notice of Failure to Comply" will be sent to the home state of the defendant by Georgia DNR administrative personnel.

Any "Home State Notice of Failure to Comply" shall be processed by the issuing state and reported to the home state within six months of issuance of the citation, or within any other time frame that may be established by the Board of Compact Administrators.

a. If at any time beyond this point in the WVC process the defendant resolves the case with the court, it is imperative that copies 3 and 4, (Defendant's and Home State Notice of Compliance) be mailed immediately so that any pending or ongoing suspension of license privileges by the home state of the defendant which are the result of the action at hand may be canceled.

b. At any time subsequent to the mailing of the "Home State Notice of Failure to Comply" that the violator complies with the citation, no further actions under this Section of the WVC will take place.

Methods of Compliance

1. Payment by mail where provided for.

2. Responding to the citation in person.

3. Submission of a plea by mail where allowed.

4. Responding through an attorney where allowed. *Evidence of Compliance* (in response to a notice of suspension for non-compliance).

1. Certificate from the court.

2. Copy of the court judgment.

NOTE: personal representations, check stubs, money order receipts, etc. are not acceptable.

3. The violator copy of a Notice of Compliance sent by the issuing state.

SECTION II

The following are the general procedures to be followed by the home state of an individual committing hunting, fishing, or trapping violations in another WVC member state, who upon release on personal recognizance failed to resolve the case as appropriate, even after the "Defendant's Notice of Failure to Comply" has been sent, and the issuing state has had to send the "Home State Notice of Failure to Comply".

I. Procedures for the Home State

A. Upon receipt of the "Home State Notice of Failure to Comply" from the issuing state, the agency or licensing authority of the home state of the violator will review the form for the following:

1. Is it legible?
2. Is it complete?
3. Is it timely, within the six-month limit, or other limit established by the Board of Compact Administrators, of the compact?
4. Is the violation covered under the compact?
5. Are all other aspects of the case proper under applicable state laws, policies, and procedures?

B. If for any reason the case cannot be acted on, it will be returned to the issuing state within 14 days, or other time frame established by the Board of Compact Administrators, with an explanation of the problem. If all problems are resolved and the case is returned to the home state it will be processed as outlined in this section.

C. If the case is accepted, it will be entered into the suspension process of the home state.

D. A Notice of Suspension will be prepared and sent to the violator.

1. The Notice of Suspension should have a delayed effective date to permit the violator to contact the court in the issuing state and resolve the case. The length of this delay is subject to the laws, policies or procedures of the home state, but should be at least 14 days in length. Upon receipt of a "Home State Notice of Failure to Comply" by the Georgia DNR, the licensee or permit holder shall be notified of the proposed suspension or revocation personally or by a letter sent by certified mail or statutory overnight delivery to the last known address of the licensee or permit holder. The notice of proposed suspension or revocation shall be deemed received three

days after mailing. The revocation or suspension shall become final 30 days after issuance if not appealed.

2. The Notice of Suspension must inform the violator of the facts behind the suspension with special emphasis on the procedures to be followed in resolving the matter with the court in the issuing state. Accurate information on the court (name, address, phone number) must be provided in the Notice of Suspension. This will help eliminate inquiries of the home state which are costly, time consuming and nonproductive as the home state can do nothing to resolve the case.

E. Should the defendant request a hearing on the suspension, it will follow the form appropriate to the laws, policies or procedures of the home state. Georgia residents receiving a Notice of Suspension from the Georgia DNR under the WVC provisions for failure to comply with the terms of a citation issued in another WVC member state shall request, in writing, a hearing within 30 days from the date of personal notice or receipt of notice sent by certified mail or statutory overnight delivery, return receipt requested, or the right to said hearing shall be deemed waived. Requests for hearings and the procedures for holding of hearings shall be governed by DNR Board Rule Chapter 391-1-2, Procedures For Disposition Of Contested Cases.

1. Such hearings will be restricted to challenging the right of the home state to suspend under the provisions of the WVC; to deny receiving the original citation (thus the importance of the violator's signature on the citation); or to claim that the case has been resolved.

2. The question of guilt or innocence regarding the original charge will not be a subject of hearings held under the provisions of this section.

3. If needed, assistance can be requested from the issuing state. This is normally limited to obtaining certified documentation.

4. NOTE: Suspensions levied for failure to comply with the terms of a citation are enforced in the home state of the violator and honored by all compact states. These administrative suspensions are not to be confused with suspensions which are the result of convictions of wildlife violations in one or more states which are participants in the WVC.

F. If the suspension is upheld, the defendant must then proceed to resolve the court case with the suspension remaining in effect.

G. If the suspension is denied for any reason, the case is terminated and the suspension order vacated. In such cases the issuing state will be informed of the reason for denial.

H. Appeals from suspension orders will be handled in accordance with the laws, policies and procedures of the home state.

1. Should a suspension order be overturned on appeal, the issuing state shall be notified.

I. When a violator resolves a case with the court in the issuing state, an acknowledgement of compliance will be issued directly to that person. It is the responsibility of the violator to present this document to the agency or licensing authority in the home state in order to terminate the suspension. The acknowledgement of compliance may take any form acceptable to the home state and the court.

1. If the acknowledgement of compliance is presented prior to the effective date of the suspension, the suspension is cleared immediately.

2. If the acknowledgement of compliance is presented after the effective date of the suspension, reinstatement will be handled in accordance with the laws, policies and procedures of the home state.

J. Any reinstatement or restoration fees shall be established and assessed in accordance with the laws, policies and procedures of the home state.

SECTION III

RECIPROCAL RECOGNITION OF SUSPENSIONS

States participating in the WVC shall recognize the suspension for cause of the license privileges or rights of any person by any other WVC participating state. This reciprocal recognition of suspensions is not to be confused with suspensions levied for failure to comply as outlined in Section I and II above. Suspensions for cause of license privileges are the result of a conviction, or an accumulation of convictions, of wildlife violations in one or more states which are participants in the WVC.

When the Georgia Department of Natural Resources receives notice of suspension of a person's hunting, fishing, or trapping privileges or licenses by a WVC member state, the Department shall determine whether the violation, or accumulation of violations, leading to the suspension could have led to the suspension of rights, privileges, or licenses under Georgia law. If the Department determines that the person's privileges or licenses could have been suspended under Georgia law, the department shall suspend the person's licenses, rights, and privileges to hunt, fish, or trap in Georgia, pursuant to O.C.G.A. [27-2-40](#), Article V, for the same period as imposed by the WVC member state.

A. States participating in the WVC shall recognize the suspension for cause of the license privileges or rights of any person by any other WVC participating state.

1. The suspension is the result conviction for one or more of the following violations types:

a. Priority will be placed on the following violation types:

VIOLATION	WVC CODE
Illegal take or possession of big game	BGV
Illegal take or possession of threatened or endangered species	TEV

Felony wildlife violations	FEV
License violations, fraud, false statement LIV	
Waste of Wildlife	WAV
Accumulated wildlife violations	ACV
Violations while on revocation	REV
Sale/purchase of wildlife	SPV

b. The following violation types will also be subject to reciprocal revocation by member states depending on member state laws:

VIOLATION	WVC CODE
Illegal take or possession of small game or migratory birds	SGV
Illegal take or possession of fish	FIV
Illegal take or possession of other wildlife	OWV
Tag/permit/license transfer	TRV
Federal wildlife violations	FDV
Other criminal violations	OTV
Guide/outfitter violations	GUV

2. And, such recognition of suspension is not contrary to the laws of that state.

B. Recognition of suspensions which do not meet the criteria of this Section as outlined above will be up to the laws, policies and procedures of that state.

C. Each state participating in the WVC shall communicate suspension information to other participating states, using the Interstate Wildlife Violator Compact database. Participating states will use the guidelines prescribed by database administration. The following information will be included but not limited to:

1. Positive identification of the subject of the suspension.

Including:

a. Name

b. Date of birth

c. Physical description

d. Last known address

2. The basis of the suspension including:

- a. Violation(s) and convictions upon which the suspension is based
 - b. The scope of the suspension (i.e., Fishing, hunting, trapping, all privileges or rights)
 - c. Effective dates of the suspension and term of the suspension
- D. In the event documentation of a violation and subsequent license suspension is needed by a member state for license suspension hearings or other purposes, the issuing state shall provide certified copies of the citation or other charging instrument, any arrest or investigation reports, suspension orders and the disposition of the matter.

SECTION IV

TRANSMITTAL OF CONVICTION INFORMATION TO THE HOME STATE OF THE VIOLATOR

When the Georgia Department of Natural Resources receives notice of a conviction of a Georgia resident from the agency or licensing authority of a WVC member state, the Department shall treat the conviction as if it had occurred in Georgia.

A. Upon a conviction, the issuing state shall forward to the home state of the violator the following information:

1. Personal Information

- a. Name
- b. Date of birth
- c. Sex
- d. Physical description (height, weight, hair, eyes)
- e. Last known address

2. Violation Information

- a. Citation number
- b. Violation description
- c. Fine assessed

B. For the purpose of consideration for license suspension, the home state shall treat such convictions in other WVC member states as if they had occurred in the home state.

C. In the event detailed information on a violation is needed by the home state, for license suspension hearings or other purposes, the issuing state shall provide certified copies of the citation or other charging instrument, any arrest or investigation reports and the disposition of the matter.

SECTION V

ADMINISTRATIVE MATTERS

I. Entry into the Compact

A. Entry into the WVC may be accomplished by the following methods.

1. A state legislature may accomplish WVC joinder by adopting the full compact as a statute.
2. A state legislature may authorize and direct that state's wildlife agency to enter into the compact.

B. Upon legislative action as specified above, entry into the WVC shall be finalized by the submission of a resolution of ratification and an informational application submitted to the chairman of the board of compact administrators.

The resolution of ratification shall be signed by the chief administrator of the wildlife agency or licensing authority and shall include:

1. A citation and copy of the authority by which the state is empowered to become a member of the Wildlife Violator Compact;
2. Statement of agreement to comply with the terms and provisions of the compact; and
3. A statement that compact entry is with all states then party to the Wildlife Violator Compact and with any state that legally becomes a party to the compact.

C. The effective date of entry shall be specified by the applying state but shall be at least sixty (60) days after notice has been given to each member state by the chairman of the board of compact administrators.

D. Only violations which are committed on or after the effective date of entry, and resulting suspensions, shall be subject to the provisions of the Compact.

II. Withdrawal from the Compact

A. A member state may withdraw from the WVC by submitting official written notice to the other member states. Such withdrawal shall not be effective until ninety (90) days after such notice is mailed.

B. Such notice must be directed to the compact administrator of each member state.

C. The withdrawal of one or more member states shall have no effect on the validity of the WVC as to the remaining member states.

Cite as Ga. Comp. R. & Regs. R. 391-4-15-.03

Authority: O.C.G.A. Sec. [27-2-41](#).

History. Original Rule entitled "Wildlife Violator Compact Manual" adopted. F. May 30, 2003; eff. June 19, 2003.

Subject 391-4-16. FRESH-WATER TURTLE REGULATIONS.

Rule 391-4-16-.01. Purpose.

The purpose of these regulations is to establish procedures for the export, farming and sale of native fresh-water turtles pursuant to O.C.G.A. [27-3-19.1](#). The following regulations prescribe the rules and regulations necessary to administer the export, farming, and sale of native fresh-water turtles under sound wildlife management practices.

Cite as Ga. Comp. R. & Regs. R. 391-4-16-.01

Authority: O.C.G.A. §§ [27-1-4](#), [27-1-28](#), [27-2-31](#), [27-3-19.1](#).

History. Original Rule entitled "Purpose" adopted. F. Jan. 27, 2012; eff. Feb. 16, 2012.

Repealed: New Rule of same title adopted. F. Apr. 5, 2018; eff. Apr. 25, 2018.

Rule 391-4-16-.02. Definitions.

- (1) As used in these rules and regulations, the term:
- (a) "Commercial Enterprise" means of or relating to the export, farming, buying, selling, exchanging, bartering or offering for purchase, sale, exchange or barter in order to derive income or other consideration.
 - (b) "Export" means the transportation of native fresh-water turtles by any person from any point within this state to any point beyond the borders of this state.
 - (c) "Sale" means the possession of native fresh-water turtles for commercial enterprise.
 - (d) "Turtle Farm" means the possession of more than ten (10) native fresh-water turtles, including any act involving the production of native fresh-water turtles in captivity for commercial enterprise.
 - (e) "Wild-caught" means trapped, taken, or captured by any method from any freshwater habitat, including but not limited to, waters of the state or private ponds.

Cite as Ga. Comp. R. & Regs. R. 391-4-16-.02

Authority: O.C.G.A. §§ [27-1-4](#), [27-1-28](#), [27-2-31](#), [27-3-19.1](#).

History. Original Rule entitled "Definitions" adopted. F. Jan. 27, 2012; eff. Feb. 16, 2012.

Note: Correction of typographical error on SOS Rules and Regulations website. Original Rule title in History, "Purpose", corrected to "Definitions." Effective Apr. 25, 2018.

Repealed: New Rule of same title adopted. F. Apr. 5, 2018; eff. Apr. 25, 2018.

Rule 391-4-16-.03. Unlawful Activities.

- (1) It is unlawful for any person to export native fresh-water turtles without a valid commercial turtle farming permit issued by the department.
 - (a) This does not apply to any person possessing a valid food sales establishment license issued by the Georgia Department of Agriculture, provided that such establishment is in compliance with provisions of O.C.G.A. [27-2-15](#).
 - (b) Any exportation requires an export permit from the department before any items leave the state of Georgia.
- (2) It is unlawful for any person to possess more than ten (10) native fresh-water turtles without a valid commercial turtle farming permit issued by the department.
 - (a) Any person holding a valid nuisance wildlife control permit issued by the department may capture, possess, or transport native fresh-water turtles, provided however that such turtles shall not be held for more than 72 hours. Provided further that such turtles may be:
 - (i) euthanized;
 - (ii) released alive within their native range in the drainage where captured within the boundaries of the state; or
 - (iii) sold to a Georgia commercial turtle farm in accordance with this chapter.
 - (b) Any person holding a valid wildlife exhibition or wildlife rehabilitation permit may possess more than ten (10) native fresh-water turtles in accordance with such wildlife exhibition or wildlife rehabilitation permit. Nothing in this Chapter shall be construed to allow such person to engage in any commercial enterprise involving native fresh-water turtles.
 - (c) Any person holding a valid scientific collecting permit may collect or possess more than ten (10) native fresh-water turtles in accordance with such scientific collecting permit. Nothing in this Chapter shall be construed to allow such person to engage in any commercial enterprise involving native fresh-water turtles.
- (3) It is unlawful for any person to collect any native fresh-water turtle eggs from the wild.

- (4) It is unlawful for any person to sell, hold for sale, or to distribute viable native fresh-water turtle eggs or live fresh-water turtles with a carapace length less than 4 inches unless for export from the state or otherwise authorized by a permit in accordance with O.C.G.A. [27-2-12](#) and O.C.G.A. [27-2-13](#). Nothing in this Chapter shall be construed to be in conflict with any federal law or regulation, specifically, [21CFR 1240.62](#). It is unlawful to import live native fresh-water turtles or the eggs of such from another state unless such turtles or eggs were lawfully acquired in accordance with the laws and regulations of that state. Provided further that the following requirements shall also be met:
- (a) A wildlife importation permit shall be obtained from the department if such turtles, or eggs, are wildlife. Such permit shall be valid for the period indicated within the issued permit; and
 - (b) A bill of lading identifying the source of the turtles, species, age class (hatchling, juvenile, or adult) and sex, if known, of each turtle, or similar evidence of the sale must be retained by the buyer pursuant to this Chapter; or
 - (c) A person possessing a valid commercial turtle farming permit who acquires more than ten (10) native fresh-water turtles from direct trapping in another state shall document accurate and complete records in accordance with Chapter [391-4-16-.08](#) on a daily basis.
- (5) Nothing in this Chapter shall be construed to authorize the taking of any species which is protected under the federal Endangered Species Act of 1973, P.L. 93-205, as amended, or under any state law which has as its purpose the protection of endangered or threatened species.

Cite as Ga. Comp. R. & Regs. R. 391-4-16-.03

Authority: O.C.G.A. §§ [27-1-4](#), [27-1-28](#), [27-2-31](#), [27-3-19.1](#).

History. Original Rule entitled "Unlawful Activities" adopted. F. Jan. 27, 2012; eff. Feb. 16, 2012.

Note: Correction of typographical error on SOS Rules and Regulations website. Original Rule title in History, "Purpose", corrected to "Unlawful Activities." Effective Apr. 25, 2018.

Repealed: New Rule of same title adopted. F. Apr. 5, 2018; eff. Apr. 25, 2018.

Rule 391-4-16-.04. Permits.

- (1) Application for a commercial turtle farming permit shall be submitted on forms provided by the department and may be submitted at any time. The permit year is from April 1 to March 31.
- (a) The fee for a commercial turtle farming permit shall be \$50.00.
 - (b) Unless otherwise specified on the permit, commercial turtle farming permits shall be effective from April 1 through March 31.

- (c) The department may issue a commercial turtle farming permit, at no charge, to an individual(s) who is (are) operating an established turtle farm prior to January 25, 2012. Provided, however, that such individual(s) must submit a completed application for a commercial turtle farming permit to the department and the completed application must be received by the department not later than February 29, 2012. A commercial turtle farming permit issued under this subparagraph shall be valid for the natural life of the individual(s) to whom such permit is issued. Individuals to whom such permits are issued may keep turtles that are in their possession at the time the permit is issued indefinitely.
- (2) Prior to issuing a commercial turtle farming permit to an individual who intends to operate a turtle farm, department personnel shall inspect the facilities and/or review the specifications of proposed facilities to ensure such facilities meet the requirements of [391-4-16-.07](#).
- (3) A commercial turtle farming permit shall not be issued to any person who has been convicted within the past five (5) years of any violation of O.C.G.A. Title 27.
- (4) In accordance with O.C.G.A. [27-4-90](#) and [27-4-91](#), and as provided for in O.C.G.A. [27-2-23](#), a commercial fishing license shall be an eligibility requirement for a commercial turtle farming permit.

Cite as Ga. Comp. R. & Regs. R. 391-4-16-.04

Authority: O.C.G.A. §§ [27-1-4](#), [27-1-28](#), [27-2-31](#), [27-3-19.1](#).

History. Original Rule entitled "Permits" adopted. F. Jan. 27, 2012; eff. Feb. 16, 2012.

Note: Correction of typographical error on SOS Rules and Regulations website. Original Rule title in History, "Purpose", corrected to "Permits." Effective Apr. 25, 2018.

Repealed: New Rule of same title adopted. F. Apr. 5, 2018; eff. Apr. 25, 2018.

[Rule 391-4-16-.05. Limits.](#)

- (1) The department may issue a "catch out" authorization for private ponds that allows a nuisance wildlife control operator to remove native fresh-water turtles and such turtles shall not be subject to the limits established in this paragraph.
- (2) Commercial turtle farming permit holders may annually stock up to two hundred (200) native, wild caught fresh-water turtles into a Georgia turtle farm, including up to one hundred (100) turtles provided from authorized "catch outs", notwithstanding other special permits as issued by the department.

Cite as Ga. Comp. R. & Regs. R. 391-4-16-.05

Authority: O.C.G.A. §§ [27-1-4](#), [27-1-28](#), [27-2-31](#), [27-3-19.1](#).

History. Original Rule entitled "Limits" adopted. F. Jan. 27, 2012; eff. Feb. 16, 2012.

Note: Correction of typographical error on SOS Rules and Regulations website. Original Rule title in History, "Purpose", corrected to "Limits." Effective Apr. 25, 2018.

Repealed: New Rule of same title adopted. F. Apr. 5, 2018; eff. Apr. 25, 2018.

Rule 391-4-16-.06. Acquisition of Turtles.

Any person holding a valid commercial turtle farming permit may acquire live native fresh-water turtles from any source or direct trapping of wild-caught fresh-water turtles in accordance with O.C.G.A. [27-4-91](#), provided that such turtles have been lawfully taken. Such acquisition shall be documented in accordance with [391-4-16.08\(2\)\(g\)](#) and maintained onsite.

Cite as Ga. Comp. R. & Regs. R. 391-4-16-.06

Authority: O.C.G.A. §§ [27-1-4](#), [27-1-28](#), [27-2-31](#), [27-3-19.1](#).

History. Original Rule entitled "Acquisition of Turtles" adopted. F. Jan. 27, 2012; eff. Feb. 16, 2012.

Note: Correction of typographical error on SOS Rules and Regulations website. Original Rule title in History, "Purpose", corrected to "Acquisition of Turtles." Effective Apr. 25, 2018.

Repealed: New Rule of same title adopted. F. Apr. 5, 2018; eff. Apr. 25, 2018.

Rule 391-4-16-.07. Specifications for Turtle Farms.

- (1) Outdoor facilities including, but not limited to, breeding ponds, grow-out ponds, holding ponds, and nesting areas shall meet the following conditions:
 - (a) All such facilities shall be contained within a perimeter fence not less than 24 inches in height from ground level;
 - (b) The perimeter fence shall be sufficient to prevent egress and ingress of any turtle;
 - (c) All ponds shall be permanent earthen structures unless otherwise stipulated by the department; and
 - (d) Turtle nesting areas shall consist of non-compacted soil of sufficient depth and area to meet the biological reproductive needs of all species being bred and accommodate the density of the facility's breeding stock and shall provide unrestricted egress and ingress of nesting females from breeding and/or holding ponds, unless otherwise stipulated by the department.
- (2) Indoor housing facilities shall meet the following conditions:
 - (a) The facility shall include a structurally sound barrier to prevent egress or ingress of any turtle and infrastructure for holding, breeding, turtle laying area(s), incubation and hatching areas;
 - (b) Suitable sanitary methods shall provide for rapid elimination of excess water and shall be properly constructed, and kept in good repair, to ensure the health of the turtles at all times. The method of drainage shall comply with applicable federal,

state, and local laws and regulations relating to pollution control or the protection of the environment; and

- (c) Turtle nesting areas shall consist of non-compacted soil of sufficient depth and area to meet the biological reproductive needs of all species being bred and accommodate the density of the facility's breeding stock and shall provide unrestricted egress and ingress of nesting females from breeding and/or holding ponds, unless otherwise stipulated by the department.
- (3) All indoor and outdoor facilities shall be in compliance with applicable provisions of O.C.G.A. [27-5-6](#).

Cite as Ga. Comp. R. & Regs. R. 391-4-16-.07

Authority: O.C.G.A. §§ [27-1-4](#), [27-1-28](#), [27-2-31](#), [27-3-19.1](#).

History. Original Rule entitled "Specifications for Turtle Farms" adopted. F. Jan. 27, 2012; eff. Feb. 16, 2012.

Note: Correction of typographical error on SOS Rules and Regulations website. Original Rule title in History, "Purpose", corrected to "Specifications for Turtle Farms." Effective Apr. 25, 2018.

Repealed: New Rule of same title adopted. F. Apr. 5, 2018; eff. Apr. 25, 2018.

Rule 391-4-16-.08. Records and Reports.

- (1) Any person possessing a valid commercial turtle farming permit issued by the department shall maintain accurate and complete written records and documentation on each transaction of a commercial enterprise involving native fresh-water turtles. Such records shall include the source, species, age class (hatchling, juvenile or adult), and sex of each turtle. Such records shall be made available to department personnel for inspection at their request.
 - (a) The department shall comply with the provisions of O.C.G.A. [50-18-72\(b\)\(1\)](#) as it relates to disclosure of trade secrets of a privileged and confidential nature.
- (2) Any person possessing a valid commercial turtle farming permit issued by the department shall submit annually to the department not later than March 1 a report that shall, where applicable, include:
 - (a) the total number of turtles of each species possessed, including number of each sex, if determinable;
 - (b) the total number of turtles of each species captured, including number of each sex, if determinable;
 - (c) counties trapped;
 - (d) total mortality, by species, including cause of death, if known;

- (e) number of turtles, by species, harvested for market;
- (f) number of each species of turtles or eggs sold, offered for adoption, given away, bartered, or exchanged; and
- (g) per transaction, the name and address of each supplier of native fresh-water turtles or eggs and the name and address of each purchaser or recipient of native fresh-water turtles, turtle eggs, or turtle products.

Cite as Ga. Comp. R. & Regs. R. 391-4-16-.08

Authority: O.C.G.A. §§ [27-1-4](#), [27-1-28](#), [27-2-31](#), [27-3-19.1](#).

History. Original Rule entitled "Records and Reports" adopted. F. Jan. 27, 2012; eff. Feb. 16, 2012.

Note: Correction of typographical error on SOS Rules and Regulations website. Original Rule title in History, "Purpose", corrected to "Records and Reports." Effective Apr. 25, 2018.

Repealed: New Rule of same title adopted. F. Apr. 5, 2018; eff. Apr. 25, 2018.

Rule 391-4-16-.09. Inspection and Inventory of Turtle Farms.

- (1) Department personnel may, at any time, inspect turtle farms, including importation and exportation shipments, turtles, eggs, records, lands, facilities and any other equipment that may be used in the production, processing, or transportation of turtles, turtle eggs, or turtle products.
- (2) A turtle farm inspection may include a complete census or scientific survey of the turtle stock by the department under the following conditions:
 - (a) upon lawful sale or transfer of ownership; or
 - (b) when an inspection indicates a violation of this Chapter; or
 - (c) pursuant to an investigation wherein turtles or their eggs may have been unlawfully acquired; or
 - (d) prior to the transfer of turtle stock resulting from the revocation of a commercial turtle farming permit.
- (3) A permitted turtle farmer shall cooperate fully should an inventory or census be required by the department.

Cite as Ga. Comp. R. & Regs. R. 391-4-16-.09

Authority: O.C.G.A. §§ [27-1-4](#), [27-1-28](#), [27-2-31](#), [27-3-19.1](#).

History. Original Rule entitled "Inspection and Inventory of Turtle Farms" adopted. F. Jan. 27, 2012; eff. Feb. 16, 2012.

Note: Correction of typographical error on SOS Rules and Regulations website. Original Rule title in History, "Purpose", corrected to "Inspection and Inventory of Turtle Farms." Effective Apr. 25, 2018.

Repealed: New Rule of same title adopted. F. Apr. 5, 2018; eff. Apr. 25, 2018.

Subject 391-4-17. BOATING VIOLATOR COMPACT.

Rule 391-4-17-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-4-17-.01

Authority: O.C.G.A. [52-7-31](#).

History. Original Rule entitled "Effective Date" adopted. F. Apr. 3, 2015; eff. Apr. 23, 2015.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-4-17-.02. Purpose.

The purpose of these rules and regulations is to establish the administrative procedures necessary to carry out the purposes of Article 1A of Title 52, Chapter 7, Boating Violator Compact. The Boating Violator Compact is a voluntary interstate agreement which provides participating states with a mechanism to participate in a reciprocal program to:

- (1) Promote compliance with the statutes, laws, administrative rules and regulations relating to boating safety in their respective states, and
- (2) Provide for the fair and impartial treatment of boating violators within the participating states in recognition of the individual's right of due process and the sovereign status of a party state.

Cite as Ga. Comp. R. & Regs. R. 391-4-17-.02

Authority: O.C.G.A. Title 52; § [52-7-31](#).

History. Original Rule entitled "Purpose" adopted. F. Apr. 3, 2015; eff. Apr. 23, 2015.

Rule 391-4-17-.03. Boating Violator Compact Manual.

Subject to all applicable statutes and the constitution of the State of Georgia, including the provisions of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", and pursuant to the provisions of O.C.G.A. [52-7-31\(c\)](#), the following Boating Violator Compact Manual hereby establishes the administrative and procedural guidelines for participation in the Boating Violator Compact.

Boating Violator Compact Manual

Section I

The following are the general procedures to be followed by Georgia Conservation Rangers in handling boating misdemeanor violations committed by individuals who are not residents of

Georgia, but are a resident of a Boating Violator Compact (BVC) member state at the time of the violation.

Georgia non-residents who are residents of a BVC member state at the time of the misdemeanor boating violation occurring in Georgia may be released on personal recognizance under the following conditions:

Violations covered

1. Any violation subject to the provisions of a "Penalty Assessment", which allows a violator to comply with a citation by mailing a fine payment to the issuing agency or a court.
2. Any violation written as a summons requiring a violator to deal directly with the court, either in person, by mail or through an attorney. Unless there are other restrictions in this document or in the laws, policies or procedures of the issuing state or the court of jurisdiction.
3. In order for a violation to be subject to these provisions the person to whom the citation is issued must be a resident of a Compact state, other than the issuing state, at the time the citation is issued.

Types of Violations Not Covered

1. Any violations that mandate a personal appearance.
2. Any petty offense or misdemeanor violation that has a jail term as a mandatory penalty.
3. Any felony violation.
4. Any violation that the issuing officer deems serious enough to arrest a resident violator.
5. Any violation or situation which the laws, policies or procedures of the State of Georgia dictate shall be handled otherwise.

I. Procedures for the Georgia Department of Natural Resources

- A. The officer issues a citation to the violator on the standard form used by Georgia DNR.
 1. When a non-resident is issued a citation and released on personal recognizance under the provisions of this compact, it is advisable that the signature of the recipient is contained on the citation, regardless of specific requirements on that issue. A physical description of the recipient (height, weight, eye color, and hair color) should also be listed.

2. The citation is returnable to the court at a future date specified on the document, in accordance with the laws, regulations, policies, or procedures of the State of Georgia and/or the Court of jurisdiction.
- B. If the violator pays the fine or resolves the case with the court, as appropriate, the matter is closed and no further action is taken.
- C. If the violator does not resolve the case by payment of the fine or with the court, action under the provisions of the BVC will be initiated.
1. The "Defendant's Notice of Failure to Comply" form will be completed and the original delivered to the violator by certified mail, return receipt requested, or in person. The remaining copies (Home State Notice of Failure to Comply, Defendant's Notice of Compliance, and Home State Notice of Compliance) are held in a suspense file pending a response from the violator.
 - a. Sufficient time will be allowed for the defendant to respond to the Defendant's Notice of Failure to Comply Form prior to initiating further action under the BVC. This will normally not be less than 14 days and not more than 28 days, or within any other grace period established by the Board of Compact Administrators, as defined in Code Section [52-7-30](#).
 - b. If the defendant complies with the terms of the citation within the grace period allowed, no further action is taken under the provisions of this section of the BVC. Final action in a court case is not a prerequisite for compliance.
 2. If the defendant fails to respond within the time allowed, the "Home State Notice of Failure to Comply" will be sent to the home state of the defendant by Georgia DNR administrative personnel.

Any "Home State Notice of Failure to Comply" shall be processed by the issuing state and reported to the home state within six months of issuance of the citation, or within any other time frame that may be established by the Board of Compact Administrators.

- a. If at any time beyond this point in the BVC process the defendant resolves the case with the court, it is imperative that copies 3 and 4, (Defendant's and Home State Notice of Compliance) be mailed immediately so that any pending or ongoing suspension of license privileges by the home state of the defendant which are the result of the action at hand may be canceled.

- b. At any time subsequent to the mailing of the "Home State Notice of Failure to Comply" that the violator complies with the citation, no further actions under this Section of the BVC will take place.

Methods of Compliance

1. Payment by mail where provided for.
2. Responding to the citation in person.
3. Submission of a plea by mail where allowed.
4. Responding through an attorney where allowed.

Evidence of Compliance (in response to a notice of suspension for non-compliance).

1. Certificate from the court.
2. Copy of the court judgment.

NOTE: personal representations, check stubs, money order receipts, etc. are not acceptable.

3. The violator copy of a Notice of Compliance sent by the issuing state.

Section II

The following are the general procedures to be followed by the home state of an individual committing boating violations in another BVC member state, who upon release on personal recognizance failed to resolve the case as appropriate, even after the "Defendant's Notice of Failure to Comply" has been sent, and the issuing state has had to send the "Home State Notice of Failure to Comply".

I. Procedures for the Home State

- A. Upon receipt of the "Home State Notice of Failure to Comply" from the issuing state, the agency or licensing authority of the home state of the violator will review the form for the following:
 1. Is it legible?

2. Is it complete?
 3. Is it timely, within the six-month limit, or other limit established by the Board of Compact Administrators, of the compact?
 4. Is the violation covered under the compact?
 5. Are all other aspects of the case proper under applicable state laws, policies, and procedures?
- B. If for any reason the case cannot be acted on, it will be returned to the issuing state within 14 days, or other time frame established by the Board of Compact Administrators, with an explanation of the problem. If all problems are resolved and the case is returned to the home state it will be processed as outlined in this section.
- C. If the case is accepted, it will be entered into the suspension process of the home state.
- D. A Notice of Suspension will be prepared and sent to the violator.
1. The Notice of Suspension should have a delayed effective date to permit the violator to contact the court in the issuing state and resolve the case. The length of this delay is subject to the laws, policies or procedures of the home state, but should be at least 14 days in length. Upon receipt of a "Home State Notice of Failure to Comply" by the Georgia DNR, the licensee or permit holder shall be notified of the proposed suspension or revocation personally or by a letter sent by certified mail or statutory overnight delivery to the last known address of the licensee or registration holder. The notice of proposed suspension or revocation shall be deemed received three days after mailing. The revocation or suspension shall become final 30 days after issuance if not appealed.
 2. The Notice of Suspension must inform the violator of the facts behind the suspension with special emphasis on the procedures to be followed in resolving the matter with the court in the issuing state. Accurate information on the court (name, address, phone number) must be provided in the Notice of Suspension. This will help eliminate inquiries of the home state which are costly, time consuming and nonproductive as the home state can do nothing to resolve the case.
- E. Should the defendant request a hearing on the suspension, it will follow the form appropriate to the laws, policies or procedures of the home state. Georgia residents receiving a Notice of Suspension from the Georgia DNR under the BVC provisions for failure to comply with the terms of a citation issued in another BVC member state shall request, in writing, a hearing within 30 days from the date of personal

notice or receipt of notice sent by certified mail or statutory overnight delivery, return receipt requested, or the right to said hearing shall be deemed waived. If a request for hearing is timely made by such a Georgia resident, the hearing shall be conducted in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act". The hearing shall be recorded.

1. Such hearings will be restricted to challenging the right of the home state to suspend under the provisions of the BVC; to deny receiving the original citation (thus the importance of the violator's signature on the citation); or to claim that the case has been resolved.
 2. The question of guilt or innocence regarding the original charge will not be a subject of hearings held under the provisions of this section.
 3. If needed, assistance can be requested from the issuing state. This is normally limited to obtaining certified documentation.
 4. **NOTE: Suspensions levied for failure to comply with the terms of a citation are enforced in the home state of the violator and honored by all compact states.** These administrative suspensions are not to be confused with suspensions which are the result of convictions of boating violations in one or more states which are participants in the BVC.
- F. If the suspension is upheld, the defendant must then proceed to resolve the court case with the suspension remaining in effect.
- G. If the suspension is denied for any reason, the case is terminated and the suspension order vacated. In such cases the issuing state will be informed of the reason for denial.
- H. Appeals from suspension orders will be handled in accordance with the laws, policies and procedures of the home state.
1. Should a suspension order be overturned on appeal, the issuing state shall be notified.
- I. When a violator resolves a case with the court in the issuing state, an acknowledgement of compliance will be issued directly to that person. It is the responsibility of the violator to present this document to the agency or licensing authority in the home state in order to terminate the suspension. The acknowledgement of compliance may take any form acceptable to the home state and the court.
1. If the acknowledgement of compliance is presented prior to the effective date of the suspension, the suspension is cleared immediately.

2. If the acknowledgement of compliance is presented after the effective date of the suspension, reinstatement will be handled in accordance with the laws, policies and procedures of the home state.
- J. Any reinstatement or restoration fees shall be established and assessed in accordance with the laws, policies and procedures of the home state.

Section III

Reciprocal Recognition of Suspensions

States participating in the BVC shall recognize the suspension for cause of the license privileges or rights of any person by any other BVC participating state. This reciprocal recognition of suspensions is not to be confused with suspensions levied for failure to comply as outlined in Section I and II above. Suspensions for cause of license privileges are the result of a conviction, or an accumulation of convictions, of boating violations in one or more states which are participants in the BVC.

When the Georgia Department of Natural Resources receives notice of suspension of a person's boating privileges or licenses by a BVC member state, the Department shall determine whether the violation, or accumulation of violations, leading to the suspension could have led to the suspension of rights, privileges, or licenses under Georgia law. If the Department determines that the person's privileges or licenses could have been suspended under Georgia law, the department shall suspend the person's licenses, rights, and privileges to operate a vessel in Georgia, pursuant to O.C.G.A. [52-7-30](#), Article VI, for the same period as imposed by the BVC member state.

- A. States participating in the BVC shall recognize the suspension for cause of the boating license, privileges or rights of any person by any other party state if:
1. The suspension is the result of a conviction for one or more of the following violations or a failure to appear on a boating citation:
 - a. Priority will be placed on the following violation types:

VIOLATION	BVC CODE
Operating vessel under the influence	BUI
Reckless operation	REK
Navigation Rules of the Road	NAV
License violations, fraud, false statement	LIV
Accumulated boating violations	ACV
Violations while on revocation	REV
Safety Equipment violations	SFV

Other criminal violations	OTV
Failure to Appear	FTA
Homicide/Feticide by Vessel	HBV
Serious Injury by Vessel	SIV
Interfering with an Officer	IWO

2. And, such recognition of suspension is not contrary to the laws of that state.
- B. Recognition of suspensions which do not meet the criteria of Section III.A.1 and 2 as outlined above will be up to the laws, policies and procedures of that state.
- C. Each state participating in the BVC shall communicate suspension information to other participating states, using the Interstate Boating Violator Compact database. Party states will use the guidelines prescribed by database administration. At a minimum the following information will be included:
1. Positive identification of the subject of the suspension. Including:
 - a. Name
 - b. Date of birth
 - c. Physical description
 - d. Last known address
 2. The basis of the suspension including:
 - a. Violation(s) and convictions upon which the suspension is based.
 - b. The scope of the suspension (i.e. operating, licenses, all privileges or rights).
 - c. Effective dates of the suspension and term of the suspension
- D. In the event documentation of a violation and subsequent license suspension is needed by a member state for suspension hearings or other purposes, the issuing state shall provide certified copies of the citation or other charging instrument, any arrest or investigation reports, suspension orders and the disposition of the matter.

Section IV

Transmittal of Conviction Information to the Home State of the Violator

When the Georgia Department of Natural Resources receives notice of a conviction of a Georgia resident from the agency or licensing authority of a BVC member state, the Department shall treat the conviction as if it had occurred in Georgia.

- A. Upon a conviction, the issuing state shall forward to the home state of the violator the following information:
 - 1. Personal Information
 - a. Name
 - b. Date of birth
 - c. Sex
 - d. Physical description (height, weight, hair, eyes)
 - e. Last known address
 - 2. Violation Information
 - a. Citation number
 - b. Violation description
 - c. Fine assessed
- B. For the purpose of consideration for license suspension, the home state shall treat such convictions in other BVC member states as if they had occurred in the home state.
- C. In the event detailed information on a violation is needed by the home state, for license suspension hearings or other purposes, the issuing state shall provide certified copies of the citation or other charging instrument, any arrest or investigation reports and the disposition of the matter.

Section V.

Administrative Matters

- I. Entry into the Compact
 - A. Entry into the BVC may be accomplished by the following methods.
 - 1. A state legislature may accomplish BVC joinder by adopting the full compact as a statute.

2. A state legislature may authorize and direct that state's boating enforcement agency to enter into the compact.
- B. Upon legislative action as specified above, entry into the BVC shall be finalized by the submission of a resolution of ratification and an informational application submitted to the chairman of the board of compact administrators.

The resolution of ratification shall be signed by the chief administrator of the boating agency or licensing authority and shall include:

1. A citation and copy of the authority by which the state is empowered to become a member of the Boating Violator Compact;
 2. Statement of agreement to comply with the terms and provisions of the compact; and
 3. A statement that compact entry is with all states then party to the Boating Violator Compact and with any state that legally becomes a party to the compact.
- C. The effective date of entry shall be specified by the applying state but shall be at least sixty (60) days after notice has been given to each member state by the chairman of the board of compact administrators.
- D. Only violations which are committed on or after the effective date of entry, and resulting suspensions, shall be subject to the provisions of the Compact.

II. Withdrawal from the Compact

- A. A member state may withdraw from the BVC by submitting official written notice to the other member states. Such withdrawal shall not be effective until ninety (90) days after such notice is mailed.
- B. Such notice must be directed to the compact administrator of each member state.
- C. The withdrawal of one or more member states shall have no effect on the validity of the BVC as to the remaining member states.

Cite as Ga. Comp. R. & Regs. R. 391-4-17-.03

Authority: O.C.G.A. Title 52; § [52-7-31](#).

History. Original Rule entitled "Boating Violator Compact Manual" adopted. F. Apr. 3, 2015; eff. Apr. 23, 2015.

Chapter 391-5. HISTORIC PRESERVATION.

Subject 391-5-1. STATE PARKS AND HISTORIC SITES SYSTEM.

Rule 391-5-1-.01. Purposes.

The purposes of the State Parks and Historic Sites System are:

- (a) To develop and implement a long-range comprehensive plan for identifying and acquiring suitable tracts of land containing unique, natural, scenic, historic, or archaeological resources.
- (b) To preserve, conserve, protect and enhance the resources under the custody of the State Parks and Historic Sites System for the enjoyment of present and future generations.
- (c) To provide appropriate recreational opportunities for Georgia residents and visitors that will permit maximum enjoyment of parks and historic sites consistent with the protection of their resources.
- (d) To operate a balanced, ongoing interpretation, education and outdoor recreation program designed to expand the knowledge and understanding of Georgia's history, prehistory, fauna, flora, geography, geology, and other aspects of its natural and cultural resources in a manner consistent with the protection of the environment.

Cite as Ga. Comp. R. & Regs. R. 391-5-1-.01

Authority: Ga. Laws 1976, p. 1160 (Ga. Code Ann., Sec. 43-136), O.C.G.A. Sec. [12-3-9](#).

History. Original Rule, entitled "Purposes," was filed on June 30, 1977; effective July 20, 1977.

Repealed: New Rule, same title, adopted F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-1-.02. Definitions.

For the purpose of these rules and regulations, the following definitions shall apply:

- (a) "Abandon" means to voluntarily relinquish property with no intent to retain possession.
- (b) "Aircraft" means a device that is used or intended to be used for human flight in the air, including powerless flight.
- (c) "Associate" means a paid staff employee of the division.
- (d) "Authorized representative" means an associate or agent of the division with delegated authority to enforce the provisions of this chapter.
- (e) "Department" means the Georgia Department of Natural Resources.
- (f) "Designated" means indicated by a sign or delegated authority received in writing.

- (g) "Division" means the Parks, Recreation and Historic Sites Division of the department.
- (h) "Director" means the director of the division or his designee.
- (i) "Historic site" means any real property subject to the jurisdiction and control of the department where a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, possessing historic, cultural, or archaeological value are interpreted and where appropriate recreational activities may be provided.
- (j) "Licensed concessionaire" means any person who is licensed by the department to operate a site which sells, rents, leases or provides goods (perishable or non perishable) or services for site visitors.
- (k) "Motor vehicle" means any wheeled conveyance for the transportation of persons or materials, which conveyance is powered or drawn by a motor, including but not limited to automobiles, trucks, buses, motorcycles and scooters, and all-terrain vehicles, but excluding motorized wheelchairs.
- (l) "Park" means any real property subject to the jurisdiction and control of the department whose primary function is to provide recreation, natural preservation and interpretation. As used herein, "park" shall mean "state park".
- (m) "Parking area" means any part of a site designated for parking or stationing vehicles.
- (n) "Permit" means a written authorization to engage in uses or activities that are otherwise prohibited, restricted, or regulated.
- (o) "Person" means any individual, corporation, firm, partnership, group, society, association, or private or public body.
- (p) "Pet" means those taxa of animals which have traditionally lived in a state of dependence on and under the domination and control of humans and have been kept as tame pets, including cats and dogs. The term "pet" does not include animals raised as livestock. Animals which live in a captive or tame state and which lack a genetic distinction from members of the same taxon living in the wild are presumptively wild animals.
- (q) "Possession" means exercising direct physical control or dominion, with or without ownership, over property, or archaeological, historical, or natural resources.
- (r) "Public use limit" means the number of persons; number and type of animals; amount, size and type of equipment, vessels, mechanical modes of conveyance, or food/beverage containers allowed to enter, be brought into, remain in, or be used within a designated geographic area or facility; or the length of time a designated geographic area or facility may be occupied.

- (s) "Road" means any surfaced area, either paved or unpaved, within a site which is designed for public vehicular traffic, except a through highway.
- (t) "Site" means either a park or a historic site.
- (u) "Site manager" means an official of the department in charge of a site or an authorized representative of such person.
- (v) "Smoking" means the carrying of lighted cigarettes, cigars or pipes, or the intentional and direct inhalation of smoke from these objects.
- (w) "Swimming area" means a designated swimming or bathing area, including buildings, structures, apparatuses, and water and land areas in connection with swimming and bathing at a natural pond, lake, stream, or any body of fresh or salt water in, or contiguous to, a site.
- (x) "Through highway" means a road maintained and owned by a state, city, county or federal government which road is bounded on both sides by site property for any distance, and which is available for public use at all times.
- (y) "Trail" means a pathway (designated by signs or otherwise) across land or water used for recreational activities including hiking, nature walks, backpacking, bicycling, equestrian activities, or water activities.
- (z) "Unloaded", as applied to weapons and firearms means that:
 - 1. There is no unexpended shell, cartridge; or projectile in any chamber or cylinder of a firearm or in a clip or magazine inserted in or attached to a firearm;
 - 2. A muzzle-loading weapon does not contain gun powder in the pan, or the percussion cap is not in place; and
 - 3. Bows, crossbows, spear guns or any implement capable of discharging a missile or similar device by means of a loading or discharging mechanism, when that loading or discharging mechanism is not charged or drawn.
- (aa) "Vehicle" means any wheeled conveyance (except a baby stroller or wheelchair) for the transportation of persons or materials whether:
 - (1) powered or drawn by motor as an automobile, truck, motorcycle or scooter;
 - (2) or animal drawn as a carriage, wagon, or cart;
 - (3) or any bicycle or tricycle;
 - (4) or any trailer in tow of any size, kind or description. Recreational or site transportation services specially authorized by the director are excluded from the term "vehicle".

- (bb) "Vessel" means any type of watercraft, including but not limited to boats, canoes, inflatable rafts, and floats used or capable of being used, as a means of transportation on water.
- (cc) "Water" means any fresh or salt water, including lakes, ponds, pools, rivers and creeks.
- (dd) "Weapon" means a firearm, compressed gas or spring-powered pistol or rifle, bow and arrow, crossbow, blowgun, spear gun, hand-thrown spear, slingshot, irritant gas device, explosive device, or any other implement designed to discharge missiles. This definition includes any weapon the possession of which is prohibited or regulated under state law.

Cite as Ga. Comp. R. & Regs. R. 391-5-1-.02

Authority: O.C.G.A. Sec. [12-3-9](#).

History. Original Rule entitled "Definitions" adopted. F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-1-.03. Access to Sites.

(1) Entrance and Hours.

- (a) The director shall establish for each site and facility a reasonable schedule of regular days and hours of operation to permit maximum access by the public consistent with the management and protection of the resource and the health, safety, and welfare of persons using the site. The schedule of regular days and operating hours may vary according to season.
- (b) Regular days and operating hours shall be posted at the entrance of each site and at appropriate facilities within the site.
- (c) Entering or leaving any site except through the designated entrance points is prohibited, except in an emergency.
- (d) No person may enter a site for the purpose of using the resources or facilities therein without paying the appropriate fee, if any, for that site or facility.
- (e) No person shall be allowed entry or exit before opening hours or after closing hours, except in emergency or unusual circumstances. Only those persons registered as overnight guests at a site facility shall be in the site before opening or after closing hours.

(2) Closures and Public Use Limits.

- (a) Consistent with applicable legislation and board policy, and based upon a determination that such action is necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural, historic, or archaeological resources, aid to scientific research, implementation of

management responsibilities, construction and maintenance activities, equitable allocation and use of facilities or the avoidance of conflict among visitor use activities, the director may:

1. Limit visiting hours, impose public use limits or close all or a portion of a site to all public use or to a specific use or activity.
 2. Designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity.
 3. To implement a public use limit, the director may establish a permit, registration, or reservation system.
- (b) In the case of emergency or unusual conditions such as severe weather, flooding, high fire danger, or other natural conditions, the disruption of utility service, failure of sanitation or treatment facilities, the need for emergency maintenance or construction activities, civil disturbances, or when the site or facility has reached its maximum capacity, the site manager or his authorized representative may, at his discretion, temporarily close the site or facility, or portion thereof, to public use until the condition is rectified.
- (c) Violating a closure, designation, use or activity restriction or condition, schedule of visiting hours, or public use limit is prohibited.
- (d) Public Notice.
1. Whenever the authority of this rule is invoked to restrict or control a public use or activity, to relax or revoke an existing restriction or control, to designate all or a portion of a site as open or closed, or to require a permit to implement a public use limit, the public shall be notified by one or more of the following methods:
 - (i) Signs posted at conspicuous locations, such as normal points of entry and reasonable intervals along the boundary of the affected site locale.
 - (ii) Maps available in the site office and other places convenient to the public.
 - (iii) Publication in a newspaper of general circulation in the affected area.
 - (iv) Other appropriate methods, such as the removal of closure signs, use of electronic media, site brochures, maps and handouts.

(3) Parking Pass.

(a) **Parking Pass Required.** No person shall park a motor vehicle on any site without purchasing and displaying a daily or annual parking pass, except as provided in this section.

(b) **Exceptions.** The following shall be exempt for the requirement to display a daily or annual parking pass:

1. School groups, including vocational schools, colleges and universities, accompanied by one or more teachers.
2. Daily lodge restaurant users.
3. Individuals attending one-day conferences at lodges (not including overnight guests).
4. Government, delivery, and service vehicles where the drivers or passengers are conducting business with authorized representatives of the department.
5. Visitors to historic sites where admission is charged.
6. Visitors for special events sponsored or co-sponsored by an outside group or community organization, at the discretion of the site manager.
7. Golfers parked at golf course parking lots, where a portion of the greens fees are applied to the parking pass program.

(c) **Rates.**

1. An annual parking pass shall be available at a cost of \$50.00 per year per pass, except as otherwise provided in these rules. Senior citizens (62 years of age or older) may purchase an annual parking pass at a cost of \$25.00 per year per pass for vehicles with a capacity of 12 passengers or fewer, including the driver. Annual parking passes shall be available at a cost of \$75.00 per year for motor vehicles with a capacity of 13 to 30 passengers, including the driver; and at a cost of \$250.00 per year for motor vehicles with a capacity of more than 30 passengers, including the driver.
2. A daily parking pass shall be available at a cost of \$5.00 per day per motor vehicle with a capacity of 12 passengers or fewer, including the driver, except at Tallulah Gorge State Park where the daily parking pass shall be available at a cost of \$5.00 per day for each motor vehicle with a capacity of 12 passengers or fewer, including the driver. In all parks, the daily parking pass shall be available at a cost of \$30.00 per day for each motor vehicle with a capacity of 13 to 30 passengers, including the driver; and a cost of \$70.00 per day for each motor vehicle with a capacity of more than 30 passengers, including the driver. The daily parking passes shall be valid at

all sites visited on the day of purchase. Overnight guests will be required to purchase only one daily pass per vehicle which shall be valid for the duration of the uninterrupted stay.

3. Georgia residents certified as disabled veterans by the commissioner of veterans service may purchase a daily pass for \$3.75 or an annual pass for \$37.50, when the pass is to be used for his or her own motor vehicle. Certified Georgia active duty military and veterans may purchase a daily pass for \$3.75 or an annual pass for \$37.50, when the pass is to be used for his or her own motor vehicle. Certified Georgia active duty military and veterans 62 years of age and older may purchase a daily pass for \$3.75 or an annual parking pass for \$18.75, when the pass is to be used for his or her own motor vehicle.
4. Where utilized in these Rules to determine the price of a daily or annual parking pass, the capacity of a motor vehicle is determinative of size only, regardless of the number of persons actually occupying the motor vehicle at the time of purchase of the daily or annual parking pass.
5. The Director is authorized to implement a program to encourage visitation and volunteer efforts at state parks by offering discounted rates on parking passes to organizations wishing to purchase significant quantities of parking passes for distribution to their members, employees, and associates. Parking passes purchased at discounted rates shall not be resold at any amount exceeding the original purchase price.

(d) Purchases.

1. Annual passes shall be available at all sites, division offices, and may be purchased online at the division's website.
2. Daily parking passes may be purchased at collection boxes or site offices.

(e) Display. All passes shall be hung from the inside rearview mirror of the vehicle. Vehicles without inside rearview mirrors shall display the pass in another place clearly visible from the exterior of the vehicle.

Cite as Ga. Comp. R. & Regs. R. 391-5-1-.03

Authority: O.C.G.A. Secs. [12-3-9](#), [12-3-10](#).

History. Original Rule entitled "Access to Sites" adopted. F. June 30, 1994; eff. July 20, 1994.

Amended: F. May 14, 1999; eff. June 3, 1999.

Amended: F. May 5, 2005; eff. May 25, 2005.

Amended: F. Apr. 29, 2009; eff. May 19, 2009.

Amended: F. Dec. 14, 2010; eff. Jan. 3, 2011.

Note: Correction of typographical error, deletion of subparagraph (3)(b)8., in accordance with Rule as amended and published in Official Compilation, f. Dec. 14, 2010; eff. Jan. 3, 2011, as requested by the Agency. Effective

Rule 391-5-1-.04. Resource Protection.

(1) Natural, Historic, and Archaeological Resources.

(a) Except as otherwise provided in this chapter, no person shall:

1. Willfully mark, deface, damage, displace, remove or tamper with any site building facility, bridge, table, bench, fireplace, railing, paving or paving material, water line or other utility, permanent or temporary sign, placard or notice, monument, stake, post, boundary marker, or other site structure, equipment, or property.
2. Walk or climb on or over or enter any building, structure, historic or archaeological resource or natural feature unless such activity is authorized or conducted by the site manager or division associates.
3. Toss, throw or roll rocks or other items inside or into caves, caverns, valleys, canyons, or gorges, or down hillsides or mountainsides.
4. Possess, catch, destroy, injure, deface, remove, dig, disturb, buy, sell, give to another or accept as a gift in or from any site:
 - (i) Living or dead mammals, birds, fish, amphibians or reptiles, or the parts or products thereof, such as nests, eggs, and antlers.
 - (ii) Plants or the parts or products thereof.
 - (iii) Paleontological specimens, geological or mineral resources or cave formations.
 - (iv) Historical structures, their furnishings or fixtures, or other cultural or archaeological resources.

This section does not apply to animals, birds, fish or plants taken in accordance with law and these rules or commercially purchased foodstuffs otherwise in compliance with law.

5. Introduce into any site any plant or animal species by willful abandonment, negligence or for any other reason without authorization of the director. Authorization shall be granted only in cases where the introduction can be shown to be beneficial to the site and in keeping with natural systems management principles.

6. Feed, touch, tease, frighten or intentionally disturb wildlife nesting, breeding or other activities.
 7. Dress or butcher game animals, birds, or fish taken according to Title 27, Official Code of Georgia Annotated, except at facilities specifically designated for that purpose.
 8. Ignite or attempt to ignite any fire except in places provided or designated for such purposes, under the continuous care and direction of a responsible person. All fires, matches, and smoldering material must be completely extinguished after use. During periods of high fire danger, the site manager may close all or a portion of a site to lighting or maintaining fires.
 9. Use stoves or lanterns, except under conditions that may be established by the site manager.
 10. Use or possess wood gathered in the site except dead and fallen wood gathered in an area designated by the site manager or salvaged by site associates as a result of natural causes or authorized construction. Such wood may be used only within the site as fuel in campfires or grills, unless its removal from the site is authorized in writing by the site manager.
 12. Smoke in areas designated by the site manager as non-smoking areas.
 13. Possess or use a mineral or metal detector, magnetometer, side scan sonar, subbottom profiler, or any other electronic device for the detection of metals, minerals, artifacts, or lost articles or for treasure hunting. This paragraph does not apply to:
 - (i) A device broken down and stored or packed to prevent its use while in site areas.
 - (ii) Electronic equipment used only for the navigation and safe operation of boats or the detection of fish.
 - (iii) Equipment used for authorized scientific or administrative activities.
 14. The restrictions in this chapter do not apply to the properly authorized actions of contractors, concessionaires and associates of the department.
- (b) The site manager may restrict hiking, pedestrian use, or water use activities to a designated trail or walkway system. Leaving a trail or walkway to shortcut between portions of the same trail or walkway, or to shortcut to an adjacent trail or walkway in violation of designated restrictions is prohibited.

- (c) The site manager may designate certain fruits, berries, nuts, or pine needles which may be gathered by hand for personal use or consumption upon a determination that the gathering or consumption will not adversely affect site wildlife, the reproductive potential of a plant species, or otherwise adversely affect site resources. The site manager may limit the size and quantity of the natural products that may be gathered or possessed for this purpose or restrict their consumption to the site. The sale or commercial use of such products is prohibited.
- (d) Collection of natural objects, including plant and animal life and minerals, and historical or archaeological artifacts for scientific and educational purposes may be permitted under conditions specified by the director. Specimen collection shall be permitted only for the purposes of understanding and managing site resources.

(2) Pets.

- (a) Pets are allowed in sites only if kept on a leash not longer than six feet or confined to a cage, motor vehicle or trailer. Dogs are permitted in cottages designated by the director as "dog-friendly." Pets shall not be left unattended at any time or tied to any tree, plant, rock, site, structure, facility, or piece of camping equipment.
- (b) Pets are not permitted in swimming areas, cottages other than those designated as "dog-friendly" by the director, lodges, any other site buildings, or areas closed to the possession of pets by the site manager. This section does not apply to guide animals assisting disabled persons.
- (c) If a pet menaces site visitors or associates or makes noise that is unreasonable considering location, time of day or night, impact on site users, and other relevant factors, or frightens wildlife by barking, howling, or making other noise, the site manager or other associates may require the owner to remove the pet from the site.
- (d) Pet owners must collect, remove and properly dispose of pet excrement.
- (e) Pets or feral animals running-at-large that are observed by site associates in the act of killing, injuring, or molesting humans or wildlife may be destroyed if necessary for public safety or protection of wildlife or other site resources.
- (f) The possession and use of horses is governed by Rule [391-5-1-.06\(6\)](#).
- (g) No other animal may be brought into a site except as part of a site-sponsored interpretive or educational program.
- (h) This section does not apply to dogs used by authorized federal, state and local law enforcement officers in the performance of their official duties.

(3) Sanitation.

- (a) Garbage, trash, rubbish, litter, or any other waste material or waste liquid generated on the site and incidental to authorized uses shall be either removed from the site or deposited in receptacles provided for that purpose. Improper disposal of such waste, human and animal waste included, on the site is prohibited.
- (b) No household, commercial, or industrial garbage, trash, rubbish, debris, dead animals or litter of any kind brought from outside the site shall be disposed of in the site.
- (c) The spilling, pumping or other discharge of contaminants, pollutants or other wastes, including, but not limited to, sewage, petroleum, industrial and commercial products and by-products on site lands or waters is prohibited.
- (d) Bathing, or washing food, clothing, dishes, or other property at public water outlets, fixtures or pools, except at those designated for such purpose, is prohibited.

(4) Memorials.

- (a) The scattering of human ashes from cremation is prohibited, except under conditions established by the site manager.
- (b) The burial of human remains is prohibited except in existing cemeteries or burial grounds located within a site under conditions established by the director.
- (c) The installation of a monument, memorial, tablet, structure, or other commemorative installation in a site without the authorization of the director is prohibited.

Cite as Ga. Comp. R. & Regs. R. 391-5-1-.04

Authority: O.C.G.A. Sec. [12-3-9](#).

History. Original Rule entitled "Resource Protection" adopted. F. Jun. 30, 1994; eff. July 20, 1994.

Amended: F. Mar. 8, 2006; eff. Mar. 28, 2006.

Rule 391-5-1-.05. Safety and General Conditions of Use.

(1) Vehicles.

- (a) Traffic Control. Site managers and associates are authorized to direct traffic in sites. All persons shall comply with lawful orders, signals, and direction of such site managers and associates. All persons shall observe and comply with posted traffic control devices and signs.

- (b) Motor Vehicles. Motor vehicles are restricted to site roads, through roads, and parking areas. The operation of motor vehicles within a site after normal operating hours is limited to division associates and registered overnight guests, except in an emergency.
- (c) Bicycles.
 - 1. Bicycles shall be ridden on designated bicycle trails or roads only. They may be pushed by hand over open spaces, such as lawns or beaches, or paved areas reserved for pedestrian use. Bicycles shall be neither ridden or pushed along designated nature trails or footpaths.
 - 2. Where provided, bicycle racks must be used for parking bicycles. Bicycles shall not be chained and locked to trees or site structures or placed so as to obstruct pedestrian or vehicular movement.
- (d) Obstructing Traffic. No person shall cause or permit any vehicle to obstruct traffic by unnecessary stopping. In the event of mechanical difficulties, the driver shall report the occurrence at once to site associates and make arrangements for the expeditious removal of the vehicle. No vehicle shall be left standing or parked on any site road at night without lights visible for at least two hundred feet (200') from both front and rear of the vehicle.
- (e) Trucks. No trucks or other vehicles commonly used for carrying freight, merchandise or goods for sale, unless traversing the site on a through highway, shall operate on site roads without obtaining written permission from the site manager, except when such vehicles are used in connection with delivery of supplies, site work, activities, or concessions, or are used for transporting persons to a site for recreational purposes and not for compensation.
- (f) Towing Other Vehicles. No person shall operate or park within any site, a vehicle in tow of another vehicle, except boat, camping or travel trailers or recreational vehicles towing auxiliary automobiles.
- (g) Parking.
 - 1. Parking vehicles at any place with in a site, including upon the right of way of any county, state, or federal highway which traverses the site, is prohibited except in designated parking areas in accordance with markings and signs and any instructions given by site associates. Double parking or obstructing traffic is prohibited.
 - 2. No person shall park a motor vehicle in any site without a parking pass except as set forth in Rule [391-5-1-.03\(3\)](#).

- (h) Exemptions. This subparagraph shall not be applicable to vehicles engaged in official business of the department or law enforcement agencies or used in emergency rescue in accordance with the directions of the site manager.

(2) **Aircraft.**

- (a) No person operating or responsible for any aircraft shall cause such aircraft to land in or take off from any site or deliver by air any person, material or equipment by parachute or other means, except in emergencies threatening human life or when authorized in writing by the director.
- (b) This paragraph shall not be applicable to aircraft engaged in official business of federal, state or local governments or law enforcement agencies, aircraft used in emergency rescue in accordance with the directions of the site manager, or aircraft forced to land due to circumstances beyond the control of the operator.

(3) **Skating, Skateboards, and Similar Devices.** Using roller skates, roller blades, skateboards, roller skis, coasting vehicles, or similar devices is prohibited, except in designated areas.

(4) **Weapons.** The use and possession of weapons are prohibited in all sites except:

- (a) When used, or possessed by authorized federal, state and local law enforcement officers in the performance of their official duties;
- (b) When unloaded and packed, cased or stored in a manner that will prevent their ready use; or
- (c) When such use or possession has been authorized in restricted areas and under terms and conditions specified in writing by the director.
- (d) When a person possesses a valid weapons-carry license. A person possessing a valid weapons-carry license issued pursuant to O.C.G.A. Section [16-11-129](#) may carry a handgun in all parks, historic sites and recreational areas, except in places where carrying such handgun is prohibited by federal law.

(5) **Noise.** It is prohibited to operate televisions, radios, tape or compact disk players, public address systems, musical instruments, vehicles, or other noise-making devices or machines at volume levels which are unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, purpose for which the area is operated, impact on site users, and other factors that would govern the conduct of a reasonably prudent person under the circumstances.

(6) **Interfering with Agency Functions.** The following are prohibited:

- (a) Threatening, resisting, intimidating, or intentionally interfering with a government employee or agent engaged in an official duty or on account of the performance of an official duty.
- (b) Disobeying any lawful order of a law enforcement official, site manager, or authorized associates.
- (c) Knowingly giving a false or fictitious report or other false information:
 - 1. To a government employee or agent in the conduct of official duties; or
 - 2. On an application, registration form, or other document required by law or regulation.

(7) First Amendment Activities.

- (a) Public assemblies, meetings, gatherings, demonstrations, religious activities and other public expressions of views under the First Amendment of the U.S. Constitution, including the distribution of non-commercial printed matter, are allowed within sites, provided a permit therefore has been issued by the director or site manager.
- (b) An application for such a permit shall set forth the name of the applicant; the name of the organization (if any); the date, time, duration, nature and place of the proposed event or activity; the estimated number of persons expected to participate; the equipment and facilities to be used; and any other information required by the permit application form.
- (c) Where the number of persons expected to attend, or participate is ten or fewer, a permit may be issued by the site manager. If more than ten persons are expected to attend or participate, approval of the director is required. Permit applications requiring the director's approval will be approved or denied within five business days. Permit applications submitted to the site manager will be approved or denied within 48 hours.
- (d) The site manager or director shall, within the prescribed time, issue a permit on proper application unless:
 - 1. A prior application for a permit for the same time and place has been made that has been or will be granted and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular area; or
 - 2. It reasonably appears that the event or activity will threaten the health, safety, and welfare of persons using the site; or

3. The event or activity is of such nature or duration that it cannot reasonably be accommodated in the particular location applied for, considering such things as damaged to site resources or facilities, impairment of the atmosphere of peace and tranquility in natural or historic areas, interference with interpretive, visitor service, program, or administrative activities, or impairment of public use facilities or services of concessionaires or contractors; or
 4. The event or activity would constitute a violation of an applicable law or regulation.
- (e) The permit may contain such conditions as are reasonably consistent with protection and use of the site for the purposes for which it is operated including limitations on the time, location, number of participants, use and facilities, and number and types of equipment used, but not on the content or the message. Locations which are not appropriate for first amendment activities include but are not limited to: museums; archaeological and interpretive areas, historic structures; ruins; trails; sensitive or fragile natural areas; and the habitats of threatened or endangered species.
- (f) No permit shall be issued for a period in excess of 14 consecutive days, provided that permits may be extended for like periods, upon a new application, unless another applicant has requested use of that same location and multiple occupancy of that location is not reasonably possible.
- (g) If a permit is denied, the applicant shall be so informed in writing, with the reason(s) for the denial set forth.
- (h) It is prohibited for persons engaged in activities covered under this section to obstruct or impede pedestrians or vehicles, or harass site visitors with physical contact or persistent demands.
- (i) Participants in events and activities covered under this section are subject to usual fees for site parking, admission, or use.
- (j) Violation of the terms and conditions of a permit issued in accordance with this section may result in the suspension or revocation of the permit.
- (8) **Special Events.**
- (a) Special events, attractions, and entertainments are allowed, provided there is a meaningful association between the site and the events, or the observance contributes to visitor understanding of the significance of the site, and a permit therefore has been issued by the director. A permit shall be denied if such activities would:

1. have an undesirable impact on site resources; or
 2. threaten the health, safety, and welfare of persons using the site; or
 3. be contrary to the purposes for which the site is operated or compromise the atmosphere of peace and tranquility maintained in natural or historic areas;
or
 4. interfere with normal site usage or operations.
- (b) An application for such a permit shall set forth the name of the applicant, the name of the organization (if any) the date, time, duration, nature and place of the proposed event, an estimate of the number of persons expected to attend, a statement of equipment and facilities to be used, and any other information required by the permit application form. The application shall be submitted so as to reach the director at least thirty days in advance of the proposed event.
- (c) As a condition of permit issuance, the director may require:
1. The filing of a bond payable to the department in an amount adequate to cover costs such as restoration, rehabilitation, and cleanup of the area used, and other costs resulting from the special event. In lieu of a bond, a permittee may elect to deposit cash equal to the amount of the required bond. No interest shall be paid by the department on cash deposits.
 2. Compliance with other statutory requirements, including but not limited to bonds for fireworks displays.
 3. The acquisition of liability insurance in which the State of Georgia is named as co-insured in an amount sufficient to protect the State of Georgia.
- (d) Permits may contain such conditions as are reasonably consistent with protection and use of the site for the purposes for which it is operated. It may also contain reasonable limitations on the equipment used and the time and area within which the event is allowed.
- (e) Concession agreements.
1. Persons sponsoring or conducting special events at which money will be collected must be covered under a concession agreement signed by the director.
 2. The director may waive the required fees when he deems such waiver to be in the best interest of the division.

- (f) Violation of the terms and conditions of a permit or concession agreement issued in accordance with this section is prohibited and may result in the suspension or revocation of the permit or concession agreement.
- (9) **Solicitation.** No person shall solicit contributions in any site in the form of money, goods, services, or otherwise for any purpose. This paragraph shall not apply to contributions made by members of the public to the department for the benefit of state parks and historic sites.
- (10) **Vending, Advertising, Signs, and Broadcasts.**
 - (a) **Vending.** No person, other than a licensed concessionaire, citizen support group, or authorized site associates, shall offer for sale, lease, rent or hire any goods, perishable or non-perishable, services, property, or merchandise, or engage in any business or erect any building, booth, tent, stall or any other structure whether temporary or permanent in nature for purposes of offering for sale, lease, rent, or hire any goods, services, property or merchandise.
 - (b) **Advertising.**
 - 1. No person shall display, distribute, post or fix any handbill, pamphlet, literature, circular, poster or other printed matter containing advertising within any site; provided, however, authorization may be obtained from the site manager to post, at specified locations, announcements of site sponsored or authorized events and gatherings.
 - 2. This section shall not apply to signs placed or authorized by the site manager advertising goods or services available at the site or to informational brochures published by governmental or non-profit organizations describing natural or historic attractions in Georgia to which admission may be charged.
 - 3. No person shall operate, park, moor or station in a site any vehicle or vessel displaying a sign advertising goods or services for sale or exchange. This paragraph shall not apply to commercial vehicles making deliveries or providing services to the site.
 - (c) **Signs.** No signs or notices of any kind shall be posted in any site without permission of the site manager.
 - (d) **Broadcasts.** No musical instrument, radio, tape recording, television or sound tract shall be operated or any noise made which demonstrates, advertises or calls attention to any article or service for sale, rent or hire, except as provided for in a written concession agreement approved by the director.

- (e) **Still and Motion Pictures.** No person shall take still or motion pictures, either commercial or private, involving the use of special settings or structures or the performance of a cast of persons, either amateur or professional, without first obtaining written permission from the director.
- (11) **Authorization of Special Uses.** Authorization of special uses of government-owned property administered by the division shall be in writing on forms prescribed by the division and must be approved by the director.
- (12) **Property.**
 - (a) **Unattended and Abandoned Property.** No personal property of any kind shall be abandoned or left unattended on site lands or waters. Unattended personal property shall be presumed to be abandoned after a period of 24 hours, or at any time after a posted closure hour, except in locations where longer time periods have been designated or in accordance with conditions established by the site manager.
- (13) **Reporting Accidents.** Accidents involving bodily injury, death, or damage to property shall be reported to site associates as expeditiously as possible.

Cite as Ga. Comp. R. & Regs. R. 391-5-1-.05

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Safety and General Conditions of Use" adopted. F. Jun. 30, 1994; eff. July 20, 1994.

Amended: F. Aug. 9, 2005; eff. Aug. 29, 2005.

Amended: F. June 1, 2017; eff. June 21, 2017.

Amended: F. June 8, 2021; eff. June 28, 2021.

Rule 391-5-1-.06. Facilities and Activities.

- (1) **General.** State parks and historic sites will provide facilities that allow visitors a day use or overnight experience in a natural or historic environment consistent with the management and protection of the resource and the health, safety, and welfare of all persons using the site. The director shall determine which activities are appropriate to each site and establish terms and conditions for the use of site facilities by visitors. Such terms and conditions shall be made known to users of site facilities by signs, printed materials or other means designed to provide reasonable notice.
- (2) **Fees.** The director is authorized to establish and implement a schedule of reasonable fees for activities and the use and enjoyment of facilities at state parks and historic sites. Rates are established, and from time to time revised, by the director and made available at all sites, upon request. In establishing rates, the division shall consider the discount for certified disabled veterans provided for in the Official Code of Georgia Annotated

Section [12-3-9.1](#). The director shall have the authority to waive the imposition of a fee in cases where he deems such waiver to be in the best interest of the division.

- (3) **Reservations and Refunds.** The director is authorized to establish terms and conditions for accepting reservations, collecting deposits and fees, setting check-in and check-out times and procedures, and making refunds for activities and facilities at state parks and historic sites. Such terms and conditions may vary from site to site and shall be made available at all sites, upon request.

(4) **Boating and Water Use Activities.**

(a) Boating.

1. The authority of the director to establish conditions for the use of site waters shall include, but is not limited to, limiting the type of vessels permitted, prohibiting the use of privately owned vessels, prohibiting the use of motors, or stipulating the type and power of motors permitted and the hours of their use. Conditions established by the director shall not be in conflict with the restrictions specified in the Official Code of Georgia Annotated, Section [12-3-10\(e\) through \(h\)](#).
2. All vessels using site waters shall be launched and removed at designated water access areas only. No privately-owned vessel shall be left unattended in site waters for longer than 24 hours without authorization from the site manager.
3. No person, other than a licensed concessionaire or site associates shall rent, hire or operate for charge any vessel in any site. Nor shall any watercraft operating for hire or carrying passengers for a fee land, receive or discharge passengers at any dock, wharf or anchorage within the jurisdiction of the division, except by permit or concession agreement.
4. No person shall operate any vessel in such a manner as to annoy, frighten or endanger other site visitors or users.
5. No person, other than authorized site associates, law enforcement officers, or emergency rescue personnel, shall operate any vessel other than a float or inner tube in a site swimming area.
6. The operation of vessels in waters administered by the U.S. Army Corps of Engineers or the U.S. Fish and Wildlife Service shall be in conformity with applicable federal laws and regulations.

(b) Water Skiing.

1. The towing of persons by vessels is prohibited, except in designated waters.

2. Towing or being towed in channels or within 500 feet of areas designated as marinas, swimming beaches, or mooring areas, or within 100 feet of a person fishing or a diver's marker is prohibited.

(c) **Swimming.**

1. No person shall swim, dive, snorkel, or wade in the waters of any site except in designated areas.
2. All individuals in swimming areas shall comply with posted hours, conditions of use, and instructions given by authorized site associates.

(d) **SCUBA Diving.**

1. No person shall SCUBA dive in the waters of any site except in designated areas, which shall not include areas reserved for swimming, docking, or mooring.
2. All SCUBA divers must be in possession of a certification card and display a standard diver flag when diving.

(e) **Fishing.**

1. No person shall fish within areas designated for swimming only.
2. Site managers may prohibit fishing from boat docks or other areas to ensure the safety of those using site facilities.

(5) **Horseback Riding.**

- (a) Horseback riding is prohibited except in specially designated sites and areas. In sites where riding is prohibited, horses must be confined to a trailer at all times.
- (b) Where permitted, horses shall be thoroughly broken, properly restrained and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or plant.

(6) **Golf.** No person shall play golf or drive, pitch, putt or otherwise strike a golf ball in any site except in designated areas and under conditions specified by the director.

(7) **Picnicking.**

- (a) Picnicking is allowed, except in areas closed under Rule [391-5-1.03\(2\)](#). The director may establish conditions for picnicking in areas where picnicking is allowed. Picnicking in violation of established conditions is prohibited.

- (b) Picnic areas shall not be used for purposes other than picnicking without authorization from the site manager.
 - (c) Use of picnic area facilities including picnic shelters, grills, tables and benches is on a "first come, first served" basis. However, this practice shall not preclude the division from assigning or reserving these facilities for the use of particular persons or groups. No person or group shall use any picnic area, shelter, or facilities to the exclusion of other persons for an unreasonable time if facilities are crowded. The determination of what is unreasonable will be made by site associates based on the number of visitors waiting to use the picnic facilities.
- (8) **Camping.** No person shall erect any temporary shelter, such as a tent, of natural or synthetic material, or prepare a sleeping bag or other bedding material for the purpose of overnight occupancy in any site or bring into any site any movable structure or special vehicle to use for overnight occupancy without registering with site associates, paying the required camping fees, and complying with conditions of use as posted or provided by the site.
- (9) **Games and Athletic Contests.** No games or athletic contests are allowed in any site except in areas designated for such activities or under terms and conditions specified by the site manager. No games or athletic contests shall be engaged in or practiced for either material or financial gain, either directly or indirectly, and there shall be no commercialization or advertising by the participants.
- (10) Other recreational activities may be permitted when the director has determined that they do not:
- (a) have an undesirable impact on site resources;
 - (b) threaten the health, safety, and welfare of persons using the site;
 - (c) interfere with normal site usage or operations;
 - (d) compromise the historic or natural character of the site;
 - (e) cause unwarranted risk to participants due to the nature or the activity, inadequate equipment, lack of qualifications, or weather;
 - (f) constitute a consumptive form of use;
 - (g) take the form of special events; or
 - (h) are not provided primarily for the benefit of spectators.

Cite as Ga. Comp. R. & Regs. R. 391-5-1-.06

Authority: O.C.G.A. § [12-3-9](#).

History. Original Rule entitled "Facilities and Activities" adopted. F. Jun. 30, 1994; eff. July 20, 1994.

Amended: F. June 8, 2021; eff. June 28, 2021.

Rule 391-5-1-.07. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-1-.07

Authority: O.C.G.A. § [12-3-9](#).

History. Original Rule entitled "Enforcement" adopted. F. Jun. 30, 1994; eff. July 20, 1994.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Rule 391-5-1-.08. Citizen Support Organizations.

- (1) The department is authorized to enter into agreements with citizen support organizations to promote, through financial and other means, the purposes of the State Parks and Historic Sites System.
- (2) The director may terminate any operating agreement with a citizen support organization by written notice after a determination that the organization is in violation of federal, state, or local laws or regulations or the terms of its operating agreement, or the organization has ceased to promote the purposes of the division or the best interests of the state. After such termination or suspension by the director, the organization shall cease to hold itself out as a citizen support organization for the department.

Cite as Ga. Comp. R. & Regs. R. 391-5-1-.08

Authority: O.C.G.A. § [12-3-9](#).

History. Original Rule entitled "Citizen Support Organizations" adopted. F. Jun. 30, 1994; eff. July 20, 1994.

Amended: F. June 8, 2021; eff. June 28, 2021.

Subject 391-5-2. REPEALED.

Rule 391-5-2-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-2-.01

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-146).

History. Original Rule, entitled "Site Occupancy and Use," was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Subject 391-5-3. REPEALED.

Rule 391-5-3-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-3-.01

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-146).

History. Original Rule entitled "Definitions" was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-3-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-3-.02

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule, entitled "Entrance and Hours," was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-3-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-3-.03

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule entitled "Vehicles" was filed on June 30, 1977; effective July 20, 1977.

Amended: F. May 30, 1991; eff. June 19, 1991.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-3-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-3-.04

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule entitled "Day Use" was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-3-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-3-.05

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule entitled "Overnight Use" was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-3-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-3-.06

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule entitled "Pets and Other Animals" was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-3-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-3-.07

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule entitled "Plants and Animals" was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-3-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-3-.08

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule entitled "Fires and Firewood" was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-3-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-3-.09

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule entitled "Behavior" was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-3-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-3-.10

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule entitled "Vending Advertising, Signs and Broadcasts" was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-3-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-3-.11

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule entitled "Authorization of Special Uses" was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-3-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-3-.12

Authority: Ga. L. Act. 430, 1991 Sess.

History. Original Rule entitled "Parking Pass" adopted. F. May 30, 1991; eff. June 19, 1991.

Amended: F. Nov. 20, 1992; eff. Dec. 10, 1992.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Subject 391-5-4. REPEALED.

Rule 391-5-4-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-4-.01

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule, entitled "Rates," was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-4-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-4-.02

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule entitled "Refunds," was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Subject 391-5-5. REPEALED.

Rule 391-5-5-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-5-.01

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule, entitled "Reservations," was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-5-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-5-.02

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule, entitled "Cottages and Mobile Homes," was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-5-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-5-.03

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule, entitled "Family and Group Shelters," was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-5-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-5-.04

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule, entitled "Picnic Shelters," was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-5-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-5.05

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule, entitled "Group Camps," was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-5.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-5.06

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule, entitled "Group Lodge," was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-5.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-5.07

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule, entitled "Horse Facilities," was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-5.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-5.08

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule, entitled "Camping," was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Subject 391-5-6. REPEALED.

Rule 391-5-6.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-6.01

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule, entitled "Class I Deputy Conservation Officers," was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Rule 391-5-6.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-6.02

Authority: Ga. L. 1976, p. 1160 (Ga. Code Ann., Sec. 43-136).

History. Original Rule, entitled "Ejection," was filed on June 30, 1977; effective July 20, 1977.

Repealed: F. Jun. 30, 1994; eff. July 20, 1994.

Subject 391-5-7. [Repealed].

Rule 391-5-7.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-7-.01

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule, entitled "Transfer of Ty Cobb Baseball Memorial Commission," was filed on September 30, 1977; effective October 20, 1977.

Repealed: F. June 8, 2021; eff. June 28, 2021.

Subject 391-5-8. [Repealed].

Rule 391-5-8-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-8-.01

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original Rule entitled "Definitions" was filed on April 2, 1985; effective April 22, 1985.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-8-.02. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-8-.02

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original Rule entitled "Criteria for Designation" was filed on April 2, 1985; effective April 22, 1985.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-8-.03. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-8-.03

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original Rule entitled "Application Procedures" was filed on April 2, 1985; effective April 22, 1985.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Subject 391-5-9. SUBMERGED CULTURAL RESOURCES.

Rule 391-5-9-.01. Organization.

- (1) The State Archaeologist is responsible for administering and enforcing all laws, rules, and regulations as provided in, or promulgated pursuant to, O.C.G.A. Sections [12-3-80](#) through [12-3-83](#), relating to submerged cultural resources.
- (2) For the purposes of providing notice, to request information or forms, and to submit materials, all communications may be directed to: Department of Natural Resources, Attn: State Archaeologist, 2610 GA Hwy 155, SW, Stockbridge, Georgia 30281. Phone: 770-389-7844.

Cite as Ga. Comp. R. & Regs. R. 391-5-9-.01

Authority: O.C.G.A. § [12-3-80](#) *et seq.*

History. Original Rule entitled "Organization" adopted. F. Feb. 9, 1987; eff. Mar. 1, 1987.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-9-.02. Definitions.

As used in this Chapter, the term:

- (a) "Department" means the Department of Natural Resources, State of Georgia.
- (b) "Exploration" means all activities involving the search for and determination of the nature of submerged cultural resources located on, or imbedded in, the bottoms of the Atlantic Ocean within the three-mile territorial limit of the state or within navigable waters of the state.
- (c) "Operation" means any project, activity, work, exploration, recovery, or conduct for which a permit is required by O.C.G.A. § [12-3-82](#).(a) and these rules.
- (d) "Person" means any association, individual, partnership, corporation, public or private authority or local unit of government and shall include the State of Georgia and all its departments, authorities, and any other governmental agencies or instrumentalities, and any other legal entity.
- (e) "Recovery" means all activities involving the collection, excavation, dislodgement, displacement, disassembly, salvage, or any other removal of submerged cultural resources or associated artifacts from their natural or cultural disposition setting or surroundings.
- (f) "State Archaeologist" means that person appointed by the Department to perform those duties set forth in O.C.G.A. § [12-5-53](#).
- (g) "Submerged Cultural Resources" means all prehistoric and historic sites, ruins, artifacts, treasure, treasure-trove, shipwrecks or vessels and their cargo or tackle which have remained on the bottom for more than 50 years, and similar sites and objects found in the Atlantic Ocean within the three-mile territorial limit of the state or within its navigable

waters. This term may include, but not be limited to, sites listed in, or eligible for listing, in the National Register of Historic Places ([16 U.S.C. 470](#)).

Cite as Ga. Comp. R. & Regs. R. 391-5-9-.02

Authority: O.C.G.A. § [12-3-80](#)*et seq.*

History. Original Rule entitled "Definitions" adopted. F. Feb. 9, 1987; eff. Mar. 1, 1987.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-9-.03. Reporting Requirement.

All findings or sightings of submerged cultural resources or suspended submerged cultural resources shall be reported to the State Archaeologist as provided in these rules within two days of such finding, sighting, Saturdays, Sundays, and legal holidays excluded.

Cite as Ga. Comp. R. & Regs. R. 391-5-9-.03

Authority: O.C.G.A. § [12-3-80](#)*et seq.*

History. Original Rule entitled "Reporting Requirement" adopted. F. Feb. 9, 1987; eff. Mar. 1, 1987.

Amended: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-9-.04. Requirement for a Permit.

- (1) Except as provided in paragraph (2) below, no person shall conduct exploration, survey, or recovery operations, in the course of which any part of a submerged cultural resource may be endangered, removed, displaced, or destroyed except in accordance with the terms and conditions of a permit issued pursuant to these rules and regulations and applicable Code sections.
- (2) A permit is not required for persons engaged in operations on behalf of the Department, in that the Department is authorized to set by contract such terms and conditions as it deems appropriate.

Cite as Ga. Comp. R. & Regs. R. 391-5-9-.04

Authority: O.C.G.A. Sec. [12-3-80](#)*et seq.*

History. Original Rule entitled "Requirement for a Permit" was filed on February 9, 1987; effective March 1, 1987.

Rule 391-5-9-.05. Permit Procedures.

- (1) Application for Permit.
 - (a) All applications for permits must be on forms prescribed by the State Archaeologist and contain the following information:

1. Applicant's name, address, corporate designation and registered agent for service if applicable;
2. A description of the location(s) of the proposed operation, including Universal Transverse Mercator (UTM) Grid System coordinates of latitude and longitude;
3. A U.S. Geological Survey quadrangle (1:24,000 scale) map or a U.S. National Oceanic & Atmospheric Administration "Intra-coastal Waterway (Inside Route) Chart" (1:40,000 scale) depicting the location of the operation;
4. A brief statement of the purposes and objectives of the operation;
5. A clear description of the exact nature and scope of the proposed operation, including, but not limited to, research design, methods, techniques, and equipment to be employed;
6. A description of the methods, materials, and procedures to be used at the conclusion of the operation to stabilize, reclaim, and protect the area of the operation;
7. Name, and address of the professional archaeologist who will supervise or conduct the operation;
8. Evidence of financial responsibility to complete the operation and to stabilize, reclaim, and protect the area of the operation;
9. The name(s) and location(s) of the facility(ies) where all recovered artifacts or other submerged cultural resources will be stored, analyzed, and conserved;
10. The name(s) and location(s) of the facility(ies) where all recovered submerged cultural resources, artifacts, notes, records, data, photographs, maps, plans, drawings, or other materials will be curated after conclusion of all conservation, analysis, or other tasks of the operation;
11. An application fee in the amount of \$30.00, by check or money order made payable to the Georgia Department of Natural Resources; and
12. Any and all other relevant data required by the State Archaeologist.

(b) An application is complete when it contains all of the information, documents, forms, fees, and materials required in this Rule.

(2) Consideration of Application.

- (a) Once an application is complete, it shall be submitted to the State Archaeologist for review and consideration. Within 10 days of receipt of a completed application, the State Archaeologist, shall determine in their discretion whether an application presents issues of significant public interest such that public notice and a public hearing should be provided. If no public hearing is deemed necessary, then the State Archaeologist shall formulate a recommendation to the Department on each such application within 45 days of receipt. The Department shall grant, deny, or condition the required permit based upon the standards and criteria set forth in O.C.G.A. § [12-3-82](#)., and as more particularly provided by these rules.
- (b) If a public hearing is scheduled following 30 days' public notice, then the State Archaeologist, or his designee, shall conduct such hearing in the vicinity of the state nearest the subject cultural resources to receive public comments on the application subject to consideration. Any applicant for a permit or other interested person shall be given a reasonable period of time to state their views regarding a pending application. Following this hearing, the State Archaeologist shall consider the public comments and formulate a written recommendation to the Department, along with a summary of the public comments.
- (c) If following the receipt of public comments and the recommendations of the State Archaeologist the Department determines that the public interest will be served in accordance with the standards and criteria established by these rules and O.C.G.A. § [12-3-82](#)., then the Department shall grant, deny, or condition the required permit subject to such terms and conditions as provided by these rules and as are necessary and appropriate for the protection of the public interest and the preservation and protection of submerged cultural resources. All applications shall be acted upon by the Department within 90 days of the filing of a completed application.

(3) Standards and Criteria for Permit Review.

- (a) A permit for exploration, survey, etc. of submerged cultural resources shall be issued only when:
 - 1. the proposed operation, including all terms and conditions of any permit, is for the purpose of furthering archaeological or historical knowledge and is in the public interest;
 - 2. the applicant is a scientific or educational institution or an individual with evidence of financial responsibility sufficient to determine that the operation can be completed as proposed;
 - 3. state-owned waterbottoms will be restored or stabilized and submerged cultural resources will be utilized in the state's best interest;

4. the applicant has retained at least one professional archaeologist to supervise the operation with knowledge and experience in the proposed operation;
 5. the proposed operation will utilize professionally accepted techniques for identification, exploration, recovery, recording, conservation, preservation, and analysis of submerged cultural resources or other archaeological resources;
 6. the methods, techniques, and procedures to be utilized will maximize the retrieval of data associated with the operation;
 7. the methods, techniques, and procedures to be utilized at the conclusion of the operation are adequate to protect any residual scientific values associated with any recovered or remaining submerged cultural resource;
 8. adequate measures have been taken to secure facilities and plan for the conservation, analysis, and curation of all artifacts, records, and other materials resulting from the proposed operation; and
 9. the proposed operation is consistent with all other federal, state and local laws, ordinances, and regulations, specifically including relevant provision of the Georgia Water Quality Control Act (O.C.G.A. § [12-5-20](#)., *et seq.*) and the Clean Water Act of 1977 ([33 U.S.C. § 1251](#)., *et seq.*).
- (b) Where there are two or more applications for a permit for explorations, survey, etc., of the same submerged cultural resources, a preference shall be afforded to the first application in hand received by the Department and to the applicant who can demonstrate to the satisfaction of the Department that the applicant first discovered the subject submerged cultural resource.

Cite as Ga. Comp. R. & Regs. R. 391-5-9-.05

Authority: O.C.G.A. § [12-3-80](#)*et seq.*

History. Original Rule entitled "Permit Procedures" was filed on February 9, 1987; effective March 1, 1987.

Amended: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-9-.06. Permit Conditions.

- (1) The Department may condition any permit as necessary to protect the best interests of the State.
- (2) Each permit shall be conditioned upon the permittee's compliance with all applicable federal, state and local laws and regulations.

- (3) Each permit shall be effective for a period of one year from the date of issuance; provided however, that upon a written request submitted in advance of the date of termination, the Department may in its discretion extend such permit for periods not to exceed 6 months.
- (4) A permit may be conditioned upon the requirement that the permittee maintain and submit copies of a daily log of all activities, including but not limited to, the type of equipment used, site conditions, and other site-specific data.
- (5) Each permit shall be conditioned upon the requirement that the permittee submit a draft report to the Department within 120 days of completion of all field work and analysis which details and describes the significant activities and results of the operation. Such draft report shall be reviewed by the State Archaeologist and returned with any comments to the permittee. A final report acceptable to the Department shall be submitted within one year of the completion of all field work and analysis. All final reports shall become a part of the permanent public record of the permitted activity.
- (6) Each permit shall be conditioned upon the requirement that the permittee agree to indemnify, hold harmless, and defend the State Archaeologist, State of Georgia, Department and its agents, employees or officers from and against all claims, losses, damages, expenses, fines, liabilities, payment of any sum or sums of money to any person whomsoever, damage to property, including property of third person, the Department of Natural Resources, State of Georgia, the permittee(s), arising out of, or in connection with, their performance and prosecution of the operation permitted hereunder, whether caused by the claimed, actual, or sole negligence of the permittee(s). Except that this requirement shall not be applicable to state agencies or the Board of Regents.
- (7) A permit may be conditioned upon an agreement with the permittee that in reasonable consideration of permittee's efforts to further the public interest of exploration, survey, protection, preservation, or recovery of other related submerged cultural resources, the State agrees to allow the permittee to retain a portion of the recovered submerged cultural resources; provided, however, that without such an express agreement, each permit shall require that all specimens, artifacts, materials, copies of field notes and photographs, documents, and information collected or produced as a result of the permitted operation will remain the property of the State of Georgia and shall be kept as a collection in an appropriate facility(ies), available for future study, research, analysis, or display.
- (8) A permit may be conditioned upon the permittee's commencement within a certain period of time from date of issuance, and further conditioned upon the permittee's diligent pursuit of all operations.
- (9) Each permit shall be conditioned upon the right of the Department to enter upon and into all facilities, vessels, or other premises directly associated with the permitted operation for the purpose of inspection and in order to make determinations of compliance with the terms of any permit, these rules, and all other applicable laws and rules.
- (10) Each permit shall be conditioned upon the requirement that if the Department determines that the permittee has violated the permit, these rules, or other applicable

laws then the permit may be either immediately suspended or revoked. By accepting a permit the permittee acknowledges that irreparable harm and damage to state property can occur if the terms of the permit are not followed; therefore, all permits are conditioned upon immediate suspension or revocation which the permittee accepts as an express condition to its operation; provided that permittee accepts as adequate protection of its interests that it may appeal any such immediate suspension or revocation in the manner provided in O.C.G.A. § [12-3-52](#).(d) and these rules.

(11) Each permit shall provide conditions as follows:

- (a) No permit may be transferred or assigned without the written permission of the Department;
- (b) The State Archaeologist will be notified by telephone at least 24 hours in advance of commencement of any on-site recovery operations; and
- (c) The State Archaeologist shall be notified by telephone within three days of completion of all on-site operations.

Cite as Ga. Comp. R. & Regs. R. 391-5-9-.06

Authority: O.C.G.A. § [12-3-80](#)*et seq.*

History. Original Rule entitled "Permit Conditions" adopted. F. Feb. 9, 1987; eff. Mar. 1, 1987.

Amended: F. Mar. 22, 2021; eff. Apr. 11, 2021.

[Rule 391-5-9-.07. Appeal and Enforcement.](#)

(1) Appeal Procedures.

- (a) Any person who is aggrieved or adversely affected by any action of the Department shall, upon petition within 30 days after the taking of such action, have a right to a hearing before an administrative law judge appointed by the Board of Natural Resources, conducted in accordance with DNR Rule Chapter 391-1-2 and Chapter 13 of Title 50, O.C.G.A., the "Georgia Administrative Procedure Act."
- (b) Any party to such a hearing, including the Department, shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50, O.C.G.A.

(2) Enforcement Procedures.

- (a) If the Department determines that a permittee has violated O.C.G.A. §§ [12-3-80](#) through [12-3-82](#) or permit condition, then such permit may be revoked.
- (b) Any person who violates O.C.G.A. §§ [12-3-80](#) through [12-3-83](#) by failing to obtain a required permit or who intentionally defaces, injures, destroys, displaces,

or removes any underwater cultural resources or portion thereof in any manner not in accordance with a permit shall be subject to criminal prosecution by a fine not to exceed \$1,000 or by confinement for a term not to exceed 12 months, or both.

Cite as Ga. Comp. R. & Regs. R. 391-5-9-.07

Authority: O.C.G.A. Sec. [12-3-80](#) *et seq.*

History. Original Rule entitled "Appeal and Enforcement" adopted. F. Feb. 9, 1987; eff. Mar. 1, 1987.

Rule 391-5-9-.08. Consideration (Compensation) for Deadhead Logs.

- (1) The holder of a Salvage Log Permit shall pay the Department compensation of \$1.28 per board foot for deadhead logs removed from the State's rivers as authorized by the Official Code of Georgia Annotated, Title 12, Chapter 3 and any other law, rule, regulation or policy that authorizes this activity.
- (2) The amount of board feet in a recovered log will be determined using the Scribner C log scale, or by another method determined by the Georgia Forestry Commission. Log scaling will be done by Department personnel or their designee.
- (3) Violation of this rule or any other law, rule, regulation or policy may result in revocation of the permit or license to harvest deadhead logs, and may result in additional fines or penalties authorized by any other law, rule, regulation or policy.
- (4) All other procedures for determining the amount due for deadhead logs, methods and time of payment, late fees, and related procedures will be specified by the Department.

Cite as Ga. Comp. R. & Regs. R. 391-5-9-.08

Authority: Authority O.C.G.A. Sec. [12-2-24](#).

History. Original Rule entitled "Consideration (Compensation) for Deadhead Logs" adopted. F. Dec. 9, 2005; eff. Dec. 29, 2005.

Subject 391-5-10. [Repealed].

Rule 391-5-10-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-10-.01

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, [12-5-323](#), [28-5-122](#), [50-13-3](#), [50-13-4](#), [50-13-9](#).

History. Original Rule entitled "Definitions" adopted. F. Jun. 12, 1990; eff. Aug. 1, 1990.

Amended: F. Apr. 15, 1991; eff. May 5, 1991.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-10-.02. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-10-.02

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original Rule entitled "Criteria for Evaluation of Properties for the Georgia Register" adopted. F. Jul. 12, 1990; eff. Aug. 1, 1990.

Amended: F. Apr. 15, 1991; eff. May 5, 1991.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-10-.03. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-10-.03

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original Rule entitled "Relationship of Georgia Register to National Register" adopted. F. Jul. 12, 1990; eff. Aug. 1, 1990.

Amended: F. Apr. 15, 1991; eff. May 5, 1991.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-10-.04. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-10-.04

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original Rule entitled "Relationship of Georgia Register to National Register" adopted. F. Jul. 12, 1990; eff. Aug. 1, 1990.

Amended: F. Apr. 15, 1991; eff. May 5, 1991.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Subject 391-5-11. [Repealed].

Rule 391-5-11-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-11-.01

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original Rule entitled "Definitions" adopted. F. Jul. 12, 1990; eff. Aug. 1, 1990.

Amended: ER 391-5-11-0.20-.01(12)(d) was f. Oct. 4, 1990; eff. Sept. 28, 1990, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency.

Amended: F. Apr. 15, 1991; eff. May 5, 1991.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-11-.02. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-11-.02

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original Rule entitled "Requirements for Preliminary and Final Certification of Rehabilitated Historic Properties" adopted. F. Jun. 12, 1990; eff. Aug. 1, 1990.

Amended: F. Apr. 15, 1991; eff. May 5, 1991.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-11-.03. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-11-.03

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original Rule entitled "Standards for Rehabilitation" adopted. F. Jul. 12, 1990; eff. Aug. 1, 1990.

Amended: F. Apr. 15, 1991; eff. May 5, 1991.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-11-.04. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-11-.04

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original Rule entitled "Decertification as Rehabilitated Historic Property Conditions" adopted. F. Jul. 12, 1990; eff. Aug. 1, 1990.

Amended: F. Apr. 15, 1991; eff. May 5, 1991.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-11-.05. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-11-.05

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original Rule entitled "Certification Procedures" adopted. F. Jul. 12, 1990; eff. Aug. 1, 1990.

Amended: F. Apr. 15, 1991; eff. May 5, 1991.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Subject 391-5-12. PERMITTING BOAT DOCKS AT HIGH FALLS STATE PARK LAKE.

Rule 391-5-12-.01. Purpose.

To provide an orderly and equitable process for issuing revocable permits for the construction, maintenance, and use of boat docks on High Falls State Park Lake, and to establish a process for inspecting and enforcing standards for docks on said lake.

Cite as Ga. Comp. R. & Regs. R. 391-5-12-.01

Authority: O.C.G.A. Sec. [12-3-34](#).

History. Original Rule entitled "Purpose" adopted as ER. 391-5-12-0.27-.01. F. Oct. 28, 1993; eff. Oct. 27, 1993, the date of adoption.

Amended: Permanent Rule of same title adopted. F. May 5, 1994; eff. May 25, 1994.

Repealed: New Rule of same title adopted. F. June 24, 2009; eff. July 14, 2009.

Rule 391-5-12-.02. Permits for New Docks.

- (1) **Permits.** All required federal, state and local permits are to be obtained by the property owner.
- (2) **Procedures.** Guidelines and procedures for permits and specifications are available at the High Falls State Park office.
- (3) **Eligibility.** The owner of any contiguous parcel of private property abutting the high water mark of said lake, or the lessee of such parcel with the written consent of the owner, hereinafter referred to as the lakefront property owner and lessees may apply for a permit for one dock only per each single parcel as shown in the county's tax records.
- (4) **Term.** A permit shall be valid for a period of three years from January 1 of the year the permit is issued unless revoked or otherwise terminated in accordance with these rules. Upon the expiration of a permit, the permit holder may apply for a renewal permit which will be valid for 3 additional years. To foster administrative efficiencies, the Director of the Parks Recreation and Historic Sites Division, hereinafter referred to as Director, or designee may issue a onetime initial permit for less than 3 years; provided, said initial permit shall be pro-rated at a rate not to exceed 1/36th per month of the fee for a permit as established in 391-5-12-.02(5).
- (5) **Fee.** The fee for the issuance or transfer of a permit shall be defined by the Director of Parks not to exceed \$50.00 per 3 year period.
- (6) **Transfer of Permits.** Within 120 days of the death of a permit holder, the termination of a lease of a permit holder or sale of lakefront parcel with a permitted dock, the successor in interest to such property or leasehold must apply for a transfer of the permit for the remainder of its unexpired term. Failure to comply with this requirement may result in the revocation of the permit.
- (7) **Application.** The Director of the Parks, Recreation and Historic Sites Division shall establish procedures for obtaining permits. The High Falls State Park Manager shall make available to lakefront property owners and lessees upon request copies of procedures and forms for obtaining permits. All required permits or licenses (Erosion and Sedimentation Act, 391-3-7 and any other applicable state, Federal or local ordinance) must be obtained by the applicant and attached to the application. Upon receipt of a completed application, the Director or designee shall issue or deny the issuance of the permit within a thirty-day period.

- (8) **Revocation.** The Department of Natural Resources may revoke any permit for failure or refusal to comply with these rules or the specific conditions and requirements of the permit and seek civil penalties under O.C.G.A. [12-3-11](#) which carries a fine of \$1,000.00.
- (9) **Conditions, restrictions, and requirements for the continuation of permits.**
- (a) The permit holder shall, at all times hereunder, operate and maintain said facilities:
 - 1. In a safe condition which includes, but is not limited to, keeping walkways (if any), handrails (if any), decking, bracing, and pilings in good condition, replacing as necessary to assure safe use.
 - 2. In a presentable condition, which includes, but is not limited to, refraining from storing anything on the facility, removing regularly any visible trash or litter from the facility and, if the facility is painted, maintaining its paint in good condition. All loose or unsecured items shall be removed from the facility on a daily basis.
 - (b) The permit holder shall display the Department-assigned dock number. High Falls State Park will provide sign specifications and details for permanent mounting.
 - (c) The permit holder's facilities are subject at all times to inspection by representatives of the Department for compliance with these rules and any terms and conditions of the permit.

Cite as Ga. Comp. R. & Regs. R. 391-5-12-.02

Authority: O.C.G.A. Sec. [12-3-34](#).

History. Original Rule entitled "Permits for New Docks" adopted as ER. 391-5-12-0.27-.02. F. Oct. 28, 1993; eff. Oct. 27, 1993, the date of adoption.

Amended: Permanent Rule of same title adopted. F. May 5, 1994; eff. May 25, 1994.

Repealed: New Rule of same title adopted. F. June 24, 2009; eff. July 14, 2009.

Rule 391-5-12-.03. Existing Docks.

- (1) If over fifty percent of the pilings or bracing of an existing dock require replacement to meet Department of Natural Resources standards, a new permit must be applied for and the dock reconstructed.
- (2) Floor plans of existing docks or boat houses may not be altered; nor may other re-design occur to existing docks or facilities. Owners wishing to make these types of major changes will be able to do so only with a new permit and by reconstruction, in which case the new (re-constructed) dock must conform to the standards for design and construction contained in these rules.
- (3) No new boat houses may be constructed.

Cite as Ga. Comp. R. & Regs. R. 391-5-12-.03

Authority: O.C.G.A. Sec. [12-3-34](#).

History. Original Rule entitled "Existing Docks" adopted as ER. 391-5-12-0.27-.03. F. Oct. 28, 1993; eff. Oct. 27, 1993, the date of adoption.

Amended: Permanent Rule of same title adopted. F. May 5, 1994; eff. May 25, 1994.

Repealed: New Rule of same title adopted. F. June 24, 2009; eff. July 14, 2009.

Rule 391-5-12-.04. Standards for Design and Construction.

All new docks must be constructed in accordance with the Department's standard design criteria. Plans are available at the High Falls State Park office. Any changes to the existing design must receive written approval from the PRHS Central office who will incorporate those changes in to the new plans and provide them to High Falls.

- (a) Dock design shall contain detailed plans as to include width, length, and layout of the dock. Floating docks supported by encapsulated flotation units will be permissible. Individual plans need to be submitted with the application. All docks must be structurally sound.
- (b) The maximum length of the dock shall not exceed a total of 25 feet from the high-water mark. Dock length extensions beyond 25 feet will only be considered on a case by case basis if they meet the following criteria:

Extension Criteria

- * At the maximum length of 25 feet, the center end of dock would not reach 2.5 feet of water at full pool.
- * If granted the extension, the dock would not block navigation.
- * The proposed dock must maintain at least 30 feet distance from existing docks and future parcel dock locations based on projections to reach 2.5 feet of water at full pool.
- * The dock must not pose any safety threat concerns for to boaters, lake habitat, or recreational users.

Incremental extensions of 3 feet at a time may be granted by the Director for docks of lengths greater than 25 feet which meet the above criteria. These incremental extensions will be determined by the length it takes the center-end of a dock to reach 2.5 feet of water at full-pool.

Procedure for Granting Extension:

Resident must complete a Dock Application Form. If they request a dock extension, the resident must write a short justification for why they believe the property warrants a dock extension.

1. Park staff must conduct a site visit. During the visit, park staff must confirm if the site meets the extension criteria set above.
 2. If dock meets extension criteria, staff must determine how many incremental extensions of 3 feet will be necessary for the dock to reach 2.5 feet of water.
 3. Staff should include findings in a report that is submitted with the resident's dock permit application to the State for review.
 4. State reviews application and report and makes final decision.
- (c) All docks must have a minimum of thirty feet distance between docks of two adjoining parcels. Exceptions must be approved by the Director or designee.
- (d) Electrical outlets will be permitted in accordance with local county codes.
- (e) Bulkheads may be extended up to three feet on one side of the dock and up to 10 feet on the other side of the dock for securing the dock to the property. Rip-rap shall be required on all new bulkheads as per specifications. Bulkheads shall be constructed according to current bulkhead specifications, which can be obtained at High Falls State Park office.
- (f) Lakefront property owners or lessees with written permission of the landowner may request the use of rip-rap to control erosion into the lake. The department will accept requests and review them on a case by-case-basis. The department will approve a request only where obvious erosion issues exist that threatens the water quality of the lake. Construction specifications may be obtained at the park office.
- (g) Once approval for the dock is received, Lakefront property owners or lessees have 90 days to complete the construction. Permit will be revoked if not completed within the 90-day time limit. The Director of Parks, Recreation and Historic Sites Division or designee may grant one 30-day extension. Permit will be revoked and any partial work removed at the owner's expense if not completed within timeframe.

Cite as Ga. Comp. R. & Regs. R. 391-5-12-.04

Authority: O.C.G.A. § [12-2-24](#).

History. Original Rule entitled "Standards for Design and Construction" adopted as ER. 391-5-12-0.27-.04. F. Oct. 28, 1993; eff. Oct. 27, 1993, the date of adoption.

Amended: Permanent Rule of same title adopted. F. May 5, 1994; eff. May 25, 1994.

Repealed: New Rule of same title adopted. F. June 24, 2009; eff. July 14, 2009.

Amended: F. June 1, 2017; eff. June 21, 2017.

Rule 391-5-12-.05. Standards for Repair and Maintenance.

- (1) Docks for which there is an approved permit on file shall be maintained to Department of Natural Resources standards, in good repair, in safe condition and with a finished appearance.
- (2) Minor repairs may be done without a permit. These consist of replacement of less than fifty percent of the pilings or bracing; or deck and rail replacement.

Cite as Ga. Comp. R. & Regs. R. 391-5-12-.05

Authority: O.C.G.A. Sec. [12-3-34](#).

History. Original Rule entitled "Standards for Repairs and Maintenance" adopted as ER. 391-5-12-0.27-.05. F. Oct. 28, 1993; eff. Oct. 27, 1993, the date of adoption.

Amended: Permanent Rule of same title adopted. F. May 5, 1994; eff. May 25, 1994.

Repealed: New Rule of same title adopted. F. June 24, 2009; eff. July 14, 2009.

Rule 391-5-12-.06. Removal of Docks.

- (1) Removal of the dock may become necessary if:
 - (a) The dock is in such a state of disrepair that it is unsafe for use and the owner does not repair it as provided in the permit.
 - (b) The owner fails to comply with all terms and conditions of the permit.
 - (c) The owner fails to obtain a permit or fails to renew an existing permit.
 - (d) The permit is revoked.
- (2) Upon determination that a dock must be removed, the Division shall:
 - (a) Notify the owner in writing of a date by which the dock is to be removed.
 - (b) If the dock is not removed by the specified date, the Division shall remove the dock and the owner shall be responsible for all costs.
 - (c) After the dock has been removed, the owner is responsible for restoring said property to its condition as the same existed prior to the construction of the dock.
- (3) The Division may seek civil penalties with fines up to \$1,000 for non-compliance. O.C.G.A. Sec. [12-3-11](#). See [391-5-12-.08](#) for appeals.

Cite as Ga. Comp. R. & Regs. R. 391-5-12-.06

Authority: O.C.G.A. Sec. [12-3-34](#).

History. Original Rule entitled "Removal of Docks" adopted as ER. 391-5-12-0.27-.06. F. Oct. 28, 1993; eff. Oct. 27, 1993, the date of adoption.

Amended: Permanent Rule of same title adopted. F. May 5, 1994; eff. May 25, 1994.

Repealed: New Rule of same title adopted. F. June 24, 2009; eff. July 14, 2009.

Rule 391-5-12-.07. Inspections.

- (1) A formal survey will be made once each year by the Manager or his designee. A dock survey form and repair request form will be completed for each dock and kept on file at the park.
- (2) If minor repair is needed the dock owner will be notified in writing by the High Falls State Park Manager. The park staff will set time limits for the repairs.
- (3) If major repair (over 50% of pillars and bracing) is required to return the dock to usable and safe condition, the dock owner will be notified by letter from the Director or designee that the dock has deteriorated beyond the minor repair stage and, therefore, removal may be required.

Cite as Ga. Comp. R. & Regs. R. 391-5-12-.07

Authority: O.C.G.A. Sec. [12-3-34](#).

History. Original Rule entitled "Inspections" adopted as ER. 391-5-12-0.27-.07. F. Oct. 28, 1993; eff. Oct. 27, 1993, the date of adoption.

Amended: Permanent Rule of same title adopted. F. May 5, 1994; eff. May 25, 1994.

Repealed: New Rule of same title adopted. F. June 24, 2009; eff. July 14, 2009.

Rule 391-5-12-.08. Appeals.

Any lakefront property owner or lessee who believes that the Director of Parks or Designee erroneously denied a permit, erroneously revoked a permit, or erroneously demanded removal or repair of a dock may file an appeal with the Commissioner of DNR within 30 days of the date of the decision. The appeal must be in writing and set forth in detail the reasons for the appeal. The appeal must be postmarked or delivered to the Commissioner at the Commissioner's official address on or before the 30th day; provided that if the 30th day falls on a Saturday, Sunday or state holiday, then the 30th day is deemed to be the first business day after said Saturday, Sunday or state holiday.

Cite as Ga. Comp. R. & Regs. R. 391-5-12-.08

Authority: O.C.G.A. Sec. [12-3-34](#).

History. Original Rule entitled "Dredging, and Filling" adopted as ER. 391-5-12-0.27-.08. F. Oct. 28, 1993; eff. Oct. 27, 1993, the date of adoption.

Amended: Permanent Rule entitled "Excavation, Dredging, and Filling" adopted. F. May 5, 1994; eff. May 25, 1994.

Repealed: New Rule entitled "Appeals" adopted. F. June 24, 2009; eff. July 14, 2009.

Rule 391-5-12-.09. Excavation Dredging, and Filling.

No new excavation, dredging or filling which alters the shoreline or lake bottom will be permitted on state property except dock and adjacent bulkhead construction duly permitted by the Department. Permits for such work may be issued, within the Director's or designee's

discretion, on the basis of the applicant's submittal of engineering plans and specifications for such work which demonstrate that it is not adverse to the best interest of the State and upon the permit applicant's agreement to furnish a performance bond and, upon completion, a certification from his engineer that said work was performed and completed in conformance with the engineer's plans and specifications. Once completed in accordance with specifications, the permit holder shall not physically expand or in any manner alter the dimensions, form or shape of the existing facilities without a new permit being issued in accordance with this rule.

Cite as Ga. Comp. R. & Regs. R. 391-5-12-.09

Authority: O.C.G.A. Sec. [12-3-10](#).

History. Original Rule entitled "Excavation, Dredging and Filling" adopted. F. June 24, 2009; eff. July 14, 2009.

Subject 391-5-13. STATE AND FEDERAL GRANTS PROGRAMS.

Rule 391-5-13-.01. Recreation Assistance Fund (RAF).

- (1) **Purpose.** The purpose of the Recreation Assistance Fund (RAF) is to provide grant assistance to eligible applicants for acquisition of real property and/or development of recreation facilities for general purpose public recreation. Funds are appropriated by the Georgia Legislature in the annual or supplemental budget process. Grants are awarded to applicants with proposed projects which will increase the local supply of public recreation lands and/or facilities either through the purchase of real property, facility development or rehabilitation of existing facilities.
- (2) **Eligible Applicants.** All legally constituted entities (cities, counties, recreation commissions or authorities with legislative sanction) may apply for grant funds under this program. Eligible applicants must apply for grants under this program in a manner and format prescribed by the Department. Applications and related instructions for applying may be received by writing to the Department at the following address:

Department of Natural Resources

Grants Administration and Planning

205 Butler Street, S.E.

Suite 1352

Atlanta, Georgia 30334

- (3) **Application Procedures.** The typical calendar of an annual funding cycle follows:

July 1-	Public announcement of the Application Process.
Sept. 1-	Applications due.
Sept.-Oct.	Staff reviews, evaluates and ranks applications.

October- Advisory Committee reviews staff recommendations.
Late Funding recommendations are presented to the Board of Natural
October- Resources for action.
November 1- Announcement of grant awards.
Nov.-Dec. Staff completes paperwork for formal commitment of funds.

The above schedule may be altered should funds be appropriated in a supplemental budget, although the same basic process will be followed.

Eligible applications shall make application to the Department of Natural Resources by the specified deadline in the manner and format outlined in the program application. Each application package shall include responses to program criteria for which the applicant seeks points, including appropriate justification and supporting documents. All grants are subject to applicable state and federal laws, rules and regulations (including but not limited to environmental compliance specified in NEPA and GEPA and non-discrimination laws.) Applications must be received by the specified deadline. Contact the Department of Natural Resources at the above address for a copy of the criteria and formal grant application procedures.

- (4) **Program Criteria.** Each applicant must respond to Minimum Requirements and Evaluation Criteria as follows.

Minimum Requirements

The following minimum requirements apply to all applicants for assistance:

Equal Opportunity. The applicant must comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990 and all other State and Federal laws of non-discrimination. This means that no person shall be discriminated against on the basis of race, religion, color, sex, national origin or disability for recreation programs and facilities sponsored and operated by the applicant.

State and Federal Laws/Regulations. Applicants must comply with existing laws and regulations for receiving and expending state and federal grant money including, but not limited to, public notices, bidding, and purchasing requirements, Georgia Environmental Policies Act, and related environmental rules and regulations.

Operation and Maintenance. The applicant must have a satisfactory track record on the operation and maintenance of public recreation areas and facilities. Those with no track record are exempt from this requirement.

Grant Administration. The applicant must have demonstrated a capability for administering grants. The applicant is not ruled out if a grant has never been awarded. It is possible, however,

that applicants who have received grants previously and **have not** demonstrated the capability for administering grants may not be in compliance with the requirement.

User Fees. The applicant agrees that user fees resulting from this application cannot be so large as to be exclusionary.

EVALUATION CRITERIA

Grants will be evaluated based on a numerical score on the following criteria:

Community Priority. The project is identified as a specific priority through the applicant's community planning process, responding to citizen identified needs and furthering the comprehensive planning process.

Points

- 35 The project is identified as a high priority need in the applicant's recreational master plan and in the local government's comprehensive land use plan.
- 25 The project is identified as a high priority need in the applicant's recreational master plan or in the local government's comprehensive land use plan.
- 15 The project has been identified as a high priority need by a community study or citizen's panel.
- 0 The project does not address the community's priority needs.

Severity of Need. The project provides for a new or increased recreational experience within the applicant's service area.

Points

- 50 There are no public recreational facilities within project service area.
- 25 There are limited public recreational facilities available within the project service area.
- 10 There are many and varied recreational facilities and opportunities available, but 100% of the population needs are not being met.
- 0 There are no unmet needs.

Community Partnerships. The project involves a partnership with various private and public sectors. Partnerships are created with other public agencies or with private recreational providers.

Points

- 10 The project involves a partnership with four or more public and/or private groups or agencies.
- 5 The project involves a partnership with two or three public and/or private groups or agencies.
- 0 The project involves no partnerships within the community.

Handicapped Accessibility. The Americans with Disabilities Act (ADA) mandates that all new facilities meet accessibility requirements and that existing facilities be rehabilitated to provide for reasonable accommodations. All recreational projects shall consider accessibility. However, points are rewarded for efforts to provide additional accommodations.

Points

- 30 The proposed project will rehabilitate existing facilities to provide reasonable accommodations.
- The proposed project is for construction of new accessible facilities and will also provide
- 20 three or more accommodations which will link the new construction to other amenities and areas of the park.
- The proposed project is for construction of new accessible facilities and will also provide
- 10 one additional accommodation which will link the new construction to other amenities and areas of the park.
- 0 The project provides no additional accommodation beyond that which is required by law for the construction of new facilities.

Acquisition and Protection of Natural Resources. Priority is given to projects that will acquire real property for recreation, conservation or resource protection that may also be in imminent danger of being lost to the applicant and irretrievable.

Points

- The proposed project will acquire real property for recreation, conservation and/or resource
- 25 protection which is in imminent danger of being lost to the applicant and may be irretrievable.
- The proposed project will acquire real property for recreation and/or conservation which will
- 20 protect outstanding natural resources.
- 10 The proposed project will acquire real property for recreational use.
- 0 The proposed project does not address real property acquisition.

Leverage of Grant Funds. The state grant is expanded with additional public or private funds, materials, or services.

Points

- 10 The project involves leveraging of other public and/or private investments equal to the amount of the grant.
- 5 The project involves leveraging of other public and/or private investments equal to one-half the amount of the grant.
- 0 There is no leveraging of additional funds.

Community Benefits. The project will benefit a variety of residents and will provide more than one recreational opportunity.

Points

- 25 The project is for a multi-use development or existing property.
- 10 The project is for a single use development of existing property.

Community Operation and Maintenance Commitment. The project is included as part of the community recreational facilities and will be maintained as part of the community's infrastructure after grant money is no longer available.

Points

- 10 Applicant has made a written commitment (letter, resolution of intent, etc.) to continue full funding for the maintenance of the project.
- 5 Applicant has made a written commitment for the maintenance of the project through private resources.
- 0 Applicant has not committed to implement a maintenance plan.

Cite as Ga. Comp. R. & Regs. R. 391-5-13-.01

Authority: O.C.G.A Secs. [12-3-32](#), [12-3-6](#).

History. Original description entitled "Recreation Assistance Fund (RAF)" submitted May 11, 1994.

Submitted: Dec. 27, 1996.

Rule 391-5-13-.02. Land and Water Conservation Fund (L&WCF).

- (1) Purpose. The purpose of the Land and Water Conservation Fund (L&WCF) is to provide no more than fifty percent matching grant assistance to eligible applicants for acquisition of real property and/or development of recreation facilities for general purpose public outdoor recreation. Lands and facilities must be for **outdoor** recreation or directly support outdoor recreation; must be open to the general public without discrimination during reasonable times and hours; must be maintained and operated for public outdoor recreation in perpetuity.

Specific criteria which address recreation issues as identified in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) are used to evaluate the grant applications. Grants are awarded to applicants with proposed projects which will increase the local supply of public outdoor recreation lands and/or facilities either through the purchase of real property, facility development or rehabilitation of existing facilities.

- (2) Eligible Applicants. All legally constituted entities (cities, counties, recreation commissions, or recreation authorities with legislative sanction) may apply for grant funds under this program. Eligible applicants must apply for grants under this program in a manner and format prescribed by the Department. Applications and related instructions for applying may be received by writing to the Department at the following address:

Department of Natural Resources

Grants Administration Unit

2 Martin Luther King Jr. Drive, Suite 1352

Atlanta, Georgia 30334

- (3) Application Procedures. The typical calendar of a biennial funding cycle follows:

September Public announcement of the Application Process.

October Applications due (specific deadline assigned each year in the public announcement).

Nov- Jan Staff reviews, evaluates, and ranks applications.

February Funding recommendations are presented to the Board of Natural Resources.

June Applications are submitted to National Park Service for approval.

October Staff completes paperwork for formal commitment of funds.

Eligible applicants shall make application to the Department of Natural Resources by the specified deadline in the manner and format outlined in the program application. Each application package shall include responses to program criteria for which the applicant seeks points, including appropriate justification and supporting documents. All grants are subject to applicable state and federal laws, rules and regulations (including but not limited to environmental compliance specified in NEPA and GEPA and non-discrimination laws) and each application must include appropriate compliance documentation. Applications must be received by the specified deadline. Contact the Department of Natural Resources at the above address for a copy of the criteria and formal grant application procedures. The above schedule may be altered, but the same basic process will be followed.

- (4) Program Criteria. Each applicant must respond to Minimum Requirements and Evaluation Criteria as summarized below:

Minimum Requirements

These are requirements that an applicant must meet in order to be considered for a L&WCF grant. There are no points attached to these requirements. Only one of two situations can occur; (1) Yes-the applicant meets all minimum requirements and is therefore eligible for consideration based on how a proposed project scores under the Evaluation Criteria; (2) No- the applicant does not meet the minimum requirements and is

therefore ineligible for consideration of funding. The following minimum requirements apply to all applicants for assistance:

Title VI Compliance

Compliance with the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973

Legally constituted entity as sponsor

Satisfactory park operations and maintenance track record

Demonstrated capability for administering grants

Submit a resolution regarding the availability of a 50% match

Non-exclusionary user fees

Compliance with all state and federal regulations, rules and legislation

Significant citizen participation in the planning process

Evaluation Criteria

Below are sections within the Evaluation Criteria. Each section has one or more criteria to which a variable number of points are attached. These criteria are designed to measure the overall concept of the proposed project. Because not all criteria are equally important, the criteria are weighted.

Administrative Criteria

Project Specific

Planning Efforts

Rehabilitation Projects

Development Projects

Acquisition Projects

Grant Match & Partnerships

The above mentioned criteria sections and requirements can be found in their entirety in the Land and Water Conservation Fund Pre-application packet. This package is available

from the Department of Natural Resources at the address listed in "(2) Eligible Applicants."

- (5) **Review of Grant Applications.** Applications received from eligible applicants are reviewed by the grants staff to determine both program eligibility and a ranking score. Specific criteria, as outlined above, are used to evaluate the grant applications. Each application is evaluated according to the criteria and assigned a number score. Grants are recommended for funding on the basis of the score, and normally only one grant per funding cycle per applicant. A grant ceiling is usually set at the beginning of the application cycle based on the level of appropriation. All funds are allocated on a biennial basis.
- (6) **Awarding of Grant Funds.** Upon completion of the review and ranking of all applications by staff, funding recommendations are presented to the Board of Natural Resources for notification and review. Following notification to and review by the Board, the grants staff completes paperwork including the contracting process with the grant recipients. The grant period is normally not more than two years, and funds will flow to the grant recipient on a reimbursable basis as the work progresses. A grant recipient's land and/or facilities are subject to periodic inspections by grants staff for appropriate operation and maintenance and compliance with applicable state and federal laws.

Cite as Ga. Comp. R. & Regs. R. 391-5-13-.02

Authority: O.C.G.A. §§ [12-3-32](#), [12-3-5](#); **Land and Water Conservation Fund Act of 1965, P.L. 88-578, as codified at [54 USC § 200305](#); Catalog of Federal Domestic Assistance Number: 15.916; 36 CFR Part 59 .**

History. Original description entitled "Land and Water Conservation Fund (L&WCF)" submitted May 26, 1994.

Submitted:Dec. 23, 2003.

Submitted:Feb. 25, 2008.

Submitted:Sep. 27, 2013.

Submitted:Mar. 31, 2014.

Submitted:Sep. 24, 2015.

Submitted:May 24, 2015.

Submitted:May 19, 2017.

Submitted:May 3, 2022.

Rule 391-5-13-.03. Recreational Trails Program (RTP).

- (1) **Purpose and Name.** The Recreational Trails Program (RTP) of the Georgia Department of Natural Resources (GA DNR) coordinates and administers federal pass through grants for recreational trails. The U.S. Department of Transportation, Federal Highway Administration (FHWA) provides federal funding to states for grants for both motorized and non-motorized recreational trail projects to construct new recreational trails, improve/maintain existing trails, develop/improve trailhead or trailside facilities, and acquire trail corridors. Funding for this federal grant program is derived from that portion of the federal gasoline tax paid on the gasoline purchased for non-highway recreational vehicles-off-highway motorcycles, ATV's, snowmobiles, and off-highway trucks. The Commissioner of the Georgia Department of Natural Resources, or his designee, is

designated as the principal official for coordinating with the FHWA. O.C.G.A. [12-2-6](#) provides the statutory basis for the Georgia Department of Natural Resources to administer this federal pass through grant program.

- (2) Eligible Grant Recipients. All applicants must be currently registered in SAM.gov with a unique Data Universal Numbering System (DUNS) number. Applications from project sponsors not meeting this criterion will be deemed ineligible and will not be reviewed. Eligible grant recipients include:

- * Georgia Qualified Local Governments (counties and municipalities approved by the Georgia Department of Community Affairs), including legally constituted recreation boards, commissions, or authorities with legislative sanction

- * State Agencies

- * Federal Agencies

- * Nonprofit organizations with IRS 501(c)(3) tax exempt status, if applying for eligible educational program grants that promote recreational trail safety and environmental protection

Prospective applicants may be deemed not eligible to apply if they have active or previously awarded grants through GA DNR which are not in full compliance with federal and state requirements. Successful completion of projects in a timely and efficient manner is a key goal of the RTP grant program. RTP staff will review each application for eligibility to determine:

- * Whether the applicant is on schedule with all active GA DNR grant projects, and

- * Whether the applicant is in compliance with all applicable guidelines for current and past projects

Serious instances of non-compliance may result in application denial. Past non-compliance may also be cause for GA DNR to place additional requirements or special conditions on the grant, if selected, and as allowed by [2 CFR 200.207](#).

- (3) RTP Grants General Scope, Terms and Conditions. FHWA funds allocated to States for RTP grants must be distributed as follows: 30 percent for motorized trail uses, 30 percent for non-motorized trail uses, and 40 percent for diverse trail uses. Funds allocated to the States also include a portion available for educational programs that promote safety and environmental protection as those objectives relate to the use of recreational trails.

The RTP grant program is a reimbursement program. Grant recipients pay for 100 percent of the costs and then submit required documentation for reimbursement for 80 percent of eligible costs, up to the grant award amount. Match requirements can be met by private donations of funds, materials, right-of-ways, and services at fair market value. Applicant

must document the availability of the required minimum twenty percent (20%) match for each application.

RTP grant recipients will have 24 months to complete the project from the date of the signed project agreement.

Project costs are eligible for 80% reimbursement only if incurred after the project has been approved for funding by the FHWA, and a project agreement has been signed. Project sponsors cannot be reimbursed for work done prior to the project agreement date.

Due to the competitive process for these grants, upon execution of a project agreement with a grant recipient, any requests for additional funding or significant changes in the scope must be approved by GA DNR staff and the FHWA.

Grant recipients will be required to attend a fiscal briefing before execution of the signed project agreement.

Permitted uses of RTP Grant funds include:

- * Construction of new recreational trails open to the public on state, county, municipal or private lands where a recreational need for such construction is shown.
- * Development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails. Trailside and trailhead facilities includes trail components or associated facilities which serve the purpose and safe use of the recreational trail, and may include, but are not limited to, the following: drainage, crossings, stabilization, parking, signage, controls, shelters, hitching rails, water trail vessel launch facilities, bike racks, fencing, motorized access barriers, underpasses, and water, sanitary, and access facilities.
- * Acquisition of easements or fee simple title from a willing seller to property for recreational trails or recreational trail corridors.
- * Maintenance and restoration of existing recreational trails.
- * Lease of recreational trail construction and maintenance heavy equipment, and purchase of hand tools.
- * Provide access and use of recreational trails by persons with disabilities.
- * Redesign, reconstruction, non-routine maintenance or relocation of recreational trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

* Construction of new recreation trails crossing federal land if the project is consistent with resources management plans. Approval will be contingent upon compliance with all applicable laws, including the National Environmental Policy Act and the Forest and Rangeland Renewable Resources Planning Act, and the Federal Land Policy and Management Act.

* Educational programs that promote safety and environmental protection as those objectives relate to the use of recreational trails.

Uses not permitted with RTP Grant funds include:

* Condemnation of any kind of interest in property.

* Construction of new recreation trails for motorized use on National Forest or Bureau of Land Management lands that have been recommended for Wilderness designation.

* Upgrading, expanding, or otherwise facilitating motorized use or access to recreational trails predominantly used by non-motorized recreational trail users and on which, as of May 1, 1991, motorized use was prohibited or had not occurred.

* Road construction or sidewalks.

* Purchase of recreational trail construction and maintenance heavy equipment. (Does not include hand tools.)

* Administrative staff time, overhead or indirect charges are not allowable charges.

* Feasibility studies.

* Playground equipment or campground development.

Minimum grantee compliance requirements include:

* Equal Opportunity: The grantee must comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, The Age Discrimination Act of 1975, The Americans with Disabilities Act of 1990 and all other state and federal laws of non-discrimination. The applicant must certify that no person shall be discriminated against on the basis of race, color, sex, religion, national origin, age, or physical or mental handicap for any program, activity, or facility sponsored, operated, or constructed under the sub-grant project.

* State and Federal Laws / Regulations: Grantee shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the grant agreement

or to usage of the grant funds. Key regulations applicable to RTP include but are not limited to:

- * 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- * 2 CFR 1201
- * FHWA Recreational Trails Program Interim Guidance
- * [23 U.S.C. 206](#) Recreational Trails Program
- * [23 U.S.C. 104\(h\)](#), Recreational Trails Program Apportionments
- * [23 U.S.C. 106](#), Project Approval and Oversight
- * [23 CFR 1.36](#), Compliance with other Federal Laws and Regulations
- * 23 CFR 771, Environmental Requirements
- * [23 CFR 635.410](#) Buy America
- * 49 CFR 29, Suspension and Debarment
- * Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
- * [23 U.S.C. 114](#), Convict Labor
- * 23 U.S.C. Prevailing Wage Rate (Davis Bacon Act)
- * Grantees have statutory responsibilities to provide opportunities for the participation of people with disabilities in recreational trails activities funded under the RTP. Federal laws that affect the design, construction, alteration, and operation of trail facilities include the Architectural Barriers Act of 1968 (ABA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA). The ADA prohibits discrimination and ensures equal opportunity and access for persons with disabilities. Section 504 of the Rehabilitation Act states that no otherwise qualified individual with a disability in the United States, as defined in section 7(20), shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The ABA requires that facilities designed, built, altered, or leased with funds supplied by the United States Federal Government be accessible to the public. Current regulations implementing these statutes contain requirements that apply to existing trail

construction and program operations and adopt technical standards to guide new trail construction and alterations of existing networks.

- * Buildings and facilities newly-constructed or altered with Federal funds are subject to the accessibility requirements contained in the Uniform Federal Accessibility Standards (UFAS), the standard currently referenced in the ABA.

- * Accessibility in Federally-assisted programs is governed by the requirements of the United States Department of Transportation regulations (49 CFR Part 27) implementing Section 504 of the Rehabilitation Act ([29 U.S.C. 794](#)).

- * The United States Department of Justice's (DOJ) Title II implementing regulations (28 CFR Part 35) describe the obligations of State and local governments for existing facilities and program operations, and require Title II entities (public entities) to comply with either UFAS or the Americans with Disabilities Act Accessibility Guidelines (ADAAG) developed by the United States Architectural and Transportation Barriers Compliance Board when constructing or altering facilities.

- (4) RTP Application Process. RTP will begin each funding cycle in September of odd number calendar years with a public announcement soliciting eligible grant projects from eligible project sponsors, and posting of the specific grant cycle applications and instructions on the GA DNR website. Each funding cycle application announcement will include the following:

- * Estimated total dollar amount of grant funding available for that cycle

- * Minimum and Maximum grant award amounts available

- * Deadlines, application forms, specific requirements, and procedures for submission of the pre and second-level grant applications and required supporting documents

RTP biennial grant opportunities will involve a competitive pre-application process followed by an invitation only second-level application process. The detailed RTP pre-application and second-level application forms, instructions, due dates, format, required forms/documents, required drawings/maps, and project scoring criteria are available at the DNR website at: <https://gadnr.org/grants>.

Pre-Application Process: Pre-applications are due in November of odd numbered years. The exact due date is included in the grant cycle announcement posting to the DNR website at: <https://gadnr.org/grants>. All aspects of the pre-application must be completed electronically. Pre-applications must be submitted by the deadline stated on the grant cycle announcement or the application will not be eligible for review. The pre-application should include the following:

- * Cover letter on official letterhead signed by the chief elected official/executive director/president
- * A signed Pre-application Form to include a response to each of the evaluation criterion
- * A resolution adopted by the governing entity of the applicant authorizing the application and committing all matching funds required to complete the proposed project
- * A narrative description of the proposed project
- * Estimate of cost
- * Preliminary site plan
- * Plat and/or legal description of the property proposed for purchase and/or development
- * Location map
- * Letters of commitment from partners providing grant match of any type

All pre-applications are reviewed by the RTP staff to verify applicant eligibility, and priority rank the eligible applications based on project evaluation criteria. The pre-applications, and assigned scores and rankings are also reviewed by the Georgia Recreational Trails Advisory Committee. The highest ranking proposed projects will be invited to submit a second-level application. All applicants will be notified in April in even numbered years whether they have or have not been selected to submit the second-level application.

Second-level Application: Applicants with selected pre-applications will be invited to submit a second-level application. Second-level applications are due in May in even numbered years, and shall contain the following:

- * A cover letter on entity letterhead
- * A signed application cover sheet
- * Detailed project budget
- * Environmental assessment:

_____Concurrence from the Army Corps of Engineers

_____Concurrence from the U.S. Fish and Wildlife Service

_____Concurrence from the Historic Preservation Division of the Georgia Department of Community Affairs

If real property is to be acquired with grant funds, land must be surveyed for hazardous materials to avoid acquiring property that is a source of liability.

- * Environmental Screening Form and Environmental Checklist

- * Copy of Deed to Property

NOTE: If real property is to be acquired with grant funds, the acquisition must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (The Uniform Act). Implementation regulations for the Act are found in 49 CFR Part 24. Do not acquire property until after the grant agreement has been executed and consultation with GA DNR has occurred.

- * Signed statement from landowner expressing support (This is applicable if the applicant and landowner are not the same. A recorded easement allowing trail construction will be required from the landowner before construction begins.)

- * Approvals to cross a public highway or a public utility right-of-way (if applicable)

- * Maps: Property Boundary Area Map

Preliminary Site Map, clearly depicting project components

Site Location Map

- * Detailed Project Development Budget

- * Local Program Implementation Schedule

Second-level applicants who are unable to meet all requirements for a complete application by the May deadline may be granted an extension by the GA DNR RTP staff, up to August 31 of the same year. Detailed instructions, guidance, specific due dates, applications and required forms are available at: <https://gadnr.org/grants>.

Education Projects - Education projects must have a direct relationship with a recreational trail or trails, and can include: safety education and environmental protection programs, and the production of trail-related educational materials such as information displays, printed materials, video, audio, and interactive computer displays. Parties interested in applying for an education project grant must consult with the Georgia Recreational Trails Program staff prior to submitting an application.

(5) Application Review Process and Timeline.

- * May, odd number calendar years - Georgia DNR announces biennial funding cycle via public announcement and website posting of information
 - * September, odd number calendar years - Pre-application period opens
 - * November, odd number calendar years- Deadline for Pre-application
 - * Pre-applications are reviewed for eligibility, scored and ranked by the GA DNR RTP staff. Georgia RTP Advisory committee also reviews application rankings, and the Georgia DNR Board is informed of the applicant rankings. Copies of the selected pre-applicants are forwarded to the Federal Highway Administration.
 - * April, even number calendar years- All pre-applicants are notified, and selected pre-applicants are invited to submit second-level applications. The second-level application process certifies completion of all environmental assessments and required environmental permits, land ownership or easements, and verifies the applicant's financial ability to complete the project as proposed.
 - * May, even number years- Deadline for second-level applications
 - * Second-level applicants who successfully complete all requirements and submit all necessary documents by the deadline will be recommended for grant approval to FHWA. Second-level applicants who are unable to complete all requirements by the May deadline may be allowed an extension of time until August 31, with approval by the GA DNR RTP staff.
 - * Grant funds will be available to successful applicants upon approval by FHWA, a fiscal meeting with the GA DNR RTP staff, and execution of a Project Agreement between GA DNR and the applicant.
- (6) Criteria for RTP Grant Awards. The public announcement for each RTP funding cycle, available at the DNR website, <https://gadnr.org/grants>, will contain the specific criteria used in rating the applications. The criteria used to rank applications shall include:
- * Degree to which the proposed project meets the project area's recreational trail needs
 - * The population demographics served by the project
 - * Trail connectivity to other trails, parks, or greenspaces
 - * Project enhancement of economic development opportunities
 - * Public support and financial partners for the proposed trail project

- * Long-term management, operations, and maintenance plans and commitments
 - * Americans with Disabilities Act accessibility
 - * Applicant's history in administering and completing grant funded projects
 - * Mitigation of environmental impacts
 - * Ability to fully complete all aspects and requirements of the pre-application and second-level application
- (7) Application Submittal, Program Information- All applications should be submitted electronically.

Complete information on the Georgia Recreational Trails Grant Program, including links to Federal guidelines and complete application instructions, guidance, and required forms are available at: <https://gadnr.org/grants>.

Cite as Ga. Comp. R. & Regs. R. 391-5-13-.03

Authority: O.C.G.A. § [48-7-29.8\(1\)](#).

History. Original description entitled "National Recreational Trails Fund (NRTF)" submitted May 26, 1994.

Submitted: Dec. 30, 2002.

Submitted: Grant description entitled "Recreational Trails Program (RTP)" Sept. 28, 2006.

Submitted: June 30, 2017.

Submitted: May 22, 2019.

Submitted: F. Mar. 22, 2021.

Rule 391-5-13-.04. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-13-.04

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, [12-5-323](#), [28-5-122](#), [50-13-3](#), [50-13-4](#), [50-13-9](#).

History. Original grant description entitled "Georgia Heritage 2000 Historic Preservation Grants" received June 1, 1994.

Submitted: Grant description, same title, received Oct. 23, 1995.

Submitted: Aug. 14, 1996.

Submitted: Grant description entitled "Georgia Heritage 2000 Grant Programs, SFY 1999" received Sept. 24, 1998.

Submitted: Grant description entitled "Georgia Heritage 2000 Grant Programs, SFY 2000" received Sept. 16, 1999.

Submitted: July 5, 2007.

Submitted: Feb. 7, 2012.

Repealed: F. Mar. 22, 2021; eff. Mar. 22, 2021.

Rule 391-5-13-.05. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-13-.05

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, [12-5-323](#), [28-5-122](#), [50-13-3](#), [50-13-4](#), [50-13-9](#).

History. Original grant description entitled "Historic Preservation Fund Grants" submitted Jun. 10, 1994.

Submitted: Mar. 13, 1995.

Submitted: Sept. 19, 2001.

Submitted: Feb. 7, 2012.

Repealed: F. Mar. 22, 2021; eff. Mar. 22, 2021.

Rule 391-5-13-.06. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-13-.06

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original grant description entitled "Historic Cemetery Heritage Tourism Grant Program" submitted Apr. 23, 2008.

Submitted: Feb. 11, 2009.

Repealed: F. Mar. 22, 2021; eff. Mar. 22, 2021.

Rule 391-5-13-.07. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-13-.07

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original grant description entitled "Historic Theater Heritage Tourism Grant Program" received Dec. 15, 2010.

Repealed: F. Mar. 22, 2021; eff. Mar. 22, 2021.

Rule 391-5-13-.10. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-13-.10

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original grant description entitled "Flood Recovery Grants For Historic Preservation" received Dec. 29, 1994.

Repealed: F. Mar. 22, 2021; eff. Mar. 22, 2021.

Rule 391-5-13-.11. Georgia Outdoor Stewardship Program.

(1) Definitions. As used in this Rule, the term:

- "Qualified Local Government" means any county or municipality meeting the definition found in paragraph 18 of subsection (a) of Code Section [50-8-2](#).
- "Constituted Recreation Authority" means any recreation authority registered with the Georgia Department of Community Affairs.

- "Nongovernmental Entity" means nonprofit organization primarily concerned with the protection and conservation of land and natural resources, as evidenced by its organizational documents.
 - "Natural-resource recreation" means recreation in the form of boating, hiking, camping, fishing, hunting, jogging, biking, walking or similar outdoor activities.
 - "GADNR" is the Georgia Department of Natural Resources.
 - "GEFA" is the Georgia Environmental Finance Authority.
- (2) Key Provisions. The intent of this chapter is to provide stewardship for state parks, state lands, and wildlife management areas; support local parks and trails; and protect critical conservation land.
- Georgia Outdoor Stewardship Trust Fund. O.C.G.A. [12-6A-2](#) authorizes up to 80 percent of all moneys received by the state from the sales and use tax collected by outdoor recreation equipment establishments classified under the 2007 North American Industry Classification Code 451110, sporting goods stores in the immediate preceding fiscal year to be dedicated to the Georgia Outdoor Stewardship Trust Fund for the purpose of funding the protection of conservation land.
- Board of Trustees of the Georgia Outdoor Stewardship Trust Fund. O.C.G.A. [12-6A-7](#) establishes the Board of Trustees of the Georgia Outdoor Stewardship Trust Fund. The Board of Trustees shall accept applications for project proposals for eligible funding and shall evaluate and approve these proposals pursuant to the priorities established in this 12-6A-10(d) and any other priorities established by the Board of Trustees.
- Administrative Authority. O.C.G.A. Chapter 6A of Title 12 provides the statutory basis for GADNR to administer this grant program. This chapter is enacted pursuant to Article III, Section IX, Paragraph VI(p) of the Constitution.
- (3) Eligible Applicants. All qualified local governments, constituted recreation authorities, state agencies and nongovernmental entities may apply for grant funds under this program.
- (4) Use of Funds. From within the Georgia Outdoor Stewardship Trust Fund, moneys shall be made available each fiscal year for:
- Grants to any qualified local governments, constituted recreation authorities, state agencies and nongovernmental entities of this state having a project proposal with a primary purpose of one of the conservation objectives listed in O.C.G.A. [12-6A-6](#);
 - Grants as authorized in O.C.G.A. [12-6A-12](#);

- Costs incurred by the State in administering the program.

Moneys may be available each fiscal year for loans to any city, county or nongovernmental entity to defray the cost of conservation land or of conservation easements placed upon property to ensure its permanent protection as conservation land.

Before funds from the Georgia Outdoor Stewardship Trust Fund can be disbursed for grants for project proposals for conservation objectives, applications for project proposals must be approved by the Board of Trustees, the Board of Natural Resources, and the appropriations subcommittees of the House of Representatives and Senate maintaining oversight authority over GADNR and GEFA. As set forth in O.C.G.A. § [12-6A-8\(f\)](#), GEFA is responsible for the disbursement of funds following final approval of project proposals.

- (5) Eligible Projects. All eligible projects must take place in the state of Georgia. Eligible project activities fall into three categories:

- Local Parks and Trails of Regional Significance, for local governments, constituted recreation authorities and nongovernmental entities to acquire and/or improve parks, trails and conservation lands.
- State Stewardship, for state agencies and nongovernmental entities for maintenance, restoration or improvement projects to enhance public access, use, or safe enjoyment of permanently protected conservation land and currently owned state parks.
- State Land Acquisition, for state agencies and nongovernmental entities to acquire critical areas for the provision or protection of clean water, wildlife, hunting, fishing, for military installation buffering, or for natural-resource based outdoor recreation.

- (6) General Terms and Conditions. Each funding cycle will begin with a funding cycle announcement. The funding cycle announcement will be posted at <https://gadnr.org/grants>. Each funding cycle announcement will include deadlines, specific requirements, and procedures for submission of the pre-application.

Funding opportunities involve a competitive pre-application process followed by an invitation only second-level application process. The detailed pre-application process and second-level application forms, instructions, deadlines, format, required forms/documents, required drawings/maps, and project ranking criteria are available at <https://gadnr.org/grants>

Grant Cycle. Funds will only be made available for grants or loans to eligible recipients during the grant cycle. The grant cycle timeline will be included in the funding cycle announcement each year. To receive funding, applicants must submit an application before the pre-application deadline.

Project Timeline. All selected applicants will have 24 months to complete the project from the date of the signed Project Agreement.

Match Requirements. Applicants must provide at least 25 percent of the total project cost as match. Match may include cash, in-kind goods and services or volunteer labor. Applicant must document availability of the required 25 percent match for each application. State agencies will be required to provide a 25 percent match, pending appropriations. Exceptions can be made at the discretion of the Board of Trustees.

Funding Amounts. Projects for Local Parks and Trails of Regional Significance must have a grant or loan request between \$500,000 and \$3,000,000. There are no minimum or maximum grant amounts for State Stewardship or State Acquisition projects. Exceptions can be made at the discretion of the Board of Trustees.

Financial Workshop. All selected applicants are required to attend a financial workshop prior to executing the Project Agreement.

Project Agreement. Grant and loan recipients must execute a Project Agreement with GADNR and comply with all its provisions, including maintaining complete financial records for all activities and submitting quarterly progress reports.

Inspections. GADNR Staff will conduct site inspections for all awarded projects before the project begins and after the project's completion. GADNR Staff may conduct site inspections during the project timeline.

Acquisition Projects. All projects involving acquisition or conservation easements shall place protective language provided by GADNR on the deed for the property.

(7) Application Timeline. The calendar for an annual funding cycle:

May - Funding cycle announcement of the upcoming grant cycle

September 1 - Pre-application period opens

October 31 - Pre-applications due (specific deadline assigned each year in the funding cycle announcement)

November - December - Staff reviews, evaluates and ranks pre-applications

January - Board of Trustees prepare and approve proposal of projects; Board of Natural Resources approves proposal of projects; Appropriations subcommittees of the House of Representatives and Senate maintaining oversight authority over the GADNR and GEFA approve proposal of projects

February - All pre-applicants are notified and selected pre-applicants are invited to submit second-level applications

May 30 - Second-level applications due

June - July - Selected applicants attend required financial workshop and sign Project Agreements

- (8) Pre-Application Process: The pre-application can be found online at <https://gadnr.org/grants>. All aspects of the pre-application must be completed online.

All eligible pre-applications shall include:

- * Responses to each of the evaluation criteria
- * Cover letter on official letterhead signed by the chief elected official/executive director/president/agency official
- * A resolution adopted by the governing entity of the applicant authorizing the application and committing or verifying all matching funds required to complete the proposed project
- * A narrative description of the proposed project
- * Estimate of cost
- * Preliminary site plan
- * Plat and/or legal description of the property proposed for purchase and/or development
- * Location map

Pre-applications must be submitted by the deadline stated on the funding cycle announcement or the application will not be eligible for review.

- (9) Review of Grant Applications. All pre-applications received from eligible applicants are reviewed by GADNR Staff. Specific criteria are used to evaluate projects.

Upon completion of the review and ranking process, GADNR Staff will present pre-applications to the Board of Trustees at the first calendar meeting of each year. The Board of Trustees shall prepare and approve a proposal containing approved projects. Upon approval of the proposal, the Board of the of Natural Resources shall review and approve the proposal of the Board of Trustees.

Each year's initial proposal shall be submitted by January 31 to the chairpersons of the appropriations subcommittees of the House of Representatives and Senate maintaining

oversight authority over GADNR and GEFA. Upon approval by the appropriations subcommittees, the proposal of projects shall be deemed approved.

- (10) Second-Level Application Process. Approved pre-applicants will be invited to submit a second-level application.

Second-level applications shall contain the following:

- * Signed application cover sheet
- * Detailed project budget
- * Environmental Assessment Package
- * Property Deed Copy
- * Signed statement from landowner expressing support (this is applicable if the applicant are not the same)
- * Approvals to cross a public highway or a public utility right-of-way (if applicable)
- * Maps: Property Boundary Area Map, Preliminary Site map, site location map
- * Detailed Project Development Budget
- * Local Program Implementation Schedule

The second-level application can be found at <https://gadnr.org/grants>. Second-level applicants who are unable to meet all requirements for a complete application by the deadline may be granted an extension by GADNR Staff.

- (11) Awarded Projects. Funds will be available to successful applicants following the financial workshop with GADNR Staff and the execution of a Project Agreement between GADNR and the grantee. The date the Project Agreement is signed is "Day 1" of the project timeline. The grantee will have 24 months to complete the project from "Day 1."

Land Acquisition Projects. For projects involving the acquisition of real property or conservation easements, grantees must submit the following to GADNR no later than seven days before the scheduled date of closing:

- * the final closing statement, which shall reflect the sources and amounts of matching funds and the proper commitment of the grant or loan proceeds to the acquisition of the project; and

* the final draft conveyance instrument and all exhibits thereto that will be used to convey the project to the Grantee.

If the closing statement is satisfactory to GADNR and if all terms and conditions are met, GEFA shall wire the grant or loan proceeds to the Grantee.

Reimbursement Requests. For non-acquisition projects, all grant funds will be made via reimbursements. Grantees cannot be reimbursed for work that is done prior to the Project Agreement. Grantees may make reimbursement requests at any time for costs incurred after "Day 1." Reimbursement requests will be submitted at <https://gadnr.org/grants>. All reimbursement requests will be reviewed and approved by GADNR Staff and forward to GEFA for payment.

Quarterly Reports. Grantees are required to submit quarterly progress reports throughout the project's timeline. Quarterly reports will be submitted at <https://gadnr.org/grants>. Quarterly reports should include any progress made during the quarter and a detailed description of all funds spent.

Extension Requests. Grantees may request timeline extensions if the project is expected to exceed the 24-month deadline. All extension requests will be submitted at <https://gadnr.org/grants>. All formal requests will be reviewed by GADNR Staff and approved by the Chairman of the Board of Trustees. Written notice of the project extension shall be immediately provided to the chairperson of the appropriations subcommittees of the House and Senate maintaining oversight of GADNR and GEFA. Extension requests shall be made at least 90-days prior to the project's completion date. If the extension request is granted, the grantee must sign an Amended Project Agreement.

Change of Scope. Grantees may request to change the scope of the original project. All formal requests will be approved by the Board of Trustees. Change of Scope requests must be made prior to the project's completion date. If the Change of Scope request is granted, the grantee must sign an Amended Project Agreement.

Project Completion Audit. A percentage equivalent to the grantee's match, as identified in the application and grant agreement, will be held in retainage by GADNR. Upon completion of the project, the grantee shall submit a final reimbursement request and identify it as such. Upon receipt of this request, GADNR shall conduct a final project completion audit.

This audit shall include, but may not be limited to:

- * Audit of all paperwork submitted by the grantee for accuracy and completion
- * Audit of all expenditures against the total project budget

- * Audit of all previous reimbursements and requests
- * Verification of a total match submitted by the grantee
- * Final site inspection conducted by GADNR Staff

Once GADNR deems that all requirements of the project agreement have been satisfied, retainage will be dispersed to the grantee per the project agreement and final total expenditures. If total expenditures are less than anticipated, GADNR will adjust the payable retainage amount accordingly. In any instance where an overpayment of either reimbursement or retainage is realized, the grantee is required to refund an amount back to GEFA equivalent to the overage.

- (12) Criteria. Specific criteria will be used to review applications. The criteria are designed to measure the overall concept of the proposed project. Because not all criteria are equally important, the criteria are weighted.

Administrative Criteria - Evaluation criteria in this section are required by all applicants.

- * Matching Funds: Can the applicant provide matching funds greater than 25 percent?
- * Project Need: Does this project satisfy priority needs as identified in a formalized planning document?
- * Pre-Project Planning: Has the pre-project planning occurred and is the project ready to proceed?
- * Leveraging Funds: Will these funds be used as leverage when applying for an external grant?
- * Recreational Opportunity: Will this project provide nature-based recreational opportunities?
- * Water Quality and Quantity Protection- Location: Is this project located in an area identified as high-priority by the Environmental Protection Division?
- * Water Quality and Quantity Protection - Best Management Practices: Will this project protect or restore lands that will improve the quality and quantity of surface water, groundwater, or the flow of springs using best management practices?
- * Historical and Cultural Value: Does this project include the acquisition or development of land with cultural or historical value?
- * Ecological Value: Does this project include the acquisition or development of land with a significant ecological value?

* Maintenance and Management Plan: Can the applicant provide a plan or budget to maintain and manage this property after the project is complete?

Additional Criteria for Local Parks and Trails of Regional Significance - Evaluation criteria in this section are only required for applicants seeking a grant under the Local Parks and Trails for Regional Significance Category.

* Project Completion: Will this project be completed within a two-year timeline?

* Americans with Disabilities (ADA): Project must adhere to all required ADA guidelines.

* Project Impact: Is this project regionally significant?

* Economic Development: Will this project create opportunities to expand or enhance the local economy?

* Recreational Connectivity: Will this project provide access or connections to other outdoor recreation facilities?

* Stewardship: Will this project promote the stewardship of natural resources?

* Water Access: Will this project improve or expand water access?

* Outdoor Recreation Demand: Will this project fill a void for a specific nature-based recreation opportunity in the area?

* Interagency Cooperation: Was this project developed by two or more governmental entities or in conjunction with a nongovernmental entity?

* Partnerships: Will this project receive support from sponsors?

* Public Support: Can the applicant provide documented public support for the project?

* Security: Can the applicant provide a security plan to keep this area protected and secured following the completion of the project?

* State Goals: Does this project overlap with the goals and plans included in Georgia's current State Wildlife Action Plan (SWAP) or State Comprehensive Outdoor Recreation Plan (SCORP)?

Additional Criteria for State Stewardship - Evaluation criteria in this section are only required for applicants seeking a grant under the State Stewardship Category.

* Project Completion: Will this project be completed within a two-year timeline?

* Stewardship: Will this project significantly improve access, use or safety on an existing state-owned property?

Additional Criteria for State Acquisition - Evaluation criteria in this section are only required for applicants seeking a grant under the State Acquisition Category.

* U.S. Military Protection: Will the acquisition of this property help to protect lands, water and habitat as to ensure the sustainability of U.S. Military missions?

- (13) Program Oversight. Following the close of each state fiscal year, GADNR shall submit an annual report of its activities and program administration expenditures for the preceding year, pursuant to this chapter, to the Governor, the Lieutenant Governor, the Speaker of the House, the chairperson of the Ways and Means Committee of the House of Representatives, the chairperson of the Senate Finance Committee, the chairpersons of the Appropriations Committee of the House of Representatives and the Appropriations Committee of the Senate, and the chairpersons of the Natural Resources and Environment Committee of the House of Representatives and the Natural Resources and the Environment Committee of the Senate, and make such report available to the General Assembly.
- (14) Program Information. Complete information on the, Georgia Outdoor Stewardship Program including links to guidelines and complete application instructions, guidance, and required forms are available at: <https://gadnr.org/grants>

Cite as Ga. Comp. R. & Regs. R. 391-5-13-.11

Authority: O.C.G.A. § [12-6A-11](#).

History. Original Grant Description entitled "Georgia Outdoor Stewardship Program" submitted June 26, 2019.

Subject 391-5-14. [Repealed].

Rule 391-5-14-.01. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-14-.01

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, [12-5-323](#), [28-5-122](#), [50-13-3](#), [50-13-4](#), [50-13-9](#).

History. Original Rule entitled "Definitions" adopted. F. Oct. 9, 2003; eff. Oct. 29, 2003.

Repealed: New Rule of same title adopted. F. Jan. 5, 2016; eff. Jan. 25, 2016.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-14-.02. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-14-.02

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-](#)

[80et seq., 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.](#)

History. Original Rule entitled "Requirements for Preliminary and Final Certification of Rehabilitated Historic Properties" adopted. F. Oct. 9, 2003; eff. Oct. 29, 2003.

Amended: F. Nov. 5, 2008; eff. Nov. 25, 2008.

Repealed: New Rule entitled "Program Administration" adopted. F. Jan. 5, 2016; eff. Jan. 25, 2016.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-14-.03. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-14-.03

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80et seq., 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.](#)

History. Original Rule entitled "Certification of Historic Significance" adopted. F. Oct. 9, 2003; eff. Oct. 29, 2003.

Repealed: New Rule entitled "Program Benefits and Limitations; Substantial Rehabilitation" adopted. F. Jan. 5, 2016; eff. Jan. 25, 2016.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-14-.04. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-14-.04

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80et seq., 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.](#)

History. Original Rule entitled "Standards for Evaluating Significance Within Registered Historic Districts" adopted. F. Oct. 9, 2003; eff. Oct. 29, 2003.

Repealed: New Rule entitled "Requirements for Preliminary and Final Certification of Rehabilitated Historic Properties; Certification Procedures" adopted. F. Jan. 5, 2016; eff. Jan. 25, 2016.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-14-.05. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-14-.05

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80et seq., 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.](#)

History. Original Rule entitled "Certifications of Rehabilitation" adopted. F. Oct. 9, 2003; eff. Oct. 29, 2003.

Repealed: New Rule entitled "Certification of Historic Significance" adopted. F. Jan. 5, 2016; eff. Jan. 25, 2016.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-14-.06. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-14-.06

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80et seq., 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.](#)

History. Original Rule entitled "Standards for Rehabilitation" adopted. F. Oct. 9, 2003; eff. Oct. 29, 2003.

Repealed: New Rule entitled "Standards for Evaluating Significance" adopted. F. Jan. 5, 2016; eff. Jan. 25, 2016.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-14-.07. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-14-.07

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original Rule entitled "Certification Procedures" adopted. F. Oct. 9, 2003; eff. Oct. 29, 2003.

Amended: F. Nov. 5, 2008; eff. Nov. 25, 2008.

Repealed: New Rule entitled "Certifications of Rehabilitation" adopted. F. Jan. 5, 2016; eff. Jan. 25, 2016.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-14-.08. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-14-.08

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original Rule entitled "Substantial Rehabilitation" adopted. F. Oct. 9, 2003; eff. Oct. 29, 2003.

Repealed: New Rule entitled "Standards for Rehabilitation" adopted. F. Jan. 5, 2016; eff. Jan. 25, 2016.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-14-.09. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-14-.09

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original Rule entitled "Appeals" adopted. F. Oct. 9, 2003; eff. Oct. 29, 2003.

Repealed: New Rule entitled "Revocation and Recapture" adopted. F. Jan. 5, 2016; eff. Jan. 25, 2016.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-14-.10. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-14-.10

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original Rule entitled "Recapture" adopted. F. Oct. 9, 2003; eff. Oct. 29, 2003.

Repealed: New Rule entitled "Effective Date" adopted. F. Jan. 5, 2016; eff. Jan. 25, 2016.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-14-.11. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 391-5-14-.11

Authority: O.C.G.A. §§ [12-2-1](#), [12-2-2](#), [12-2-24](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-55](#), [12-3-56](#), [12-3-57](#), [12-3-58](#), [12-3-80](#) *et seq.*, 12-5-323, 28-5-122, 50-13-3, 50-13-4, 50-13-9.

History. Original Rule entitled "Effective Date" adopted. F. Oct. 9, 2003; eff. Oct. 29, 2003.

Amended: F. Nov. 5, 2008; eff. Nov. 25, 2008.

Repealed: New Rule entitled "Fees for Processing Certification Requests" adopted. F. Jan. 5, 2016; eff. Jan. 25, 2016.

Repealed: F. Mar. 22, 2021; eff. Apr. 11, 2021.

Rule 391-5-14-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-5-14-.12

Authority: O.C.G.A. Sec. [48-7-29.8](#).

History. Original Rule entitled "Fees for Processing Preliminary Certification Requests" adopted. F. Oct. 9, 2003; eff. Oct. 29, 2003.

Repealed: F. Jan. 5, 2016; eff. Jan. 25, 2016.

Chapter 391-6. REPEALED.

Subject 391-6-1. REPEALED.

Rule 391-6-1-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-6-1-.01

Authority: O.C.G.A. Sec. [12-5-470](#), *et seq.*

History. Original Rule entitled "Purpose" was f. Dec. 8, 1989; eff. Dec. 28, 1989.

Repealed: F. Sept. 1, 2010; eff. Sept. 21, 2010.

Rule 391-6-1-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-6-1-.02

Authority: O.C.G.A. Sec. [12-5-470](#), *et seq.*

History. Original Rule "Definitions" was f. Dec. 8, 1989; eff. Dec. 28, 1989.

Repealed: F. Sept. 1, 2010; eff. Sept. 21, 2010.

Rule 391-6-1-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-6-1-.03

Authority: O.C.G.A. Sec. [12-5-470](#), *et seq.*

History. Original Rule "Criteria for Selection of Sites" was f. Dec. 8, 1989; eff. Dec. 28, 1989.

Repealed: F. Sept. 1, 2010; eff. Sept. 21, 2010.

Rule 391-6-1-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 391-6-1-.04

Authority: O.C.G.A. Sec. [12-5-470](#), *et seq.*

History. Original Rule "Project Site Control Advisory Council" was f. Dec. 8, 1989; eff. Dec. 28, 1989.

Repealed: F. Sept. 1, 2010; eff. Sept. 21, 2010.

Rule 391-6-1-.05. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-6-1-.05

Rule 391-6-1-.06. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-6-1-.06

Rule 391-6-1-.07. Reserved.

Cite as Ga. Comp. R. & Regs. R. 391-6-1-.07

Chapter 391-7. THE POLLUTION PREVENTION ASSISTANCE DIVISION.

Subject 391-7-1. GRANT PROGRAM DESCRIPTION.

Rule 391-7-1-.01. Pollution Prevention Action Grant Program.

- (1) **Purpose.** The Pollution Prevention Action Grant Program was established to provide matching grants to business, industry, government, academia, and other organizations to promote and implement pollution prevention concepts, measures, and technologies.
 - (a) Pursuant to O.C.G.A. [12-8-182\(c\)](#) the Board of Natural Resources approved the Action Grant Program.
- (2) **Eligibility.**
 - (a) Only proposals dealing with pollution prevention through source reduction and/or recycling may be considered.
 - (b) Eligible projects shall include, but are not limited to, education, technology transfer, inventory control, improved operating practices, material substitution, process modification, in-process recycling, and reuse.
 - (c) Proposals based on waste treatment, waste disposal, or product development are not eligible.
 - (d) Eligible applicants include, but are not limited to, manufacturing/service companies, trade associations, state agencies, colleges and universities, county and local governments, school systems, and nonprofit organizations.
- (3) **Selection Process and Criteria.**

- (a) Proposals shall be evaluated by the technical and administrative staff of P2AD and such outside experts as requested by the Director of P2AD. Parties evaluating Action Grant proposals shall provide written recommendations to the Director of P2AD.
- (b) Proposals will be evaluated based on the following criteria:
 - (i) technical, scientific, or educational merit
 - (ii) qualifications of key personnel
 - (iii) severity of problem addressed
 - (iv) long-term commitment to goals of project
 - (v) ability to successfully administer the grant, including ability to provide matching funds
 - (vi) transferability of information
 - (vii) potential impact on organizations with similar problems
 - (viii) need for assistance
 - (ix) benefit to the work of P2AD

(4) Funding.

- (a) Projects approved for funding may receive a maximum award of \$40,000.
- (b) Grant recipients shall provide a minimum of one-to-one matching funds either through direct cash or in-kind contributions. In-kind contributions may include staff salary, equipment purchases, laboratory analysis, consultant fees, or other in-kind contributions approved by the Director of P2AD.

(5) Administrative Requirements.

- (a) Grant recipients shall enter into a Cooperative Agreement with P2AD. The Cooperative Agreement shall include financial and technical reporting requirements, a scope of work, rights to technical information, and a schedule for the payment of grant funds.
- (b) Recipients shall submit a Final Report to P2AD at the completion of the project. The Final Report shall include the steps taken to implement the project, lessons learned, and recommendations for implementing the project in other industries and organizations.

Cite as Ga. Comp. R. & Regs. R. 391-7-1-.01

Authority: O.C.G.A. 12-8-1-182(c).

History. Original description entitled "Pollution Prevention Action Grant Program" submitted May 17, 1994.

Subject 391-7-2. RADON AWARENESS GRANT PROGRAM.

Rule 391-7-2-.01. Radon Awareness Grant Program.

The Radon Awareness Grant Program was established to provide funds to local governments and community-based organizations to address radon issues in their communities. Funds may be used for any project that promotes radon awareness.

- (a) The Board of Natural Resources has approved the Radon Awareness Grant Program. The grant program is statutorily authorized by O.C.G.A. [12-3-5\(a\) and \(d\)](#).

Cite as Ga. Comp. R. & Regs. R. 391-7-2-.01

Authority: O.C.G.A. Sec. [12-3-5\(a\) and \(d\)](#).

History. Original Grant description entitled "Radon Awareness Grant Program" submitted March 17, 1997.

Rule 391-7-2-.02. Eligibility.

- (a) Any government agency or community-based organization that responds to inquiries or distributes materials to the public on matters relating to health or the environment is eligible for the grant.
- (b) Any project or activity that promotes radon awareness is eligible for the grant, including but not limited to, development and distribution of educational materials, distribution of test kits, conducting speeches, and responding to inquiries from the general public.
- (c) Programs and activities relating to radon mitigation are not eligible for consideration.

Cite as Ga. Comp. R. & Regs. R. 391-7-2-.02

Authority: O.C.G.A. Sec. [12-3-5\(a\) and \(d\)](#).

History. Original Grant description entitled "Eligibility" submitted March 17, 1997.

Rule 391-7-2-.03. Selection Process and Criteria.

- (a) Applications will be reviewed and evaluated by technical and administrative personnel at P²AD. Applications will also be evaluated by the U.S. Environmental Protection Agency's Air and Radiation Technology Branch. The final decision on all grant awards will be made solely by P²AD.

(6) Applications will be evaluated based on the following criteria:

- * Ability to promote radon awareness,
- * Evidence of long-term commitment, and
- * Ability to supply matching funds.

(c) Upon completion of an initial review by P²AD, applications which have met the selection criteria will be reevaluated and priority given to applicants based on the following factors:

- * Located in EPA Zone 1. (Zone 1 is defined by EPA as counties which have the highest potential for elevated radon levels or levels greater than 4pCi/l. The Zone 1 counties in Georgia are Cobb, Fulton, DeKalb, and Gwinnett),
- * Ability to reach a high proportion of the population, or
- * Experience in responding to radon inquiries from the public.

Cite as Ga. Comp. R. & Regs. R. 391-7-2-.03

Authority: O.C.G.A. Sec. [12-3-5\(a\)](#) and [\(d\)](#).

History. Original Grant description entitled "Selection Process and Criteria" submitted March 17, 1997.

Rule 391-7-2-.04. Funding.

- (a) Applicants may receive a maximum grant award of \$7,500.
- (b) Grant recipients must provide a minimum of one-to-one matching funds either through cash or in-kind contributions. In-kind contributions may consist of staff salaries or other expenditures approved, in writing, by the director of P²AD.

Cite as Ga. Comp. R. & Regs. R. 391-7-2-.04

Authority: O.C.G.A. Sec. [12-3-5\(a\)](#) and [\(d\)](#).

History. Original Grant description entitled "Funding" submitted March 17, 1997.

Rule 391-7-2-.05. Administrative Requirements.

- (a) Grant recipients shall enter into a Cooperative Agreement with P²AD. The Cooperative Agreement will contain the terms and conditions of the grant including financial and reporting requirements, a scope of work, and a schedule for the payment of grant funds.

- (b) Grant recipients shall submit a Final Report to P²AD at the completion of the project. The Final Report shall include the steps taken to implement the project, lessons learned, and recommendations for implementing the project in other agencies and organizations.

Cite as Ga. Comp. R. & Regs. R. 391-7-2-.05

Authority: O.C.G.A. Sec. [12-3-5\(a\) and \(d\)](#).

History. Original Grant description entitled "Administration Requirements" submitted March 17, 1997.

Rule 391-7-2-.06. Application Deadline.

- (a) Applications (original and 4 copies) must be received by P²AD no later than 5:00 p.m. on April 11, 1997 at the following address:

Pollution Prevention Assistance Division

7 Martin Luther King Jr. Drive, Suite 450

Atlanta, Georgia 30334-9004

Hereafter, applications for each year's program must be postmarked on or before March 1 of that year.

Cite as Ga. Comp. R. & Regs. R. 391-7-2-.06

Authority: O.C.G.A. Sec. [12-3-5\(a\) and \(d\)](#).

History. Original Grant description entitled "Application Deadline" submitted March 17, 1997.